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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and from the Under Secretary for Rural Development of the Department of Agriculture (USDA) to reflect an internal change in the management of the Alternative Agricultural Research and Commercialization Corporation (AARCC) within USDA.

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: David Suing, (202) 690–1633.

SUPPLEMENTARY INFORMATION: In fiscal year 2000, Congress provided no appropriation for AARCC. The AARCC Board of Directors subsequently resigned. This delegation of authority authorizes the Under Secretary for Rural Development, or the designee of the Under Secretary, to exercise decision-making authority over AARCC, the AARCC investment portfolio, and the AARCC revolving fund.

On March 9, 2000, the Delegations of Authority were revised, and the revision reflected a change in title from the Under Secretary for Rural Economic and Community Development to the Under Secretary for Rural Development. In order to maintain consistency, that title change also is reflected in this rule.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and, thus, is exempt from the provisions of that Act. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104–121, this rule may be made effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, 7 CFR Part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1), 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949–1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In § 2.17, paragraph (a)(21)(xi) is revised to read as follows:

§ 2.17 Under Secretary for Rural Development.

(a) * * *

(21) * * *

(xi) Exercise administrative oversight and final decisionmaking authority over the Alternative Agricultural Research and Commercialization Corporation (AARCC) and the AARCC Revolving Fund, established pursuant to the Alternative Agricultural Research and Commercialization Act of 1990, (7 U.S.C. 5901 *et seq.*).

* * * * *

3. The heading of Subpart G, is revised to read as follows:

Subpart G—Delegations of Authority by the Under Secretary for Rural Development

4. In § 2.48, add a new paragraph (a)(27) to read as follows:

§ 2.48 Administrator, Rural Business—Cooperative Service.

(a) * * *

(27) Exercise administrative oversight and final decision-making authority over the Alternative Agricultural Research and Commercialization Corporation (AARCC) and the AARCC Revolving Fund, established pursuant to the Alternative Agricultural Research and Commercialization Act of 1990, (7 U.S.C. 5901 *et seq.*).

* * * * *

Dated: May 25, 2001.

For Subpart C:

Ann M. Veneman,

Secretary.

Dated: May 18, 2001.

For Subpart G:

Dawn Riley,

Acting Deputy Under Secretary for Rural Development.

[FR Doc. 01–14335 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 214, 248 and 299

[INS 2050–00]

RIN 1115–AF76

Petitioning Requirements for the H–1C Nonimmigrant Classification Under Public Law 106–95

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service's (Service) regulations in order to implement the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA) by providing instruction on the filing and adjudication of petitions for H–1C classification. This rule will facilitate the hiring of nonimmigrant alien nurses to reduce the shortage of nurses in health professional shortage areas in the United States.

DATES: *Effective Date:* This interim rule is effective June 11, 2001.

Comment Date: Written comments must be submitted on or before August 10, 2001.

ADDRESSES: Please submit written comments to the Director, Policy Directives and Instructions Branch,

Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference the INS number 2050–00 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: John W. Brown, Adjudications Officer, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 353–8177.

SUPPLEMENTARY INFORMATION:

What Is the NRDAA?

On November 12, 1999, President Clinton signed into law the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA), Public Law 106–95. The NRDAA created a new H–1C nonimmigrant category for registered nurses who will work in facilities that serve health professional shortage areas.

Is the H–1C Program Similar to the H–1A Program That Expired on September 1, 1995?

The H–1A program was created by the Immigration Nursing Relief Act of 1989 (INRA). While the NRDAA adopts, almost verbatim, many of the provisions of the INRA, there are some differences between the two programs. The NRDAA imposes more restrictions on the types of facilities that may petition for a nonimmigrant registered nurse and requires that these facilities make a greater number of attestations to the Department of Labor (DOL) than did the INRA. Whereas the INRA allowed for an unlimited number of H–1A nonimmigrant visas to be issued, the NRDAA places a state-by-state numerical cap on the number of H–1C nonimmigrant visas that may be issued. Also, unlike the INRA, the NRDAA does not recognize nursing education received in Canada. For the most part, however, the INRA and the NRDAA are identical and, therefore, much of the regulatory language from the H–1A program has been used for the H–1C program.

What Is an H–1C Nonimmigrant?

An H–1C nonimmigrant is an alien who is coming temporarily to the United States to perform services as a registered nurse, who meets the requirements of section 212(m)(1) of the Immigration and Nationality Act (Act), and will perform services at a facility (as defined at section 212(m)(6) of the Act) for which the Secretary of Labor has determined and certified to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) of the Act.

What Are the Eligibility Requirements for an H–1C Nurse?

The NRDAA imposed three requirements on an alien seeking H–1C nonimmigrant status. First, the alien must have obtained a full and unrestricted license to practice professional nursing in the country where he or she obtained nursing education, or the alien must have received nursing education in the United States. Second, the alien must have passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or have a full and unrestricted license under state law to practice professional nursing in the state of intended employment. Finally, the alien must be fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and be authorized under such laws to be employed by the facility.

The NRDAA does not specifically designate any particular examination as an ''appropriate examination'' for the purpose of meeting the eligibility requirements for the H–1C classification. At present, the only ''appropriate examination'' available for a prospective H–1C alien is the examination offered by the Commission on Graduate of Foreign Nursing Schools (CGFNS). However, the Service may eventually recognize additional examinations for this purpose.

Questions concerning the test offered by CGFNS should be directed to CGFNS. CGFNS can be reached through its internet website, www.cgfns.org.

What Certification Requirements Are Imposed on an H–1C Alien?

On September 30, 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Pub. L. 104–208. Section 343 of IIRIRA created a new ground of inadmissibility at section 212(a)(5)(C) of the Immigration and Nationality Act (the Act) for aliens coming to the United States to perform labor in certain health care occupations. As initially written by Congress, section 343 of IIRIRA provides that any alien coming to the United States for the purpose of performing labor as a health care worker, other than as a physician, is inadmissible unless the alien presents to the consular officer, or, in the case of adjustment of status, the Attorney General, a certificate from the CGFNS, or an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services (HHS).

Pursuant to the statute, the certificate must verify that: (1) The alien's education, training, license, and experience are comparable with that required for an American health care worker of the same type; (2) they are authentic; (3) the alien's license is unencumbered; (4) the alien has the level of competence in oral and written English considered by the Secretary of HHS, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write English; and, finally, (5) if a majority of states licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing or certification examination, the alien has passed such an examination.

The NRDAA created an alternative certification requirement at section 212(r) of the Act for certain nurses, which may include some H–1C nonimmigrant aliens. Section 212(r) of the Act provides that section 212(a)(5)(C) of the Act shall not apply to a nurse who presents to the consular office (or in the case of adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (CGFNS) (or an equivalent independent credentialing organization approved by the Attorney General and the Secretary of Health and Human Services) which certifies that:

- The alien has a valid and unrestricted license as a nurse in the state where the alien intends to be employed and such state verifies that the foreign licenses of alien nurses are authentic and unencumbered;
- The alien has passed the National Council Licensure Examination (NCLEX);
- The alien is a graduate of an English-language nursing program in a country designated by the CGNFS which was in operation on or before the date of enactment of the NRDAA or has been approved by unanimous agreements by the CGFNS and any other approved credentialing organizations.

The Service has granted authorization to three organizations to issue

certificates to foreign health care workers pursuant to section 343 of IIRIRA through the publication of two interim rules. However, the two interim rules limited these organizations to issuing certificates to aliens in only three occupations who are coming to the United States as immigrants or who are applying for adjustment of status. Due to a number of problems implementing a final regulation fully implementing section 343, the Service has exercised its authority under section 212(d)(3) and waived the requirements of section 343 of IIRIRA as it relates to nonimmigrant aliens. The Service will continue to waive section 343 for nonimmigrant aliens until such time as the Service promulgates a final rule implementing section 343 of IIRIRA in full.

In order to avoid confusion for both health care workers and medical facilities, and to ensure equitable administration of these two statutory provisions, the Service will include the proposed regulations implementing section 212(r) in the soon to be published proposed rule implementing section 343 of IIRIRA. As a result, the Service will exercise the authority granted to it in section 212(d)(3) of the Act and waive section 212(r) for nonimmigrant aliens until publication of a final rule implementing both section 343 of IIRIRA and section 212(r) of the Act.

Who Can File a Petition for an H–1C Nonimmigrant?

An H–1C petition may be filed by a United States employer hospital (facility) which has filed an attestation with the DOL. The INS will rely on the determination made by DOL when it (DOL) reviews the attestation. The facility must have attested that:

- As of March 31, 1997, it was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e));
- Based on its settled cost report for the period beginning in FY 1994, it had:

1. At least 190 licensed acute care beds;
2. At least 35 percent of its inpatients days were for patients entitled to Medicare; and
3. At least 28 percent of its inpatient days were for patients who were entitled to Medicaid.

Are There Additional Attestation Requirements Provided for in the NRDAA?

Yes. The facility must also attest to the DOL that:

- The employment of the H–1C alien will not adversely affect the wages and working conditions of other nurses similarly employed;
- The H–1C alien will be paid the wage rate for registered nurses similarly employed by the facility;
- There is not a strike or lockout in the course of a labor dispute;
- It did not lay off and will not lay off a registered nurse already employed by it within the period beginning 90 days before and ending 90 days after the date of filing of any H–1C petition;
- The employment of the H–1C alien is not intended to influence an election for a bargaining representative for registered nurses of the facility;
- At the time of filing of the petition, notice of filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed at the facility through posting in conspicuous locations;
- It will never employ a number of H–1C aliens that exceeds 33 percent of the total number of registered nurses employed by it;
- The H–1C alien will not be authorized to perform nursing services at any worksite other than the worksite controlled by it, and
- It will not transfer the alien from one worksite to another.

The facility must also attest that it has taken steps to recruit and retain registered nurses who are United States citizens or immigrants. These steps include, but are not limited to:

- Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere;
- Providing career development programs and other methods of facilitating health care workers to become registered nurses;
- Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area; or
- Providing reasonable opportunities for meaningful salary advancement by registered nurses.

These steps do not need to have been taken by the facility prior to the enactment of the NRDAA.

A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of its filing. The attestation shall apply to all H–1C petitions filed during the 1-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each petition that it continues to comply with the conditions in the attestation. These attestation requirements are explained further in regulations issued by the Secretary of Labor at 20 CFR Part 655, subparts L and M, 65 FR 51138 (Aug. 22, 2000).

Does an Attestation Ever Expire?

Yes. An attestation will expire either at the end of the 1-year period beginning on the date of its filing with the Secretary of Labor or at the end of the period of admission of the last H–1C alien with respect to whose admission it applies, whichever is later. With regard to an individual alien, the attestation remains valid as long as the alien is employed by the facility that made the attestation.

What Are the Penalties That the Attorney General May Impose on Facilities?

The NRDAA establishes that, if the Secretary of Labor finds that a facility (for which an attestation is made) has failed to meet a condition attested to, or that there was a misrepresentation of material fact in the attestation, the Secretary may impose such administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary of Labor deems appropriate. The Secretary of Labor shall also notify the Attorney General of such finding and provide a recommendation regarding the length of the debarment period. The Service will give considerable weight to the Secretary's determination. Upon receipt of such notice, the Service will make a final determination as to the length of the period of debarment. The Service shall not approve H–1C petitions filed by that facility for aliens to be employed by the facility for a period of at least one year.

Where Should H–1C Petitions Be Filed?

All H–1C petitions must be filed on Form I–129 Petition for a Nonimmigrant Worker at the Vermont Service Center (VSC).

What Supporting Documents Should Be Submitted With the Petition?

The petitioning facility must submit the following documents at the time the H–1C petition is filed:

- A current copy of the DOL's notice of acceptance of the filing of its attestation on Form ETA 9081;
- A statement describing any limitations which the laws of the state or jurisdiction of intended employment place on the alien's services; and
- Evidence that the alien(s) named on the petition meets the definition of a

registered nurse as defined at 8 CFR 214.2(h)(3)(i)(A), and satisfies the requirements for an H–1C nonimmigrant in section 212(m)(1) of the Act.

Can an H–1C Alien Change Employers?

Yes. An alien admitted to the United States as an H–1C nonimmigrant alien can change H–1C employers provided that the alien has not reached the limit on his or her maximum period of stay in the United States. The maximum period of stay for an H–1C nonimmigrant is 3 years. An H–1C petition filed on behalf of an alien in the United States in H–1C status may be approved for a period of time not to exceed the third anniversary of the alien's initial admission into the United States. In addition, H–1C petitions filed by a subsequent facility will be counted against the numerical limitation for the state of the alien's intended employment if the subsequent employment is in a different state.

An H–1C nonimmigrant alien may not change employers until such time as the Service approves a new H–1C petition filed in the alien's behalf by the new employer.

Can an H–1C Alien Complete a 3-Year Period of Stay, Depart the United States, and Reapply for Admission as an H–1C at a Later Date?

The statute provides that the period of admission to the United States for H–1C nonimmigrant aliens is 3 years. The Service interprets this 3-year period of time to represent the maximum period of admission for an H–1C alien. The alien's maximum period of admission begins on the date of the alien's initial admission to the United States and ends on the third anniversary of that date. Temporary absences outside of the United States for either business or personal reasons count towards the alien's maximum period of admission. Once an H–1C alien has reached the maximum period of admission in the United States, he or she is ineligible to receive an extension of temporary stay.

Can an H–1C Alien Obtain an Extension of Temporary Stay?

Yes. While an H–1C alien should be admitted to the United States for a maximum period of 3-years, there will be situations where an H–1C alien may not be able to be admitted for the 3-year period of time. For example, the alien's passport may not be valid for the required length of time (See section 212(a)(7)(B)(I) of the Act), or the alien may not be able to depart from his or her home country and apply for admission to the United States on the date that the H–1C petition becomes valid.

In no situation may the alien's stay be extended beyond the third anniversary of the alien's initial admission to the United States.

In general, all H–1C aliens should be admitted for a period of three years, if otherwise eligible under statute and regulation. In the case of an alien admitted to the United States for a period of time less than 3 years, the facility may file an I–129 petition to extend the alien's stay.

While the statute limits the period of employment for an H–1C alien to a maximum of 3 years, an alien may work for a petitioning employer for a period less than 3 years, depending upon the needs of the employer and the alien.

Can an H–1C Alien Depart the United States After 3 Years and Reapply for Admission as an H–1C Alien at a Later Date?

No. The statutory language of the NRDAA clearly limits the stay of an H–1C alien to a period of three years. To allow an alien to circumvent this 3-year limitation merely by leaving the United States and immediately returning defeats the purpose of the 3-year limitation on the alien's period of admission.

How Many H–1C Nonimmigrant Visas May Be Issued in a Fiscal Year?

The total number of H–1C nonimmigrant visas issued in each fiscal year shall not exceed 500. This is the national cap that cannot be exceeded in a fiscal year. In addition to the national cap of 500, the NRDAA also imposes caps on individual states on the basis of the state's population. The number of visas issued shall not exceed 25 for states with populations of less than 9 million, based upon the 1990 decennial census of population, and shall not exceed 50 for states with populations of 9 million or more. Based on the 1990 decennial census of population, the states with populations of 9 million or more are California, Florida, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas.

If the total number of visas available during the first three quarters of a fiscal year exceeds the number of qualified H–1C aliens, the excess visas shall be allocated to states, regardless of the states' numerical cap, during the last quarter of the fiscal year. Once the 500 national cap has been reached, the Service will reject any new petitions subsequently filed requesting a work start date prior to the first day of the next fiscal year.

How Will the Allocation of Unused H–1C Visas Be Handled?

H–1C petitions will be adjudicated in order of receipt. If a state reaches its annual cap during the first three quarters of a fiscal year, pending H–1C petitions for employment in that state will be put on hold until the fourth quarter of the fiscal year. If the national 500 cap has not been reached by the start of that quarter, then those petitions that were put on hold will be adjudicated at that time.

During the final quarter of the fiscal year, all unused H–1C nonimmigrant visas that have accrued during the previous three fiscal year quarters will be distributed to the next approvable petition, in order of receipt, regardless of whether the H–1C alien will be employed in a state that has already reached its numerical cap.

If a petition is put on hold because the H–1C alien will be employed in a state that has already reached its annual cap prior to the fourth quarter of a fiscal year, and the Service then approves 500 petitions nationwide prior to the fourth fiscal year quarter, or prior to adjudication of the held petition during that fiscal year, that petition will continue to be held pending the allocation of new visas in the next fiscal year.

The Service will publish quarterly reports concerning the number of approved H–1C petitions, by state, on the Service's website at *www.ins.usdoj.gov.* Again, once the 500 national cap has been reached, the Service will reject any new petitions subsequently filed requesting a work start date prior to the first day of the next fiscal year.

The first petition filed by a facility for an H–1C counts towards the numerical limitation for the state of the alien's intended employment, regardless of whether the alien was, or currently is, in H–1C status.

Are H–1C Nonimmigrant Aliens Required To Meet Any Licensure Requirements?

The purpose of the NRDAA is to alleviate nursing shortages in health professional shortage areas in the United States. As such, any alien admitted to the United States as an H–1C nonimmigrant must meet all licensing requirements for the state of intended employment and must continue to perform the duties of a registered nurse as an H–1C. Facilities and nurses are expected to comply with the licensing standards established by the state licensing board. Facilities are also required, pursuant to

§ 214.2(h)(11)(i)(A), to notify the Service if there are any changes in the terms or conditions of employment of the H–1C alien. The Service must be notified when an H–1C nurse is no longer licensed as a registered nurse in the state of employment.

How Will the Service Process Petitions That Are Revoked?

If an H–1C petition is revoked because the alien never assumed his or her employment with the petitioning facility, that number will be returned to the pool of unused numbers and will then be made available to the state in which the petitioning facility is located in the final quarter of the fiscal year in which the petition was revoked. H–1C petitions that are revoked by the Service where the alien worked for the petitioning facility will not be returned to the pool of unused numbers.

Can More Than One Alien Be Included on an H–1C Petition?

Yes. The NRDAA allows for a petitioning facility to include more than one alien nurse on a single petition.

If the number of alien nurses included in a petition exceeds the number available for the remainder of a fiscal year, the Service shall approve the petition for the beneficiaries to the allowable amount in the order that they are listed on the petition. The remaining beneficiaries will be considered for approval in the subsequent fiscal year.

Will the H–1C Classification Expire?

Yes. The H–1C classification will expire 4 years after the date that the regulations are first promulgated. As such, all petitions for H–1C alien nurses must be filed by June 13, 2005. In addition, an H–1C nurse may not be admitted to the United States beyond June 13, 2005.

Is a Facility Responsible for Paying the Alien's Return Transportation Home If the Alien Is Dismissed by the Facility Prior to the End of the Validity Period of the Petition?

No. Unlike the H–1B and H–2B nonimmigrant classifications, the NRDDA does not require a facility to pay the H–1C alien's return trip transportation home.

Good Cause Exception

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the ''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The reason and necessity for immediate implementation of this interim rule without prior notice and comment is that the NRDAA became effective immediately upon enactment on November 12, 1999, and allows for facilities in medically underserved areas of the United States to petition for registered nurses. Sections 2(d) and (3) of the NRDAA, moreover, explicitly contemplate, and so implicitly authorize, the promulgation of this rule as an interim regulation. The Service is also aware of the effect that delays in issuing these interim regulations may have on public health in underserved areas of the United States.

For these reasons, the Commissioner of the Immigration and Naturalization Service has determined that delaying the implementation of this rule would be unnecessary and contrary to the public interest, and that there is good cause for dispensing with the requirements of prior notice. However, the Service invites public comment on this interim rule and will address those comments prior to the implementation of the final rule.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory and 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. This rule will facilitate the hiring of a limited number of nonimmigrant nurses for a temporary period of time to work in facilities serving health care professional shortage areas. These nurses are not considered small entities as that term is defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform 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 $100 million or more in any 1 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 Fairness 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 export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget (OMB) for 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 warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

The information collection requirement of Form I–129 contained in this rule previously was approved for use by the Office of Management and Budget (OMB). The OMB control number for this collection is 1115–0168.

This interim rule permits certain hospital facilities to file petitions on behalf of nonimmigrant registered nurses to work in underserved areas. In addition to the Form I–129, the petitioning facilities also must submit other documentation, including a current copy of the DOL's notice of acceptance of the filing of the facility's attestation on Form ETA 9081; a statement describing any limitations which the laws of the state or jurisdiction of intended employment place on the alien's services; and evidence that the alien(s) named on the petition meets the definition of a registered nurse as defined at 8 CFR 214.2(h)(3)(i)(A), and satisfies the requirements for an H–1C nonimmigrant in section 212(m)(1) of the Act. This additional documentation is considered an information collection.

Accordingly, the Service has submitted an information collection

request to the Office of Management and Budget (OMB) for emergency review and clearance in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Emergency review and approval has been granted by OMB. The emergency approval is only valid for 180 days.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to the Immigration and Naturalization Service, Policy Directives and Instructions Branch, 425 I Street, NW., Suite 4034, Washington, DC 20536; Attention: Richard A. Sloan, Director, (202) 514–3291.

We request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Any comments on the information collection must be submitted on or before August 10, 2001. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of the 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:* New.

(2) *Title of Form/Collection:* Petitioning requirements for H–1C nonimmigrant classification.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No form number (File number OMB–26), Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals or households. Section 101(a)(15)(H)(i)(c) of Act allows petitioning hospitals to import registered nurses to work at those hospitals as nonimmigrants. The information collection is necessary in order for the Service to make a determination that the eligibility requirements and conditions are met regarding the nurse/beneficiary.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,000 respondents at 2 hours per response.

(6) *An estimate of the total of public burden (in hours) associated with the collection:* Approximately 4,000 burden hours.

If additional information is required contact Richard A. Sloan, Director, (202) 514–3291.

List of Subjects

8 CFR Part 214

Administrative practice and procedure, Aliens, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

8 CFR Part 248

Aliens, Reporting and recordkeeping requirements.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR Part 2.

2. Section 214.1 is amended by:

a. Removing the reference ''101(a)(15)(H)(i)(A)'' and ''H–1A'' from the table in paragraph (a)(2);

b. Adding the reference ''101(a)(15)(H)(i)(C)'' and ''H–1C'' in proper numerical sequence, to the table in paragraph (a)(2), and by

c. Removing the reference ''H–1A,'' in paragraph (c)(1) first sentence.

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) * * *

(2) * * *

Section	Designation
* * * * *	
101 (a) (15) (H) (I) (C)	H–1C
* * * * *	

§ 214.2 [Amended]

3. Section 214.2 is amended by revising the term ''H–1A'' to read ''H–1C'' wherever that term appears in the following paragraphs:

a. Paragraph (h)(1)(i),

b. Paragraph (h)(2)(i)(D),

c. Paragraph (h)(2)(i)(E),

d. Paragraph (h)(3)(iii) introductory text,

e. Paragraphs (h)(3)(v)(B) and (h)(3)(v)(C), and

f. Paragraphs (h)(4)(v)(A), and (h)(4)(v)(D).

4. Section 214.2 is amended by revising the reference *''H–1A''* to read *''H–1C''* in the paragraph heading for paragraphs (h)(3) and (h)(4)(v)(D).

5. Section 214.2 is further amended by:

a. Revising the reference ''101(a)(15)(H)(i)(a)'' to read ''101(a)(15)(H)(i)(c)'' in paragraph (h)(1)(i) second sentence;

b. Revising paragraph (h)(1)(ii)(A);

c. Revising paragraph (h)(2)(i)(A);

d. Revising the term ''beneficiary's'' to read ''alien's'' in paragraph (h)(2)(i)(E);

e. Revising paragraph (h)(2)(ii);

f. Revising paragraphs (h)(3)(i)(A), (h)(3)(i)(B), and (h)(3)(i)(D);

g. Removing and reserving paragraph (h)(3)(ii);

h. Removing the term ''or Canada'' in paragraph (h)(3)(iii)(A);

i. Revising paragraph (h)(3)(iii)(B);

j. Revising paragraph (h)(3)(iv);

k. Revising paragraphs (h)(3)(v)(A) and (h)(3)(v)(B);

l. Removing paragraph (h)(3)(v)(D);

m. Revising paragraph (h)(3)(vi)(A);

n. Adding a new paragraph (h)(8)(i)(E);

o. Revising paragraph (h)(8)(ii)(A);

p. Adding a new paragraph (h)(8)(ii)(F);

q. Adding a new paragraph (h)(9)(iii)(D);

r. Revising paragraph (h)(13)(ii);

s. Revising the reference ''(h)(13)(ii)'' to read ''(h)(13)(iii)'', and by removing the term ''H–1A,'' in paragraph (h)(13)(v);

t. Revising paragraph (h)(15)(ii)(A); and by

u. Revising paragraph (h)(16)(i), to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) * * *

(1) * * *

(ii) * * *

(A) An H–1C classification applies to an alien who is coming temporarily to the United States to perform services as

a registered nurse, meets the requirements of section 212(m)(1) of the Act, and will perform services at a facility (as defined at section 212(m)(6) of the Act) for which the Secretary of Labor has determined and certified to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) of the Act. This classification will expire 4 years from June 11, 2001.

* * * * *

(2) * * *

(i) * * *

(A) *General.* A United States employer seeking to classify an alien as an H–1B, H–2A, H–2B, or H–3 temporary employee shall file a petition on Form I–129, Petition for Nonimmigrant Worker, only with the service center which has jurisdiction in the area where the alien will perform services, or receive training, even in emergent situations, except as provided in this section. A United States employer seeking to classify an alien as an H–1C nonimmigrant registered nurse shall file a petition on Form I–129 at the Vermont Service Center. Petitions in Guam and the Virgin Islands, and petitions involving special filing situations as determined by Service Headquarters, shall be filed with the local Service office or a designated Service office. The petitioner may submit a legible photocopy of a document in support of the visa petition in lieu of the original document. However, the original document shall be submitted if requested by the Service.

* * * * *

(ii) *Multiple beneficiaries.* More than one beneficiary may be included in an H–1C, H–2A, H–2B, or H–3 petition if the beneficiaries will be performing the same service, or receiving the same training, for the same period of time, and in the same location

(3) * * *

(i) * * *

(A) For purposes of H–1C classification, the term ''registered nurse'' means a person who is or will be authorized by a State Board of Nursing to engage in registered nurse practice in a state or U.S. territory or possession, and who is or will be practicing at a facility which provides health care services.

(B) A United States employer which provides health care services is referred to as a *facility.* A *facility* may file an H–1C petition for an alien nurse to perform the services of a registered nurse, if the *facility* meets the eligibility standards of 20 CFR 655.1111 and the other requirements of the Department of Labor's regulations in 20 CFR part 655, subpart L.

* * * * *

(D) A petition or application for change of status for an H–1C nurse may be filed and adjudicated only at the Vermont Service Center.

(ii) [Reserved]

(iii) * * *

(B) Has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS), or has obtained a full and unrestricted (permanent) license to practice as a registered nurse in the state of intended employment, or has obtained a full and unrestricted (permanent) license in any state or territory of the United States and received temporary authorization to practice as a registered nurse in the state of intended employment; and

* * * * *

(iv) *Petitioner requirements.* The petitioning facility shall submit the following with an H–1C petition:

(A) A current copy of the DOL's notice of acceptance of the filing of its attestation on Form ETA 9081;

(B) A statement describing any limitations which the laws of the state or jurisdiction of intended employment place on the alien's services; and

(C) Evidence that the alien(s) named on the petition meets the definition of a registered nurse as defined at 8 CFR 214.2(h)(3)(i)(A), and satisfies the requirements contained in section 212(m)(1) of the Act.

(v) *Licensure requirements.*

(A) A nurse who is granted H–1C classification based on passage of the CGFNS examination must, upon admission to the United States, be able to obtain temporary licensure or other temporary authorization to practice as a registered nurse from the State Board of Nursing in the state of intended employment.

(B) An alien who was admitted as an H–1C nonimmigrant on the basis of a temporary license or authorization to practice as a registered nurse must comply with the licensing requirements for registered nurses in the state of intended employment. An alien admitted as an H–1C nonimmigrant is required to obtain a full and unrestricted license if required by the state of intended employment. The Service must be notified pursuant to § 214.2(h)(11) when an H–1C nurse is no longer licensed as a registered nurse in the state of intended employment.

* * * * *

(vi) * * *

(A) If the Secretary of Labor notifies the Service that a facility which employs H–1C nonimmigrant nurses has failed to meet a condition in its attestation, or that there was a misrepresentation of a material fact in the attestation, the Service shall not approve petitions for H–1C nonimmigrant nurses to be employed by the facility for a period of at least 1 year from the date of receipt of such notice. The Secretary of Labor shall make a recommendation with respect to the length of debarment. If the Secretary of Labor recommends a longer period of debarment, the Service will give considerable weight to that recommendation.

* * * * *

(8) * * *

(i) * * *

(E) Aliens classified as H–1C nonimmigrants may not exceed 500 in a fiscal year.

(ii) * * *

(A) Each alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b), 101(a)(15)(H)(i)(c), or 101(a)(15)(H)(ii) of the Act shall be counted for purposes of the numerical limit. Requests for petition extension or extension of an alien's stay shall not be counted for the purpose of the numerical limit. The spouse and children of principal aliens classified as H–4 nonimmigrants shall not be counted against the numerical limit.

* * * * *

(F) The 500 H–1C nonimmigrant visas issued each fiscal year shall be allocated in the following manner:

(*1*) For each fiscal year, the number of visas issued to the states of California, Florida, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas shall not exceed 50 each (except as provided for in paragraph (h)(8)(ii)(F)(*3*) of this section).

(*2*) For each fiscal year, the number of visas issued to the states not listed in paragraph (h)(8)(ii)(F)(*1*) of this section shall not exceed 25 each (except as provided for in paragraph (h)(8)(ii)(F)(*3*) of this section).

(*3*) If the total number of visas available during the first three quarters of a fiscal year exceeds the number of approvable H–1C petitions during those quarters, visas may be issued during the last quarter of the fiscal year to nurses who will be working in a state whose cap has already been reached for that fiscal year.

(*4*) When an approved H–1C petition is not used because the alien(s) does not obtain H–1C classification, *e.g.,* the alien is never admitted to the United States, or the alien never worked for the facility, the facility must notify the Service according to the instructions

contained in paragraph (h)(11)(ii) of this section. The Service will subtract H–1C petitions approved in the current fiscal year that are later revoked from the total count of approved H–1C petitions, provided that the alien never commenced employment with the facility.

(*5*) If the number of alien nurses included in an H–1C petition exceeds the number available for the remainder of a fiscal year, the Service shall approve the petition for the beneficiaries to the allowable amount in the order that they are listed on the petition. The remaining beneficiaries will be considered for approval in the subsequent fiscal year.

(*6*) Once the 500 cap has been reached, the Service will reject any new petitions subsequently filed requesting a work start date prior to the first day of the next fiscal year.

(9) * * *

(iii) * * *

(D) *H–1C petition for a registered nurse.* An approved petition for an alien classified under section 101(a)(15)(H)(i)(c) of the Act shall be valid for a period of 3 years.

* * * * *

(13) * * *

(ii) *H–1C limitation on admission.* The maximum period of admission for an H–1C nonimmigrant alien is 3 years. The maximum period of admission for an H–1C alien begins on the date the H–1C alien is admitted to the United and ends on the third anniversary of the alien's admission date. Periods of time spent out of the United States for business or personal reasons during the validity period of the H–1C petition count towards the alien's maximum period of admission. When an H–1C alien has reached the 3-year maximum period of admission, the H–1C alien is no longer eligible for admission to the United States as an H–1C nonimmigrant alien.

* * * * *

(15) * * *

(ii) * * *

(A) *H–1C extension of stay.* The maximum period of admission for an H–1C alien is 3 years. An H–1C alien who was initially admitted to the United States for less than 3 years may receive an extension of stay up to the third anniversary date of his or her initial admission. An H–1C nonimmigrant may not receive an extension of stay beyond the third anniversary date of his or her initial admission to the United States.

* * * * *

(16) * * *

(i) *H–1B or H–1C classification.* The approval of a permanent labor certification or the filing of a preference petition for an alien shall not be a basis for denying an H–1C or H–1B petition or a request to extend such a petition, or the alien's admission, change of status, or extension of stay. The alien may legitimately come to the United States for a temporary period as an H–1C or H–1B nonimmigrant and depart voluntarily at the end of his or her authorized stay and, at the same time, lawfully seek to become a permanent resident of the United States.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

6. The authority citation for part 248 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1187, 1258; 8 CFR Part 2.

§ 248.3 [Amended]

7. Section 248.3 is amended by revising the reference ''H–1A'' to read ''H–1C'' in paragraph (a) first sentence.

PART 299—IMMIGRATION FORMS

8. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

9. Section 299.1 is amended in the table by revising the entry for Form ''I–129'' to read as follows:

§ 299.1 Prescribed forms.

* * * * *

Form No.	Edition date	Title
*	*	*
I–129	12–11–91	Petition for Nonimmigrant Worker.
*	*	*

Dated: June 5, 2001.

Kevin D. Rooney,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 01–14538 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 32

[Docket No. 01–12]

RIN 1557–AB82

Community Bank-Focused Regulation Review: Lending Limits Pilot Program

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is publishing a final rule amending part 32, the regulation governing the percentage of capital and surplus that a national bank may loan to any one borrower. This final rule establishes a three-year pilot program that creates new special lending limits for 1–4 family residential real estate loans and loans to small businesses. Eligible national banks with main offices located in states that have a lending limit available for residential real estate, small business or unsecured loans that is higher than the current Federal limit may apply to take part in the pilot program. We will review and evaluate national banks' experience with the special limits over the three-year pilot period and determine at the end of the pilot whether to extend the program and retain, modify or rescind the exceptions. The final rule also permanently modifies the lending limit exemption for loans to or guaranteed by obligations of state and local governments.

EFFECTIVE DATE: The final rule is effective on September 10, 2001.

FOR FURTHER INFORMATION CONTACT: Deborah Katz, Senior Counsel, or Stuart Feldstein, Assistant Director, Legislative and Regulatory Activities Division, (202) 874–5090; Jonathan Fink, Senior Attorney, Bank Activities and Structure Division (202) 874–5300.

Background

On May 12, 1999, the OCC issued an advance notice of proposed rulemaking (ANPR) inviting comment on possible regulatory changes that could benefit community banks. 64 FR 25469. The purpose of this community bank-focused regulation review was to explore ways that our regulations could be modified, consistent with safety and soundness, to reflect the fact that community banks operate with more limited resources and often present different risk profiles than larger institutions. We sought to identify

regulations where it would be appropriate to develop alternative or differential regulatory approaches that would minimize burden on community banks and promote community banks' competitiveness.

We received thirty-five letters in response to the ANPR commenting on various aspects of the national bank lending limit. Twelve U.S.C. 84, the national bank lending limit, governs the percentage of capital and surplus that a bank may loan to any one borrower. OCC regulations implementing section 84 are set forth at 12 CFR 32. Under section 84 and part 32, a national bank can make unsecured loans of up to 15 percent of its unimpaired capital and surplus to a single borrower and extend an amount up to an additional 10 percent of unimpaired capital and surplus to the same borrower, if the amount of the loan that exceeds the 15 percent limit is secured by ''readily marketable collateral.'' Part 32 refers to these lending limits as ''the combined general limit.'' The statute and regulation also provide other exceptions to and exemptions from the combined general limit for various types of loans and extensions of credit. Finally, the statute authorizes the OCC to establish lending limits ''for particular classes or categories of loans'' that are different from those expressly provided by the statute's terms. 12 U.S.C. 84(d)(1).

A majority of commenters on the ANPR stated that the national bank lending limits are especially problematic for community banks because, according to these commenters, the current lending limits have prevented many community banks from continuing to lend to creditworthy customers, and that this has caused a loss in potential income, especially from valued customers whose credit needs have increased with the growth of their businesses or increase in local property values. Many commenters also noted that some states provide higher lending limits than those set forth in section 84 and part 32. These commenters suggested that Federal lending limits should be the same as those available for state banks so that national banks can compete on an equal basis with other financial service providers in the markets they serve.

On September 22, 2000, the OCC issued a notice of proposed rulemaking (NPRM) soliciting comment on a pilot program to modify certain aspects of the lending limit to respond to these concerns (65 FR 57292). We proposed to use the authority afforded by section 84(d)(1) to create new exceptions or special lending limits for loans secured by 1–4 family residential real estate and loans to small businesses for banks with main offices located in states where a lending limit higher than the current Federal limit applies. To ensure that national banks use this additional lending authority in a way that is consistent with safe and sound banking practices, we proposed making the new special limits available only to ''eligible banks,'' subject to an application process. We also proposed an aggregate limit on the amount a bank could lend under this new authority. The proposal stated that OCC would review national banks' experience with the new exceptions over the three-year pilot period and determine whether to retain, modify, or rescind the exceptions.

The proposed rule also contained a separate amendment to part 32 that modified the requirements for obtaining a lending limit exemption for loans to or guaranteed by obligations of state and local governments.

Overview of Comments Received

The NPRM was published in the **Federal Register** on September 22, 2000. The public comment period closed on November 21, 2000. The OCC received seventeen comments on the proposal, including comments from one individual, one savings and loan association, ten banks, one bank holding company and four bank trade associations.

The majority of the commenters strongly supported the proposal as an effort to reduce regulatory burden on community banks and to enhance the ability of community banks to compete in today's banking environment. The majority of commenters also specifically supported the new special lending limits. They stated that an increase in the lending limit is essential to level the playing field for community national banks operating in states with a higher lending limit. One commenter suggested that an increase in the lending limits would enhance safety and soundness because it would minimize loan participations and thus allow a bank to manage the risk of a credit ''without outside influences or outside changes in policy.''

One commenter also suggested that the OCC implement the regulation as a permanent modification to the lending limit, instead of as a pilot project. This commenter thought that the expense involved in implementing the pilot program may not be recouped by the marginal profits made on any loans extended at the higher limits and would discourage banks from taking advantage of the pilot. The commenter suggested that, in place of a pilot program, the OCC consider permanently raising the limit by five percent and then, after three years, consider an additional five percent increase. Finally, two commenters thought that the regulatory burden created by the conditions imposed by the proposal governing a bank's ability to take advantage of the new exceptions would compromise any benefits that might be gained from the proposal.

We have considered these comments carefully, but have determined not to modify the proposal in the ways suggested by these commenters. The Federal lending limit is an important safeguard against undue concentration of credit risk in the national banking system. Adjustments to the limit need to be calibrated to enable both the OCC and the banks affected to gauge the impact of additional flexibility. In our view, the incremental approach reflected in the proposal best achieves that objective, as a first step. Accordingly, after consideration of the comments received, we have adopted a final regulation that is similar to the proposal, with some modifications and the clarifying changes that are described below. Because the final rule establishes a pilot program, however, there will be an opportunity to revisit the constraints imposed by the proposal at any time, and certainly as the three-year timeframe of the pilot nears a conclusion.

Section-by-Section Analysis

New Special Limits for 1–4 Family Residential Real Estate and Small Business Loans

1. Categories of Loans Chosen for Special Limits

Proposed § 32.3(b)(6) contained new limits for two categories of loans: Those secured by 1–4 family residential real estate and small business loans. The proposal solicited comment on whether the categories of loans identified would alleviate the burden and mitigate some of the competitive disparity for community banks.

Several commenters, including those from trade associations representing community banks, urged the OCC to revise the proposal to include farm loans. These commenters urged the OCC to include agricultural loans in the pilot, so that rural community banks could benefit from the proposal. The commenters suggested that agricultural loans are no riskier than small business loans. In addition, some commenters noted that agricultural community banks have comparable experience and expertise in making farm loans as they do small business loans. Other commenters suggested that the OCC

create new limits for secured or unsecured commercial loans.

We have decided not to expand the categories of loans subject to special limits until we have some experience with the new limits initially proposed for the pilot. We will continue to analyze the risk characteristics of agricultural loans of different types (*e.g.,* secured by farmland or by crops) to determine whether the goals of the pilot program would be furthered by including some categories of agriculture loans.[1]

Accordingly, in beginning this pilot, we have chosen categories—residential real estate and small business loans—that represent typical, longstanding business lines for most community banks. In this way, we hope to obtain information and experience about the effects of the pilot program modifications to the lending limit on a broad cross-section of community banks. We expect to use what we learn, not only as the basis for deciding whether the new special limits should be continued beyond the 3-year pilot period, but also for considering whether more categories of loans should be added.

2. Limit for Residential Real Estate Loans

Under the proposal, the special limit in § 32.3(b)(6)(i) applied to ''residential real estate loans,'' defined under § 32.2(p) to mean only loans secured by a perfected first-lien security interest in 1–4 family residential real estate in an amount that did not exceed 80 percent of the appraised value of the collateral at the time the loan was made.

The OCC received one comment on this special limit. The commenter questioned whether an increased lending limit for 1–4 family homes will have any impact because few community banks make large dollar residential real estate loans to one borrower. Based upon our experience with community banks, however, we continue to believe that this special limit will be helpful to community banks located in areas where the price of real estate is high. Therefore, § 32.7(a)(1) of the final rule retains a special limit for residential real estate loans.

However, the final rule contains a clarification of the definition of ''residential real estate loans.'' The definition was used to determine whether a state had a higher lending limit for residential real estate loans and to restrict the type of real estate loan that a national bank could make under the authority contained in the pilot program. The final rule moves the requirements that residential real estate loans be secured by a ''perfected first-lien'' and can ''not exceed 80 percent of the appraised value of the collateral at the time the loan was made'' from the definition of a residential real estate loan to the description of which loans qualify for the pilot program contained in § 32.7(a)(1). This change clarifies that a national bank will be required to comply with certain prudential requirements when making residential real estate loans, but will not be disqualified from participating in the pilot program because a state's lending limits contain different prudential limits for residential real estate loans, for example, a lower loan-to-value ratio.

3. Limit for Small Business Loans

The proposed special limit in § 32.3(b)(6)(ii) for ''small business loans,'' defined in § 32.2(r), extended additional lending authority for loans that could be unsecured, or secured in a manner that is not specified by regulation. The proposal invited comment on whether the special limit for small business loans should require specific collateral.

One commenter suggested requiring the borrower to provide real estate collateral to use the expanded lending authority for small business loans. Other commenters recommended that collateral not be required. One reasoned that only well run banks will be able to use this special limit and they will likely have prudent lending policies that require collateral as appropriate. The remaining commenters felt that such loans should be secured by specific collateral only if this requirement is imposed on state banks.

Small business loans are typically secured by many different types of collateral. Accordingly, the OCC has concluded that to specify the type of collateral required would impose undue constraints on the use of this special limit. Therefore, the rule does not require that the borrower secure small business loans in order for the loan to qualify under the pilot program. The type of small business loans eligible for the special limit is adopted as proposed, in section § 32.2(r) of the final rule, with some adjustment to the definition of ''small business loan'' as discussed below.

Section 32.2(r) of the proposal defined ''small business loan'' by cross-referencing the definition of ''loans to small businesses'' from the instructions for preparation of the Consolidated Reports of Condition and Income (Call Report). This definition includes ''loans with original amounts of $1 million or less,'' * * * ''secured by nonfarm nonresidential properties,'' and certain ''commercial and industrial loans.'' The NPRM requested comment on the definition of ''small business loan.''

One commenter thought that the cross-reference to the Call Report was difficult to find and urged that the regulation include its own definition of small business loan. Another commenter suggested that the OCC eliminate the $1 million cap on small business loans and permit a bank to loan the lesser of $10 million or 10 percent of its capital to any one company.

We continue to believe that a cross-reference to the Call Report is a readily available and easy-to-use method of defining business loans. Moreover, banks are familiar with the Call Report definitions which they regularly use when filing their quarterly Call Reports. However, we agree that the dollar limitation in the Call Report definition of ''loans to small businesses'' is unnecessary because of the separate percentage and dollar limits established as part of the special limit for small business loans. Therefore, the final rule eliminates the $1 million cap that was part of the definition of small business loan. However, the definition continues to identify the small business loans covered by the pilot program by cross-reference to the definitions of ''secured by nonfarm nonresidential properties,'' and ''commercial and industrial loans'' set forth in the Call Report instructions, Schedule RC–C, Part I (rev. 3–01).

4. Additional Lending Authority

Under § 32.3(b)(6) of the proposal, a bank was permitted to extend another ten percent of its capital and surplus, in addition to the amounts permissible under the currently applicable lending limits, to a single borrower for certain real estate and small business loans, respectively, if a bank's main office was located in a state with a higher limit that applies to these categories of loans.

Commenters on this provision, including those representing community banks, agreed that ten percent is an appropriate and sufficient amount to alleviate the current competitive disadvantage faced by community banks. However, one

[1] The lending limit statute and regulations currently contain special enhanced limits for certain loans secured by documents transferring or securing title to readily marketable staples (35 percent, in addition to the bank's combined general limit), livestock and dairy cattle (both 10 percent, in addition to the bank's combined general limit). *See* 12 U.S.C. 84(c)(3), 12 CFR 32.3(b)(1); 12 U.S.C. 84(c)(9)(A), 12 CFR 32.3(b)(3); 12 U.S.C. 84(c)(9)(B), 12 CFR 32.3(b)(4).

commenter thought that the limits per borrower should be the same as state-chartered non-member banks.

A regulation that would provide exact parity between a national and a state bank located in the same state would be complicated if the goal is to achieve lending limit parity for all fifty states, but only for two categories of loans, and no others. We believe that this complexity would reduce the utility of the new special limits. For this reason, we originally proposed allowing national banks in the pilot program to simply extend ten percent of its capital and surplus to a single borrower for real estate and small business loans, respectively, if a bank's main office is located in a state with a higher limit available for these categories of loans, without regard to the amount of the state limit. However, it is not the goal of the pilot program to provide national banks with a competitive advantage over similarly situated state banks in states where the applicable limit is lower than the additional 10 percent we proposed to permit for national banks. Thus, we have modified the two special limits in § 32.7(a)(1) and (2) of the final rule to permit additional extensions of credit to a single borrower in the lesser of the following two amounts: (i) 10 percent of its capital and surplus; or (ii) the percentage of capital and surplus that a state bank is permitted to lend under a state lending limit that would be available for residential real estate, small business or unsecured loans in the state where the main office of the national bank is located and that exceeds 15 percent—the general unsecured limit for national banks set forth in 12 CFR 32.2(a). Under this approach, for example, in any state where the state unsecured limit is 20 percent (and the state has no other, higher, special lending limit available for 1–4 family residential real estate loans or small business loans), the special limits available to a national bank under the pilot program would be the lesser of 5 percent or $10 million.

Section 32.3(b)(6) of the proposal also provided that to be eligible for the pilot program a national bank's main office had to be located in a state where the ''state lending limit'' that is available for residential real estate or small business loans is higher than the limit for national banks. However, state lending limits may involve higher percentage limits, a different method of calculating the percentage of bank capital and surplus that can be loaned to a single borrower, or different rules for combining loans. In order to simplify this process, the special limits described above now make clear that only situations where the state has a higher percentage limit that would be available for residential real estate or small business loans will trigger a national bank's eligibility for the pilot program.

The preamble to the proposed regulations also stated that to demonstrate its eligibility for the pilot program, a bank could reference a state's ''specific, general or other limit that applies to 1–4 family residential real estate or small business loans.'' Sections 32.7(a)(1) and (2) now clarify that the applicable limit is the state lending limit for state banks that is available for residential real estate loans or small business loans, as defined in the final rule, *or* the state unsecured limit. Thus, for example, where the state unsecured limit is 20 percent and the state also has a 5 percent special lending limit available for 1–4 family residential real estate loans, the special limits available to a national bank would be the lesser of 10 percent or $10 million for residential real estate loans, and the lesser of 5 percent or $10 million for small business loans.[2]

5. Applicable Safeguards

The proposal incorporated a number of safeguards to ensure that a national bank's use of the additional authority provided by the new special limits is consistent with safety and soundness. The OCC solicited comment on each of these safeguards and invited comment on whether additional safeguards were warranted.

The first proposed safeguard, set forth in proposed § 32.3(b)(6)(i) and (ii), was a dollar cap of $10 million dollars limiting loans to a single borrower for real estate and small business loans, respectively, in addition to the percentage limits described in the preceding section, for loans made in reliance upon the new special limits.

We received one comment on this dollar cap from a trade association representing community banks. This commenter stated that the $10 million cap is adequate for the majority of community national banks. We believe this limit is appropriate, particularly during the period of the pilot program. Therefore, this safeguard is adopted as proposed in § 32.7(a)(1) and (2) of the final rule.

The second proposed safeguard, found in § 32.3(b)(6)(iii), was an aggregate lending cap on all loans, to all of a bank's borrowers made in reliance upon the real estate and small business special limits. Under the proposal, the total amount of these loans, or portions of loans, together, could not equal more than 100 percent of a bank's capital and surplus.

Some commenters supported an aggregate lending cap. Other commenters thought that the aggregate cap would create an unnecessary burden and would make compliance with part 32 more complicated as national banks will have to keep track of aggregate totals. Some commenters thought that the proposed aggregate cap was too restrictive and should be increased to 150 or 200 percent of capital.

We agree that the aggregate cap will require banks to monitor the total amount of loans extended under this new authority. However, this additional requirement is consistent with the purpose of the cap. Throughout, and at the conclusion of the pilot program, we will be in a position to consider whether the cap is too restrictive and whether it should be increased. Therefore the aggregate cap is adopted as proposed in § 32.7(a)(4).

The third safeguard made the special limits in § 32.3(b)(6)(i) and (ii) available only to ''eligible banks,'' defined in § 32.2(i), as a bank that is well capitalized, as defined in 12 CFR 6.4(b)(1),[3] and has a rating of 1 or 2 under the Uniform Financial Institutions Rating System, with at least a rating of 2 for the management component of this rating system.

We did not receive any comments on this safeguard, however, upon further consideration, we have determined that adding the qualification that the bank must have received a rating of at least 2 for the asset quality component of its rating to the other qualifications of an ''eligible bank,'' will help to ensure that only those banks that have demonstrated sound lending practices are eligible to participate in the pilot program. Accordingly, the final rule includes this qualification standard, in addition to those proposed.

In addition, § 32.3(b)(6)(iv) of the proposed rule required a bank to apply

[2] However, as described in section 6, below, the total outstanding amount of a national bank's loans and extensions of credit to one borrower made pursuant to 12 CFR 32.3(a) and (b), together with loans and extensions of credit to the borrower made under the pilot program, cannot exceed 25 percent of the bank's capital and surplus.

[3] Under 12 CFR 6.4(b), ''well capitalized'' means that the bank: (1) Has a total risk-based capital ratio of 10.0 percent or greater; (2) has a Tier 1 risk-based capital ratio of 6.0 percent or greater; (3) has a leverage ratio of 5.0 percent or greater; and (4) is not subject to any written agreement, order or capital directive, or prompt corrective action directive issued by the OCC pursuant to section 8 of the Federal Deposit Insurance Act (FDI Act), the International Lending Supervision Act of 1983 or section 38 of the FDI Act, or any regulation thereunder, to meet and maintain a specific capital level for any capital measure.

to its supervisory office and receive approval before using either of the new special limits. The proposal required an application to contain the following information to be deemed complete: (1) Certification that the applicant is an eligible bank; (2) citation to relevant state laws or regulations showing that the bank's main office is located in a state where the state lending limit available for residential real estate or small business loans or unsecured loans is higher than the limit for national banks; (3) a written resolution by the majority of the bank's board of directors approving the use of the new special limits and confirming the terms and conditions for use of this lending authority; and (4) a description of how the bank's board intends to exercise its continuing responsibility to oversee the use of this lending authority.

While one commenter supported this application procedure, most commenters criticized this approach as too complicated and burdensome. Two commenters suggested that the OCC consider establishing minimum requirements and a notice procedure, for example, for banks that are 1 or 2 rated and ''well-capitalized.'' One of these commenters felt that the application requirement would create unnecessary paperwork and discourage banks from making use of this new lending authority.

We believe that an application process will better enable us to monitor use of the new lending authority and will help to ensure bank safety and soundness is not compromised under the pilot program. We will revisit the application requirement after we have had experience with the benefits, as well as burdens, that arise. Therefore, § 32.7(b) of the final rule adopts the proposed application procedures with the clarifying changes noted below.

Some commenters specifically objected to the requirement in § 32.3(b)(6)(iv)(B) that the application cite to relevant state laws and regulations showing that the bank's main office is located in a state with higher lending limits available for residential real estate or small business loans. One commenter suggested that the OCC expand the lending authority to all banks without regard to where a bank's main office is located. This commenter noted that nothing in 12 U.S.C. 84 requires competitive equality between national and state-chartered banks. Another commenter thought that the regulation should reference the location of the origination of the loan, and not the location of the head office of the bank, since that is the location where a bank will be competing.

The special limits are designed to afford some degree of competitive parity between national banks and state chartered lenders. Therefore, these new limits are available only to banks located in states where they are operating at an artificial competitive disadvantage as compared to state banks. The second commenter seems to suggest that the state lending limit of the location of the borrower should determine whether a special limit applies. Determining the location of a borrower often may be complicated. For example, a company may be incorporated in Delaware and have offices in multiple states. Further, this suggestion would be inconsistent with the OCC's approach in other areas where the location of the bank, rather than the borrower, is the operative control. Therefore, we have not adopted this suggestion.

Finally, because state lending limits vary so greatly among the states, the scope of a national bank's ability to use the pilot program may be unclear. Where such questions arise, the OCC's Chief Counsel will determine the extent to which the pilot program is available for national banks located in a particular state.

6. New Safeguards

The OCC also has determined that two additional safeguards are necessary to balance the flexibility afforded to banks through the new special limits with safety and soundness concerns. The first of these safeguards addresses a concern that a bank's use of the special limits, together with its combined limit and the other available statutory limits, may result in an undue concentration of loans to a single borrower. To address this issue, § 32.7(a)(3) of the final rule provides that the total outstanding amount of a national bank's loans and extensions of credit to one borrower made pursuant to § 32.3 (a) and (b),[4] together with loans and extensions of credit to the borrower made under the pilot program, cannot exceed 25 percent of the bank's capital and surplus.

As is the case with all the general and specific lending limits, these new special lending limit thresholds do not insulate loans below the thresholds from supervisory oversight. Thus, loans within the parameters of the pilot program are still subject to criticism if they are poorly underwritten, poorly administered, or if loans made under the program are part of an excessive concentration by a bank in certain types of loans.[5]

Moreover, we also have included in the final rule a procedure to rescind a bank's authority to use the special lending limits in the event that safety and soundness problems arise. Under § 32.7(a)(4)(d) of the final rule, the OCC reserves the right to rescind a bank's authority to use the special lending limits, based upon concerns about credit quality, undue concentrations in the bank's portfolio of residential or small business loans, or about a bank's overall credit risk management systems and controls. The bank must cease new extensions of credit in reliance on the special lending limits after receiving written notice from the OCC that its authority has been rescinded.

7. Duration of Approval

The proposed rule was structured as a three-year pilot program. However, § 32.3(b)(v) of the proposal stated that OCC approval of a bank's authority to use the special limits would be effective for three years and could be renewed. Section 32.7(c) of the final rule corrects this provision by clarifying that a bank that has received OCC approval to participate in the pilot program may continue to make loans under the special lending limits only for the duration of the three-year program, provided the bank remains an eligible bank. Accordingly, a bank that receives OCC approval to participate in the pilot program one year after the effective date of this regulation may use the authority granted under this pilot program for no longer than two more years.

8. Duration of Program

As described above, the proposed rule was structured as a three-year pilot program. The final rule retains the three-year duration that we proposed. Accordingly, new section § 32.7(e) of the final rule contains an express termination date of June 11, 2004. This section also states that the OCC also retains the ability to terminate the pilot program prior to that date. We contemplate that the circumstance where the pilot program could be terminated early would be where our monitoring of loans made under the program indicates that overall experience with the program is raising

[4] Section 32.3 is the provision containing the general and existing special lending limits and exceptions to the lending limits. This section includes a bank's combined general limit for unsecured loans and loans secured by readily marketable collateral (§ 32.3(a)); and other special lending limits (§ 32.3(b)), such as limits for loans secured by documents covering livestock.

[5] The documentation exemption described in the ''Interagency Policy Statement on Documentation for Loans to Small- and Medium-sized Businesses and Farms'' contained in Banking Bulletin 93–18, issued by the OCC on April 2, 1993, is not available for loans made under the Pilot Program.

significant safety and soundness concerns. Prior to the conclusion of the three-year pilot program the OCC will evaluate the experience under the program and determine whether, and under what circumstances, the program should be extended. In its evaluation of the program and its consideration of conditions under which the program might be extended, the OCC will consider, among other matters, whether increases in concentration resulting from any new authority should be offset by additional portfolio diversification requirements.

9. Transition Issues

The preamble to the proposal stated that as long as a bank was ''eligible,'' any loan made by the bank during the three year period following approval would remain legal, even if the bank subsequently became ineligible.

Two comments raised transition issues. One commenter requested that the OCC clarify that a national bank that made a loan in compliance with the pilot program would not be found in violation of part 32 if the bank subsequently were to become disqualified as an eligible bank during the three-year period. A second commenter requested that the OCC clarify that any loans made when a bank was eligible to use the higher limits will not have to be reduced or called early, if after three years, the bank becomes ineligible or the program is discontinued.

We agree that various transition issues may arise and should be addressed in the final rule. Therefore, § 32.7(f) of the final rule now clarifies that loans made by a bank in compliance with the requirements of the pilot program will not be deemed a lending limit violation and will not be treated as nonconforming under § 32.6 if, for example, the bank becomes ineligible or the pilot program is discontinued. However, no additional funds may be advanced to the borrower as long as the outstanding amount of a national bank's loans and extensions of credit to the borrower exceed the lending limit.

Exemptions for Loans Secured by State and Local Governments

Part 32 provides that a loan or extension of credit made by a national bank to, or guaranteed by general obligations of a State or political subdivision is exempt from any lending limit. *See* 12 CFR 32.3(c)(5). The term ''general obligation'' is defined in 12 CFR part 1. In addition, to obtain this exemption, this section currently requires the bank to obtain an opinion of counsel that the loan or extension of credit or guarantee is a valid and enforceable general obligation of the State or political subdivision. However, the requirement for an opinion of counsel is not statutorily required.

The proposed rule revised § 32.3(c)(5) to allow a bank to either obtain an opinion of counsel or rely on the opinion of a State attorney general (or other State legal official with authority to opine on the obligation in question) on the validity and enforceability of the obligation, extension of credit, or guarantee in question. All but one commenter supported this change. These commenters agreed that obtaining an opinion of counsel can be expensive and time consuming for community banks, particularly for those banks that make a substantial number of agricultural loans under loan guarantee programs. They stated that allowing community banks to rely upon an opinion of a State's attorney general is a significant improvement.

One commenter thought that it would be more difficult to obtain an opinion of a state's attorney general than an opinion of counsel. The OCC notes that this provision provides national banks with more and not less flexibility. It will permit a bank to obtain *either* an opinion of counsel, an opinion of a state's attorney general or other State legal official with authority to opine on the obligation in question, whichever is easier. Moreover, in some cases, banks may be able to rely on existing opinions from state officials to satisfy this requirement. *See, e.g.,* OCC Interpretive Letter No. 899 (May 15, 2000), *reprinted in* Fed. Banking L. Rep. (CCH) ¶81–418 (for purposes of qualifying for the exemption in 12 CFR 32.3(c)(5), national banks may rely on an Illinois Attorney General opinion providing that loans guaranteed by the Illinois Farm Development Authority are backed by the full faith and credit of the State of Illinois). Therefore, this provision is adopted as proposed in § 32.3(c)(5) of the final rule.

Regulatory Analysis

A. Paperwork Reduction Act

The OCC may not conduct or sponsor, and an organization is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

OMB has reviewed and approved the collection of information requirements contained in this rule under control number 1557–0221, in accordance with the Paperwork Reduction of 1995 (44 U.S.C. 3501 *et seq.*). OMB clearance will expire on December 31, 2003.

The OCC sought commment on all aspects of the burden estimates for the information collection contained in the proposed rule. The OCC received no comments.

The information collection requirements contained in 12 CFR part 32 are contained in section 32.7(b). Under this section, the final regulation would require national banks to provide the OCC with certain information in connection with an application to receive approval from its supervisory office before using the new special lending limits for 1–4 family residential real estate loans and loans to small businesses for national banks.

The potential respondents are national banks.

Estimated number of respondents: 2,140

Estimated number of responses: 2,140

Estimated burden hours per response: 26

Estimated total burden: 55,640

The OCC has a continuing interest in the public's opinion regarding collections of information. Members of the public may submit comments, at any time, regarding any aspects of these collections of information. Comments may be sent to Jessie Dunaway, Clearance Officer, Office of the Comptroller of the Currency, 250 E Street, SW, Mailstop 8–4, Washington, DC 20219.

B. Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), the regulatory flexibility analysis otherwise required under section 603 of the RFA, 5 U.S.C. 603, is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification and a statement explaining the factual basis for such certification in the **Federal Register** along with its final rule.

On the basis of the information currently available, the OCC is of the opinion that this final rule will not have a significant impact on a substantial number of small entities, within the meaning of those terms as used in the RFA. The final regulation requires national banks that would like to participate in the pilot program to submit an application containing certain information and receive approval from its supervisory office before using the new special limits for 1–4 family residential real estate loans and loans to small businesses. However, the OCC does not believe that this application requirement will have a significant

impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis not required.

C. Executive Order 12866 Determination

The Comptroller of the Currency has determined that this final rule would not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866. Under the most conservative cost scenarios that the OCC can develop on the basis of available information, the impact of the final rule falls well short of the thresholds established by the Executive Order.

D. Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. However, an agency is not required to assess the effects of its regulatory actions on the private sector to the extent that such regulations incorporate requirements specifically set forth in law. 2 U.S.C. 1531.

The OCC has determined that this final rule will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects in 12 CFR Part 32

National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, part 32 of chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 32—LENDING LIMITS

1. The authority citation for part 32 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 84, and 93a.

2. In § 32.2:

A. Paragraph (p) is redesignated as paragraph (s);

B. Paragraph (o) is redesignated as paragraph (q);

C. Paragraphs (i) through (n) are redesignated as paragraphs (j) through (o); and

D. New paragraphs (i), (p), and (r) are added to read as follows:

§ 32.2 Definitions.

* * * * *

(i) *Eligible bank* means a national bank that:

(1) Is well capitalized as defined in 12 CFR 6.4(b)(1); and

(2) Has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System in connection with the bank's most recent examination or subsequent review, with at least a rating of 2 for asset quality and for management.

* * * * *

(p) *Residential real estate loan* means a loan or extension of credit that is secured by 1–4 family residential real estate.

* * * * *

(r) *Small business loan* means a loan or extension of credit ''secured by nonfarm nonresidential properties'' or ''a commercial or industrial loan'' as defined in the instructions for preparation of the Consolidated Report of Condition and Income.

* * * * *

3. In § 32.3, paragraph (c)(5) is revised to read as follows:

§ 32.3 Lending limits.

* * * * *

(c) * * *

(5) *Loans to or guaranteed by general obligations of a State or political subdivision.* (i) A loan or extension of credit to a State or political subdivision that constitutes a general obligation of the State or political subdivision, as defined in part 1 of this chapter, and for which the lending bank has an opinion of counsel or the opinion of that State Attorney General, or other State legal official with authority to opine on the obligation in question, that the loan or extension of credit is a valid and enforceable general obligation of the borrower; and

(ii) A loan or extension of credit, including portions thereof, to the extent guaranteed or secured by a general obligation of a State or political subdivision and for which the lending bank has an opinion of counsel or the opinion of that State Attorney General, or other State legal official with authority to opine on the guarantee or collateral in question, that the guarantee or collateral is a valid and enforceable general obligation of that public body.

* * * * *

4. A new § 32.7 is added to read as follows:

§ 32.7 Pilot program for residential real estate and small business loans.

(a) *Residential real estate and small business loans.* (1) In addition to the amount that a national bank may lend to one borrower under § 32.3, an eligible national bank may make residential real estate loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a State bank is permitted to lend under the State lending limit that is available for residential real estate loans or unsecured loans in the State where the main office of the national bank is located. Any such loan or extension of credit must be secured by a perfected first-lien security interest in 1–4 family real estate in an amount that does not exceed 80 percent of the appraised value of the collateral at the time the loan or extension of credit is made. In no event may a bank lend more than $10 million to one borrower under this authority.

(2) In addition to the amount that a national bank may lend to one borrower under § 32.3, an eligible national bank may make small business loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a State bank is permitted to lend under the State lending limit that is available for small business loans or unsecured loans in the State where the main office of the national bank is located. In no event may a bank lend more than $10 million to one borrower under this authority.

(3) The total outstanding amount of a national bank's loans and extensions of credit to one borrower made under §§ 32.3(a) and (b), together with loans and extensions of credit to the borrower made pursuant to paragraphs (a)(1) and (2) of this section, shall not exceed 25 percent of the bank's capital and surplus.

(4) The total outstanding amount of a national bank's loans and extensions of credit to all of its borrowers made pursuant to the special lending limits provided in paragraphs (a)(1) and (2) of this section may not exceed 100 percent of the bank's capital and surplus.

(b) *Application process.* An eligible bank must submit an application to, and receive approval from, its supervisory office before using the special lending limits in paragraphs (a)(1) and (2) of this section. The supervisory office may approve a completed application if it

finds that approval is consistent with safety and soundness. To be deemed complete, the application must include:

(1) Certification that the bank is an ''eligible bank'' as defined in § 32.2(i);

(2) Citations to relevant State laws or regulations;

(3) A copy of a written resolution by a majority of the bank's board of directors approving the use of the limits provided in paragraphs (a)(1) and (2) of this section, and confirming the terms and conditions for use of this lending authority; and

(4) A description of how the board will exercise its continuing responsibility to oversee the use of this lending authority.

(c) *Duration of approval.* Except as provided in § 32.7(d), a bank that has received OCC approval may continue to make loans and extensions of credit under the special lending limits in paragraphs (a)(1) and (2) of this section until the date three years after September 10, 2001, provided the bank remains an ''eligible bank.''

(d) *Discretionary termination of authority.* The OCC may rescind a bank's authority to use the special lending limits in paragraphs (a)(1) and (2) of this section based upon concerns about credit quality, undue concentrations in the bank's portfolio of residential or small business loans, or concerns about the bank's overall credit risk management systems and controls. The bank must cease making new loans or extensions of credit in reliance on the special limits upon receipt of written notice from the OCC that its authority has been rescinded.

(e) *Duration of pilot program.* The pilot program will terminate on June 11, 2004, unless it is terminated sooner by the OCC.

(f) *Existing loans.* Any loans or extensions of credit made by a bank under the special lending limits in paragraphs (a)(1) and (2) of this section, that were in compliance with this section when made, will not be deemed a lending limit violation and will not be treated as nonconforming under § 32.6.

Dated: May 31, 2001.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 01–14529 Filed 6–8–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–326–AD; Amendment 39–12163; AD 2001–06–16]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to all McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. That AD currently requires revisions to the Airplane Flight Manual (AFM) and installation of inspection aids on the wing upper surfaces. That AD also requires, among other actions, installation of an overwing heater blanket system or primary upper wing ice detection system, and installation of a heater protection panel or an equipment protection device on certain overwing heater blanket systems. This document corrects an incorrect paragraph reference. This correction is necessary to ensure that operators are aware of an incorrect paragraph reference in paragraph (d)(2)(ii)(A) of the existing AD.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of January 17, 1992 (57 FR 2014, November 12, 1998).

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of May 7, 2001 (66 FR 17499, April 2, 2001).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On March 23, 2001, the Federal Aviation Administration (FAA) issued AD 2001–06–16, amendment 39–12163 (66 FR 17499, April 2, 2001), which applies to all McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes. That AD supersedes an existing AD to continue to require revisions to the Airplane Flight Manual (AFM) and installation of inspection aids on the wing upper surfaces. That AD also requires, among other actions, installation of an overwing heater blanket system or primary upper wing ice detection system, and installation of a heater protection panel or an equipment protection device on certain overwing heater blanket systems. That AD was prompted by incidents in which ice accumulation on the wing upper surfaces shed into the engines during takeoff. The actions required by that AD are intended to prevent ice accumulation on the wing upper surfaces, which could result in ingestion of ice into one or both engines and consequent loss of thrust from one or both engines.

Need for the Correction

As discussed in the preamble of AD 2001–06–16, the FAA deleted paragraph (f)(1)(iii) and other subparagraphs of the supplemental NPRM from the final rule. Although we deleted these paragraphs, we inadvertently did not update an associated paragraph reference in paragraph (d)(2)(ii)(A) of AD 2001–06–16. As a result, paragraph (d)(2)(ii)(A) incorrectly references paragraph (f)(1)(iii)(B) for installation of an equipment protective device (EPD); the correct reference is paragraph (f)(2)(i).

The FAA has determined that a correction to AD 2001–06–16 is necessary to revise an incorrect paragraph reference in paragraph (d)(2)(ii)(A) of AD 2001–06–16.

Correction of Publication

This document corrects the error and correctly adds the AD as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains May 7, 2001.

Since this action only corrects an incorrect paragraph reference, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2001–06–16 McDonnell Douglas: Amendment 39–12163. Docket 98–NM–326–AD. Supersedes AD 92–03–02, Amendment 39–8156.

Applicability: All Model DC–9–81, –82, –83, and –87 series airplanes; and Model MD–88 airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (i)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent ice accumulation on the wing upper surfaces, which could result in ingestion of ice into one or both engines and consequent loss of thrust from one or both engines, accomplish the following:

Restatement of Requirements of AD 92–03–02

Airplane Flight Manual Revision

(a) Within 10 days after January 17, 1992 (the effective date of AD 92–03–02, amendment 39–8156), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''*Ice on Wing Upper Surfaces*

CAUTION

Ice shedding from the wing upper surface during takeoff can cause severe damage to one or both engines, leading to surge, vibration, and complete thrust loss. The formation of ice can occur on wing surfaces during exposure of the airplane to normal icing conditions. Clear ice can also occur on the wing upper surfaces when cold-soaked fuel is in the main wing fuel tanks, and the airplane is exposed to conditions of high humidity, rain, drizzle, or fog at ambient temperatures well above freezing. Often, the ice accumulation is clear and difficult to detect visually. The ice forms most frequently on the inboard, aft corner of the main wing tanks. [END OF CAUTIONARY NOTE]

The wing upper surfaces must be physically checked for ice when the airplane has been exposed to conditions conducive to ice formation. Takeoff may not be initiated unless the flight crew verifies that a visual check and a physical (hands-on) check of the wing upper surfaces have been accomplished, and that the wing is clear of ice accumulation when any of the following conditions occur:

(1) When the ambient temperature is less than 50 degrees F and high humidity or visible moisture (rain, drizzle, sleet, snow, fog, etc.) is present;

(2) When frost or ice is present on the lower surface of either wing;

(3) After completion of de-icing.

When inspection aids (i.e. tufts, decals, mount pads, painted symbols, and paint stripes) are installed in accordance with McDonnell Douglas MD–80 Service Bulletin 30–59, the physical check may be made by assuring that all installed tufts move freely.

NOTE

This limitation does not relieve the requirement that aircraft surfaces are free of frost, snow, and ice accumulation, as required by Federal Aviation Regulations §§ 91.527 and 121.629. [END OF NOTE]''

AFM Configuration Deviation List Revision

(b) Within 10 days after January 17, 1992, revise the Configuration Deviation List (CDL) Appendix of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''*30–80–01 Triangular Decal and Tuft Assemblies*

Up to two (2) decals or tufts per side may be missing, provided:

(a) At least one decal and tuft on each side is located along the aft spar line; and

(b) The tufts are used for performing the physical check to determine that the upper wing is free of ice by observing that the tufts move freely.

Up to eight (8) decals and/or tufts may be missing, provided:

(a) Takeoff may not be initiated unless the flight crew verifies that a physical (hands-on) check is made of the upper wing in the location of the missing decals and/or tufts to assure that there is no ice on the wing when icing conditions exist;

OR

(b) When the ambient temperature is more than 50 degrees F.''

Installation of Inspection Aids

(c) Within 30 days after January 17, 1992, install inspection aids (i.e., tufts, decals, mount pads, painted symbols, and paint stripes) on the inboard side of the wings' upper surfaces, in accordance with McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; Revision 1, dated January 5, 1990; or Revision 2, dated August 15, 1990.

New Requirements of This AD

Repetitive Tests and One-Time Inspection

(d) For airplanes on which an overwing heater blanket system was installed without installation of a heater protection panel (HPP) or an equipment protection device (EPD) prior to the effective date of this AD: Within 60 days after the effective date of this AD, accomplish the actions specified in paragraph (d)(1) or (d)(2) of this AD, as applicable.

(1) For airplanes on which the overwing heater blanket system was installed in accordance with McDonnell Douglas Service Bulletin MD80–30–071, Revision 02, dated February 6, 1996; or McDonnell Douglas Service Bulletin MD80–30–078, Revision 01, dated April 8, 1997: Accomplish paragraphs (d)(1)(i) and (d)(1)(ii) of this AD.

(i) Remove secondary access covers, and perform a one-time detailed visual inspection to detect discrepancies (mechanical damage or punctures in the upper skin of the blanket, prying damage on the panel, and fuel leakage) of the overwing heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. And,

(ii) Accomplish paragraph (d)(1)(ii)(A) or (d)(1)(ii)(B) of this AD.

(A) Perform dielectric withstanding voltage and resistance tests in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. Repeat the tests thereafter at intervals not to exceed 150 days, until installation of an HPP in accordance with paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable.

(B) Deactivate the overwing heater blanket system until accomplishment of dielectric withstanding voltage and resistance tests specified in paragraph (d)(1)(ii)(A). If the overwing heater blanket system is deactivated as provided by this paragraph, continue to accomplish the requirements of paragraphs (a), (b), and (c) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface

cleaning and elaborate access procedures may be required.''

(2) For airplanes on which the overwing heater blanket system was installed in accordance with TDG Aerospace, Inc., STC SA6042NM: Accomplish paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.

(i) Remove secondary access covers, and perform a one-time detailed visual inspection to detect discrepancies (mechanical damage or punctures in the upper skin of the blanket, prying damage on the panel, and fuel leakage) of the overwing heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. And,

(ii) Accomplish paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this AD.

(A) Perform dielectric withstanding voltage and resistance tests in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. Repeat the tests thereafter at intervals not to exceed 150 days, until installation of an EPD in accordance with paragraph (f)(2)(i) of this AD.

(B) Deactivate overwing heater blanket system until accomplishment of dielectric withstanding voltage and resistance tests specified in paragraph (d)(2)(ii)(A). If the overwing heater blanket system is deactivated as provided by this paragraph, continue to accomplish the requirements of paragraphs (a), (b), and (c) of this AD.

Corrective Action

(e) If any discrepancy is detected during any inspection or test performed in accordance with paragraph (d) of this AD, prior to further flight, repair or replace the affected heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997; except as provided in paragraph (h) of this AD.

Note 3: McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997, references TDG Aerospace Document E95–451, Revision B, dated January 31, 1996, as an additional source of service information for accomplishment of repair or replacement of the overwing heater blanket.

Installation of Overwing Heater Blanket or Primary Upper Wing Ice Detection System

(f) Within 3 years after the effective date of this AD, do the requirements of either paragraph (f)(1) or (f)(2) of this AD.

(1) Do the actions specified in paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable.

(i) For airplanes listed in Group 1 in McDonnell Douglas ServiceBulletin MD80–30–090, dated October 19, 1999: Install an overwing heater blanket system in accordance with McDonnell Douglas Service Bulletin MD80–30–071, Revision 02, dated February 6, 1996; and modify and reidentify the existing HPP in accordance with McDonnell Douglas Service Bulletin MD80–30–090. Modification of the existing HPP in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(1)(ii)(A) of this AD.

(ii) For airplanes listed in Group 2 in McDonnell Douglas Service Bulletin MD80–30–090, dated October 19, 1999: Install an overwing heater blanket system in accordance with McDonnell Douglas Service Bulletin MD80–30–078, Revision 01, dated April 8, 1997; and install an HPP and associated wiring in accordance with McDonnell Douglas Service Bulletin MD80–30–090. Installation of an HPP and associated wiring in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(1)(ii)(A) of this AD.

Note 4: For other airplanes, accomplishment of the requirements of paragraph (f)(1)(i) or (f)(1)(ii) of this AD may be acceptable per paragraph (i)(1) of this AD.

(2) Accomplish the actions specified in either paragraph (f)(2)(i), (f)(2)(ii), or (f)(2)(iii) of this AD.

(i) Install an overwing heater blanket system, and install an EPD that provides a circuit protection function to the overwing heater blanket, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Installation of an EPD in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(2)(ii)(A) of this AD.

Note 5: Installation of an overwing heater blanket system and installation of an EPD that provides a circuit protection function to the overwing heater blanket, in accordance with TDG Aerospace, Inc., SA6042NM, or TDG Master Drawing List (MDL) E93–104, Revision R, dated October 25, 2000; is an approved means of compliance with the requirements of paragraph (f)(2)(i) of this AD

(ii) Install an overwing heater blanket system in accordance with a method approved by the Manager, Los Angeles ACO.

Note 6: Installation of an overwing heater blanket system in accordance with AlliedSignal STC SA6061NM, is an approved means of compliance with the requirements of paragraph (f)(2)(ii) of this AD.

(iii) Install an FAA-approved primary upper wing ice detection system in accordance with a method approved by the Manager, Los Angeles ACO.

Note 7: Boeing (McDonnell Douglas) has received FAA approval of an acceptable primary upper wing ice detection system. This modification has been assigned a Boeing (McDonnell Douglas) service bulletin number but, at this time, no service bulletin is available.

AFM Revision

(g) Except as provided by paragraph (h) of this AD, prior to further flight after accomplishment of the installation required by paragraph (f)(1) or (f)(2) of this AD, revise the Limitations Section of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM. After accomplishment of the installation required by paragraph (f)(1) or (f)(2) of this AD and this AFM revision, the AFM revisions required by paragraphs (a) and (b) of this AD may be removed from the AFM, and the inspection aids required by paragraph (c) of this AD may be removed from the airplane.

''*Ice on Wing Upper Surfaces*

CAUTION

Ice shedding from the wing upper surface during takeoff can cause severe damage to one or both engines, leading to surge, vibration, and complete thrust loss. The formation of ice can occur on wing surfaces during exposure of the airplane to normal icing conditions. Clear ice can also occur on the wing upper surfaces when cold-soaked fuel is in the main wing fuel tanks, and the airplane is exposed to conditions of high humidity, rain, drizzle, or fog at ambient temperatures well above freezing. Often, the ice accumulation is clear and difficult to detect visually. The ice forms most frequently on the inboard, aft corner of the main wing tanks. [END OF CAUTIONARY NOTE]''

(h) An airplane may be operated with an inoperative overwing heater blanket or primary upper wing ice detection system for 10 days per the Master Minimum Equipment List (MMEL), provided that the actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD are done before further flight.

(1) Revise the Limitations Section of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''*Ice on Wing Upper Surfaces*

CAUTION

The wing upper surfaces must be physically checked for ice when the airplane has been exposed to conditions conducive to ice formation. Takeoff may not be initiated unless the flight crew verifies that a visual check and a physical (hands-on) check of the wing upper surfaces have been accomplished, and that the wing is clear of ice accumulation when any of the following conditions occur:

(1) When the ambient temperature is less than 50 degrees F and high humidity or visible moisture (rain, drizzle, sleet, snow, fog, etc.) is present;

(2) When frost or ice is present on the lower surface of either wing;

(3) After completion of de-icing.

When inspection aids (i.e. tufts, decals, mount pads, painted symbols, and paint stripes) are installed in accordance with McDonnell Douglas MD–80 Service Bulletin 30–59, the physical check may be made by assuring that all installed tufts move freely.

NOTE

This limitation does not relieve the requirement that aircraft surfaces are free of frost, snow, and ice accumulation, as required by Federal Aviation Regulations §§ 91.527 and 121.629. [END OF NOTE]''

(2) Revise the CDL Appendix of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''*30–80–01 Triangular Decal and Tuft Assemblies*

Up to two (2) decals or tufts per side may be missing, provided:

(a) At least one decal and tuft on each side is located along the aft spar line; and

(b) The tufts are used for performing the physical check to determine that the upper wing is free of ice by observing that the tufts move freely.

Up to eight (8) decals and/or tufts may be missing, provided:

(a) Takeoff may not be initiated unless the flight crew verifies that a physical (hands-on) check is made of the upper wing in the location of the missing decals and/or tufts to assure that there is no ice on the wing when icing conditions exist;

OR

(b) When the ambient temperature is more than 50 degrees F.''

(3) Install inspection aids (i.e., tufts, decals, mount pads, painted symbols, and paint stripes) on the inboard side of the wings' upper surfaces, in accordance with McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; Revision 1, dated January 5, 1990; or Revision 2, dated August 15, 1990.

Alternative Methods of Compliance

(i)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

(2) The following alternative methods of compliance (AMOC) were approved previously per AD 92–03–02, amendment 39–8156, and are approved as AMOC's with the indicated paragraphs of this AD:

(i) Installation of a non-skid, striped triangular symbol per Option 5 of McDonnell Douglas Service bulletin MD80–30–059, Revision 4 though Revision 7, is approved as an AMOC with paragraph (b) of this AD.

(ii) Revision of the Configuration Deviation List (CDL) Appendix of the AFM by inserting a copy of CDL Appendix, Section I, Page 2A, dated March 10, 1993, into the AFM, is approved as an AMOC with paragraph (c) of this AD.

Note 8: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(k) The actions required by paragraphs (c), (d), (e), (f)(1), and (h)(3) of this AD shall be done in accordance with the applicable service document identified in Table 1 of this AD.

TABLE 1.—REFERENCED SERVICE DOCUMENTS

Service document	Revision level	Date
McDonnell Douglas Service Bulletin 30–59.	Original ...	Sept. 18, 1989.
McDonnell Douglas Service Bulletin 30–59.	1	Jan. 5, 1990.
McDonnell Douglas Service Bulletin 30–59.	2	Aug. 15, 1990.
McDonnell Douglas Alert Service Bulletin MD80–30A087.	Original ...	Sept. 22, 1997.
McDonnell Douglas Service Bulletin MD80–30–090.	Original ...	Oct. 19, 1999.
McDonnell Douglas Service Bulletin MD80–30–078.	01	Apr. 8, 1997.
McDonnell Douglas Service Bulletin MD80–30–071.	02	Feb. 6, 1996

(1) The incorporation by reference of McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; McDonnell Douglas Service Bulletin 30–59, Revision 1, dated January 5, 1990; and McDonnell Douglas Service Bulletin 30–59, Revision 2, dated August 15, 1990; was approved previously by the Director of the Federal Register as of January 17, 1992 (57 FR 2014, January 17, 1992).

(2) The incorporation by reference of the remaining service bulletins listed in Table 1 of this AD, was approved previously by the Director of the Federal Register as of May 7, 2001 (66 FR 17499, April 2, 2001).

(3) Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(1) The effective date of this amendment remains May 7, 2001.

Issued in Renton, Washington, on May 30, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14040 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–283–AD; Amendment 39–12248; AD 2001–11–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747–100 series airplanes, that currently requires repetitive inspections to detect cracking of the outer chord of the body station (BS) 1480 upper and lower bulkhead and longeron splice fitting; repair, if necessary; and modification of the skin splice plate, the outer chord splice fitting, and the stringer interface of the lower bulkhead, if necessary. This amendment revises the applicability of the existing AD to add additional airplanes, requires accomplishment of previously optional inspections and clarifies those inspections, extends certain compliance times, and requires additional work in certain areas. This amendment is prompted by reports that fatigue cracking has been found in the outer chord of the BS 1480 bulkhead at the overwing longeron splice on airplanes not subject to the existing AD. The actions specified by this AD are intended to detect and correct fatigue cracking of the skin, splice fittings, bulkhead web, and outer chord of the BS 1480 upper and lower bulkhead and longeron splice fitting, which could result in reduced structural integrity of the fuselage and the inability to carry limit load.

DATES: Effective July 16, 2001.

The incorporation by reference of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; as listed in the regulations, is approved by the Director of the Federal Register as of July 16, 2001.

The incorporation by reference of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 7, 1998 (63 FR 50508, September 22, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle,

Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–20–25, amendment 39–10791 (63 FR 50508, September 22, 1998), which is applicable to certain Boeing Model 747–100 series airplanes, was published in the **Federal Register** on November 9, 2000 (65 FR 67311). The action proposed to revise the applicability of the existing AD to add additional airplanes, require accomplishment of previously optional inspections and clarify those inspections, extend certain compliance times, and require additional work in certain areas.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Revise Statement of Unsafe Condition

One commenter requests that the FAA revise the statement of unsafe condition in various places in the proposed AD. The statement appears as follows in the proposal: ''The actions specified in this proposed AD are intended to detect and correct fatigue cracking of the outer chord * * *.'' The commenter states that cracking has also been found in the skin, splice fittings, and bulkhead web, in addition to the outer chord. The FAA concurs with the commenter's request, and has changed this statement accordingly in various locations in this final rule.

Give Credit for Revision 1 of Service Bulletin

One commenter requests that the FAA revise the proposed rule to refer to Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; in addition to the original issue of the service bulletin; as an acceptable source of service information for paragraph (a)(2). As justification for its request, the commenter states that operators of Boeing Model 747–400 series airplanes may not have the original issue of the service bulletin available. The commenter also asks the FAA to revise Note 2 of the proposed AD to refer to Revision 1.

The FAA concurs with the intent of the commenter's request, but not with its justification because paragraph (a)(2) of this AD does not apply to Model 747–400 series airplanes. The FAA acknowledges, however, that Boeing Alert Service Bulletin 747–53A2390, Revision 1, has previously been approved as an alternative method of compliance for the actions in paragraphs (a)(1) and (a)(2) of this AD. To clarify this, the FAA has revised this final rule to add Note 2 after paragraph (a) of this AD, which states that Revision 1 has been approved as an alternative method of compliance for paragraphs (a)(1) and (a)(2) of this AD. (Subsequent notes have been renumbered accordingly.) Also, the FAA has revised Note 3 of this final rule (which was Note 2 of the proposed rule) to refer to Revision 1 as well as the original issue of the service bulletin.

Revise Various Paragraphs for Clarification

One commenter requests that, for clarity, the FAA make the following changes to the proposed rule, for the following reasons:

- Revise the phrase ''in accordance with the flight safety inspection program'' to ''in accordance with the after[-]modification inspection program'' in paragraphs (d)(2), (e)(2), and (g)(2), because the inspections following the Plan ''B'' modification should not be confused with the flight safety inspections for Plan ''A.''
- Revise the reference to Figures 6 and 7 in paragraph (e)(1) of the proposed rule to refer to only Figure 6, because Figure 7 includes a one-time inspection already required under paragraph (e).
- Revise the reference to ''Figure 3 or Figure 8'' in paragraph (g)(1) to read ''Figures 3 and 8,'' because Figures 3 and 8 are both necessary to accomplish inspections per Plan ''A.''
- Revise the statement ''Except as provided by paragraph (b) of this AD'' in paragraph (i) of the proposed rule to read ''Except as provided by paragraph (a)(1)(i) or (b) of this AD.'' Paragraph (a)(1)(i) also provides for repairs in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER.

The FAA concurs with the commenter's requests, and has revised the appropriate paragraphs of this final rule accordingly.

The same commenter requests that the FAA revise paragraph (d)(1), paragraph (e), paragraph (e)(2), paragraph (g)(1), and paragraph (i) to refer to the original issue of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997, in addition to Revision 1, as an acceptable source of service information for the actions in those paragraphs. The commenter states that operators that accomplished requirements in accordance with the original issue of the service bulletin should receive credit for these actions.

The FAA concurs with the intent of the commenter's request, and has added a new note, Note 6, to this AD to state that accomplishment of the actions specified in paragraphs (d)(1), (e), (e)(2), (g)(1), and (i) of this AD, in accordance with the original issue of Boeing Alert Service Bulletin 747–53A2390, is acceptable for compliance with those paragraphs.

Revise Paragraph (i) To Require FAA-Approved Repairs

One commenter requests that the FAA revise paragraph (i) to require that damage beyond the repair limits specified in the service bulletin be repaired according to a method approved by the FAA. The commenter states that operators must contact Boeing or the FAA to ensure that damage beyond the specified limits is repaired so that the repair meets the FAA type certificate, and to have the repaired structure evaluated for reduced inspection thresholds and repeat intervals. (Structure at fastener holes that are oversized beyond the limits in the service bulletin will have reduced fatigue life, and cracks in the area may grow rapidly.)

The FAA partially concurs with the commenter's request. The FAA considers that, as proposed, paragraph (b) of this AD would already require that operators repair any damage outside the limits specified in the service bulletin in accordance with a method approved by the FAA or with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings. However, the FAA finds that explicitly stating this requirement in paragraph (i) may clarify the requirements of that paragraph. Thus, the FAA has revised paragraph (i) in this final rule accordingly.

Add Grace Period for and Clarify Paragraph (f)(2)

One commenter requests that the FAA revise the compliance time in paragraph (f)(2) of the proposed AD from ''Prior to the accumulation of 20,000 total flight cycles, or at the time of the next scheduled inspection of the lower bulkhead in accordance with paragraph (a)(2) of this AD, whichever occurs later,'' to ''20,000 total flight cycles, within 1,000 flight cycles of the effective date of the AD, or within 10,000 flight cycles of the previous inspections accomplished in accordance with paragraph (g)(1) of this AD, whichever occurs latest.'' The commenter states that the proposed compliance time could cause airplanes to be grounded if an airplane has more than 20,000 total flight cycles but has not previously been inspected per paragraph (a)(2).

The FAA does not concur with the commenter's request. The compliance times in paragraph (f)(2) only apply if an inspection of the lower bulkhead has been done per paragraph (a)(2). If an airplane has not been inspected per paragraph (a)(2), then the compliance time in paragraph (f)(1), which includes a grace period of 1,000 flight cycles after the effective date of this AD, applies. No change is necessary in this regard.

Also in reference to paragraph (f)(2), the commenter notes that paragraph (a)(2) tells operators how, but not when, to inspect the bulkhead splice and bulkhead stringer interfaces. The FAA infers that the commenter is requesting that the FAA clarify the reference to paragraph (a)(2) in paragraph (f)(2) of this AD, and the FAA concurs with this request. Paragraph (a)(2)(ii) states that repetitive inspections are to be accomplished according to the flight safety inspection program, as specified in Figures 1 and 3 of the service bulletin. Figure 3 specifies the 10,000-flight-cycle repetitive interval. Therefore, the FAA finds that paragraph (f)(2) of this AD should refer to paragraph (a)(2)(ii) of this AD, and has revised that paragraph accordingly.

Increase Threshold for Inspections of Splice Area and Stringer Interface

One commenter requests that the FAA revise the proposed rule to increase the compliance threshold for the inspections of the splice area (from 16,000 total flight cycles) and the stringer interface (from 20,000 total flight cycles). The commenter suggests a threshold of 25,000 total flight cycles. The commenter bases its request on inspections of its airplanes, many of which had more than 25,000 total flight cycles at the time of inspection. Though cracks were found, all were small enough to be removed by oversizing holes or installing bushing repairs.

The FAA does not concur with the commenter's request. Service information from the airplane manufacturer shows that large bulkhead repairs have been necessary on airplanes in Groups 1 through 3 with as few as 19,387 total flight cycles. Also, replacement of bulkhead cap fittings has been necessary on airplanes in Groups 4 through 18 with as few as 13,206 total flight cycles. These findings are consistent with the fact that the subject cracking is caused by fatigue, which can initiate cracks on airplanes at a wide range of flight cycles. In view of this information, the fact that the commenter found no large cracks on its airplanes, though the airplanes had more than 25,000 total flight cycles, does not justify an increase in the compliance threshold. The FAA finds that the proposed compliance times are necessary to ensure an adequate level of safety, and no change to the final rule is necessary in this regard.

Request To Delete References to Appendices

One commenter requests that the FAA revise paragraphs (c), (d), (d)(1), and (d)(2) of the proposed rule, to delete the references to Appendices C and D of the service bulletin. The commenter states that these paragraphs apply to airplanes in Groups 1 through 3, but Appendices C and D of the service bulletin only apply to airplanes in Groups 4 through 22. The commenter also asks the FAA to revise paragraph (e) to delete the reference to Appendix B of the service bulletin, because paragraph (e) applies to airplanes in Groups 4 through 22, but Appendix B of the service bulletin only applies to airplanes in Groups 1 through 3.

The FAA does not concur with the commenter's request. The references to the appendices with which the commenter is concerned are included in those paragraphs as a citation of the full service bulletin reference (Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000). If a service bulletin includes one or more appendices which are numbered separately from the main body of the service bulletin, the Office of the Federal Register requires the FAA to specify all appendices as part of every full citation of the service bulletin. No change to the final rule is necessary in this regard.

Give Credit for Previous Accomplishment of Paragraph (e)

One commenter requests that the FAA revise paragraph (e) of the proposed AD to give credit for inspections accomplished prior to the effective date of the AD. The commenter specifically requests that the FAA include a grace period of 6,000 flight cycles since the last inspection in accordance with paragraph (e)(1) of the AD. (The repetitive interval for the subject inspection is 6,000 flight cycles.)

The FAA concurs with the commenter's intent, but notes that credit for previously accomplished AD actions is always given by means of the phrase included in every AD, ''Required as indicated, unless accomplished previously.'' No change to the final rule is necessary in this regard.

Clarify Paragraphs (d)(2), (e)(2), and (g)(2)

One commenter requests that the FAA revise paragraphs (d)(2), (e)(2), and (g)(2) of the proposed rule to state, ''* * * this paragraph postpones the repetitive inspection requirements * * *'' rather than, ''* * * this paragraph terminates the repetitive inspection requirements.'' The commenter states that the actions in the service bulletin do not terminate inspections, but rather postpone inspections until 10,000, 16,000, or 20,000 flight cycles, as applicable, after modification.

The FAA does not concur with the commenter's request. The sentences in the paragraphs to which the commenter refers specify termination of the repetitive inspection requirements under Plan ''A.'' The paragraphs to which the commenter refers clearly state that inspections must still be accomplished in accordance with the after-modification inspection program. No change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,128 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 259 airplanes of U.S. registry will be affected by this AD.

AD 98–20–25 applies to airplanes listed in Groups 1 through 3 of the service bulletin. The detailed visual inspection that is currently offered as one alternative for compliance with AD 98–20–25 takes approximately 16 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $960 per airplane, per inspection cycle.

For airplanes listed in Groups 1 through 3 in the service bulletin (34 U.S.-registered airplanes), the new detailed visual, ultrasonic, and open hole high frequency eddy current (HFEC) inspections of the upper bulkhead area that are required by this AD will take approximately 32 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $65,280, or $1,920 per airplane, per inspection cycle.

For airplanes listed in Groups 4 through 22 in the service bulletin (191 U.S.-registered airplanes), the new detailed visual, ultrasonic, and open hole HFEC inspections of the upper bulkhead area that are required by this AD will take approximately 22 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $252,120, or $1,320 per airplane, per inspection cycle.

For all airplanes listed in the applicability of this AD (259 U.S.-registered airplanes), the new detailed visual, ultrasonic, and open hole HFEC inspections of the lower bulkhead/stringer interface area that are required by this AD will take approximately 30 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these required inspections on U.S. operators is estimated to be $466,200, or $1,800 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10791 (63 FR 50508, September 22, 1998), and by adding a new airworthiness directive (AD), amendment 39–12248, to read as follows:

2001–11–06 Boeing: Amendment 39–12248. Docket 98–NM–283–AD. Supersedes AD 98–20–25, Amendment 39–10791.

Applicability: Model 747 series airplanes, line numbers (L/N) 1 through 1254 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (j)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the skin, splice fittings, bulkhead web, and outer chord of the body station (BS) 1480 bulkhead at the overwing longeron splice, which could result in reduced structural integrity of the fuselage and the inability to carry limit load, accomplish the following:

Restatement of Requirements of AD 98–20–25: Repetitive Inspections and Repair

(a) For Model 747–100 series airplanes, L/N 1 through 87 inclusive: Prior to the accumulation of 10,000 total flight cycles, or within 45 days after October 7, 1998 (the effective date of AD 98–20–25, amendment 39–10791), whichever occurs later, accomplish either paragraph (a)(1) or (a)(2) of this AD.

Note 2: Inspections per Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; have been approved as an alternative method of compliance for the actions in paragraphs (a)(1) and (a)(2) of this AD.

(1) Perform a detailed visual inspection to detect cracking of the longeron splice fitting at BS 1480, the forward side of the outer chord of the BS 1480 bulkhead at the longeron splice fitting attachment bolts, and the aft side of the outer chord of the BS 1480 bulkhead within two inches above the outer chord splice fitting, on both the left and right sides of the airplane.

Note 3: Figure 5 of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997, and Revision 1, dated July 6, 2000, provides an exploded view of the structural components of the splice area for the purpose of parts identification. (However, paragraph (a)(1) of this AD does not require the inspection described in Figure 5.)

Note 4: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(i) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle

ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

(ii) Repeat the detailed visual inspection thereafter at intervals not to exceed 250 flight cycles, until the initial inspection required by paragraph (a)(2) or (d) of this AD is accomplished.

(2) Perform detailed visual, ultrasonic, and open hole high frequency eddy current (HFEC) inspections to detect cracking of the upper and lower bulkhead, bulkhead outer chord, web, skin, splice components, and lower bulkhead/stringer interface, in accordance with Figures 5 and 8 of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997. Additionally, for airplanes on which the inspection in ''Plan B'' of the service bulletin is accomplished, modify the skin splice plate, the outer chord splice fitting, and the stringer interface of the lower bulkhead, in accordance with the Accomplishment Instructions of the service bulletin. Accomplishment of these actions constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1) of this AD.

(i) If any cracking is detected, prior to further flight, repair in accordance with the service bulletin, except as provided by paragraph (b) of this AD.

(ii) Repeat the inspections thereafter in accordance with the flight safety inspection program specified in Figures 1 and 3 of the service bulletin.

(b) Where the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, repair in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

New Requirements of This AD: Groups 1 Through 3: Splice Area Work (Compliance Times)

Note 5: Airplanes inspected in accordance with paragraph (a)(2) of this AD are not required to be inspected in accordance with paragraphs (c) and (d) of this AD.

Note 6: Accomplishment of the actions specified in paragraphs (d)(1), (e), (e)(2), (g)(1), and (i) of this AD; in accordance with the original issue of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997; is acceptable for compliance with those paragraphs.

(c) For airplanes listed in Groups 1 through 3 in Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; on which the requirements of paragraph (a)(2) of this AD have NOT been accomplished prior to the effective date of this AD: Accomplish paragraph (d) of this AD at the applicable time specified in paragraph (c)(1), (c)(2), or (c)(3) of this AD.

(1) For airplanes on which the inspection specified in Boeing Service Bulletin 747–53–2333 has not been accomplished: Inspect prior to the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes on which the inspection specified in Boeing Service Bulletin 747–53–2333 has been accomplished, but the full modification specified in that service bulletin has not been accomplished: Inspect at the later of the times specified in paragraphs (c)(2)(i) and (c)(2)(ii) of this AD.

(i) Prior to the accumulation of 10,000 total flight cycles, or within 2,000 flight cycles after accomplishment of the last inspection in accordance with Boeing Service Bulletin 747–53–2333, whichever occurs first.

(ii) Within 1,000 flight cycles after the effective date of this AD.

(3) For airplanes on which the full modification specified in Boeing Service Bulletin 747–53–2333 has been accomplished: Inspect at the later of the times specified in paragraphs (c)(3)(i) and (c)(3)(ii) of this AD.

(i) Prior to the accumulation of 16,000 total flight cycles, or within 6,000 flight cycles after accomplishment of the full modification in accordance with Boeing Service Bulletin 747–53–2333, whichever occurs first.

(ii) Within 1,000 flight cycles after the effective date of this AD.

Groups 1 Through 3: Splice Area Work (Inspections)

(d) For airplanes listed in Groups 1 through 3 in Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; on which the requirements of paragraph (a)(2) of this AD have NOT been accomplished prior to the effective date of this AD: At the applicable time specified in paragraph (c) of this AD, accomplish paragraph (d)(1) or (d)(2) of this AD. Accomplishment of the requirements of this paragraph constitutes terminating action for the repetitive inspection requirements specified in paragraph (a)(1) of this AD, or, for the upper bulkhead splice area ONLY, for the inspection requirements specified in paragraph (a)(2) of this AD.

(1) *Plan ''A'':* Perform detailed visual, ultrasonic, and HFEC inspections to detect cracking of the splice area, in accordance with Plan ''A'' and Figure 5, as defined in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. Repeat the inspections thereafter in accordance with the flight safety inspection program as specified under Plan ''A'' and Figure 1 of the service bulletin.

(2) *Plan ''B'':* Modify the skin splice plate and outer chord splice fitting in accordance with Plan ''B,'' as defined in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. Perform HFEC inspections and modification, then accomplish repeat open hole HFEC inspections, in accordance with the after-modification inspection program, as specified under Plan ''B'' and Figure 1 of the service bulletin. Accomplishment of the modification and inspections in accordance with this paragraph terminates the repetitive inspection requirements in paragraph (d)(1) of this AD.

Groups 4 Through 22: Splice Area Work (Compliance Time and Inspections)

(e) For airplanes listed in Groups 4 through 22 in Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000: Prior to the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later, perform detailed visual and ultrasonic inspections to detect cracking of the bulkhead forward flange in accordance with Figure 7 of the service bulletin, and accomplish the requirements of either paragraph (e)(1) or (e)(2) of this AD.

(1) *Plan ''A'':* Perform open hole HFEC inspections to detect cracking of the splice area, in accordance with Plan ''A'' and Figure 6, as defined in the Accomplishment Instructions of the service bulletin. Repeat the inspections thereafter in accordance with the flight safety inspection program as specified under Plan ''A'' and in Figure 2 of the service bulletin.

(2) *Plan ''B'':* Perform open hole HFEC inspections and modification of the upper bulkhead, bulkhead outer chord, web, skin, and splice components; in accordance with Plan ''B,'' as defined in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. Thereafter, repeat the open hole HFEC inspections in accordance with the after-modification inspection program as specified under Plan ''B'' and Figure 2 of the service bulletin. Accomplishment of the modification and inspections in accordance with this paragraph terminates the repetitive inspection requirements specified in paragraph (e)(1) of this AD.

All Airplanes: Lower Bulkhead/Stringer Interface Work (Compliance Times)

(f) For all airplanes (L/N 1 through 1254 inclusive): At the applicable time specified in paragraph (f)(1) or (f)(2) of this AD, accomplish paragraph (g) of this AD.

(1) For airplanes on which an inspection of the lower bulkhead has NOT been accomplished prior to the effective date of this AD in accordance with paragraph (a)(2) of this AD: Inspect prior to the accumulation of 20,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes on which an inspection of the lower bulkhead HAS been accomplished prior to the effective date of this AD in accordance with paragraph (a)(2) of this AD: Inspect prior to the accumulation of 20,000 total flight cycles, or at the time of the next scheduled inspection of the lower bulkhead in accordance with paragraph (a)(2)(ii) of this AD, whichever occurs later.

All Airplanes: Lower Bulkhead/Stringer Interface Work (Inspections)

(g) For all airplanes (L/N 1 through 1254 inclusive): At the applicable time specified in paragraph (f) of this AD, accomplish paragraph (g)(1) or (g)(2) of this AD. For

airplanes having L/N 1 through 87 inclusive, accomplishment of the requirements of this paragraph constitutes terminating action for the inspection requirements specified in paragraph (a)(2) of this AD for the lower bulkhead/stringer interface area ONLY.

(1) *Plan ''A'':* Perform detailed visual and either ultrasonic or open hole HFEC inspections, as applicable, to detect cracking of the lower bulkhead/stringer interface area, in accordance with Plan ''A'' and Figure 8, as defined in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. Repeat the inspections thereafter in accordance with the flight safety program as specified under Plan ''A'' and Figures 3 and 8 of the service bulletin.

(2) *Plan ''B'':* Except as provided by paragraph (h) of this AD, perform open hole HFEC inspections and modification of the lower bulkhead/stringer interface area, in accordance with Plan ''B'' and Figure 19, as defined in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. Thereafter, repeat the detailed visual and either ultrasonic or open hole HFEC inspections, as applicable, in accordance with the after-modification inspection program as specified under Plan ''B'' and Figures 3 and 8 of the service bulletin. Accomplishment of the modification and inspections in accordance with this paragraph terminates the repetitive inspection requirements specified in paragraph (g)(1) of this AD.

Airplanes Modified With Original Service Bulletin: Post-Modification Work

(h) For any airplane (L/N 1 through 1254 inclusive) on which the modification specified in paragraph (g)(2) was accomplished prior to the effective date of this AD in accordance with the original issue of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997: Prior to the accumulation of 20,000 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, accomplish post-modification work in accordance with Figure 26 of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000.

Repair

(i) Except as provided by paragraph (a)(1)(i) or (b) of this AD, if any cracking is detected during any inspection required by this AD, prior to further flight, repair in accordance with Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000. If any damage is found that is beyond the limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Alternative Methods of Compliance

(j)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 98–20–25, amendment 39–10791, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(l) Except as provided by paragraphs (a)(1), (a)(1)(i), (a)(1)(ii), (b), and (i) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997; or Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; as applicable.

(1) The incorporation by reference of Boeing Alert Service Bulletin 747–53A2390, Revision 1; including Appendices A, B, C, and D; dated July 6, 2000; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Alert Service Bulletin 747–53A2390, dated July 31, 1997, was approved previously by the Director of the Federal Register as of October 7, 1998 (63 FR 50508, September 22, 1998).

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(m) This amendment becomes effective on July 16, 2001.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14001 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–156–AD; Amendment 39–12254; AD 2001–11–11]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737, 747, and 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737, 747, and 777 series airplanes, that requires replacement of the seat track fittings on all passenger seats with new, improved fittings. The actions specified by this AD are intended to prevent unrestrained movement of the passenger seats during high forward deceleration of the airplane, which could result in injury to the passengers or crew members during an emergency landing.

DATES: Effective July 16, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 16, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jan Risheim, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–1675; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737, 747, and 777 series airplanes was published in the **Federal Register** on December 22, 2000 (65 FR 80794). That action proposed to require replacement of the seat track fittings on all passenger seats with new, improved fittings.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from one commenter.

Change Unsafe Condition and Paragraph (a) of Proposed Rule

A single commenter asks that the unsafe condition in the proposed rule which states, ''To prevent unrestrained movement of the passenger seats during high forward deceleration of the airplane, which could result in injury to the passengers or crew members during an emergency landing,'' be changed to read, ''To verify that during seat installation no over-torque on seat track fitting shear bolts occurred.'' The commenter also asks that paragraph (a) of the proposed rule be changed to read, ''Within 1 month after the effective date of this AD: Inspect all the seat track fittings on all the passenger seats as specified in the applicable component maintenance manual under the section titled, 'Troubleshooting,' following the troubleshooting procedure therein.''

The commenter states that if the old fitting is properly installed (i.e., the maximum allowable torque value is not exceeded, and the shear plunger is correctly engaged), no risk of unrestrained movement of the passenger seat under any circumstances, including high forward deceleration, can occur. The commenter notes that this has been demonstrated during the certification process of the seat, and found acceptable by all involved airworthiness authorities. To date there is no evidence that such an occurrence is even possible, provided that the installation specifications of the seat manufacturer are fully accomplished. The commenter also states that if the new improved fitting is used, but the maximum allowable torque value is exceeded, then an unrestrained movement of the passenger seat is possible exactly as with the old fitting in the same condition. The commenter concludes that issuance of an airworthiness directive requiring the replacement of old fittings with new, improved fittings having a higher maximum torque value only, is ineffective to prevent unrestrained seat movement. Additionally, the origin of the eventual safety problem resides in the application on the shear bolt of high torque value, exceeding the maximum allowable torque specified by the seat manufacturer.

The FAA does not concur. As stated in the proposed rule, the manufacturer reported that the shear plunger screws of certain seat track fittings broke during installation. Analysis of the broken screws revealed that various modifications had weakened the shear plunger screws. Further analysis revealed that high torque during seat installation resulted in broken shear plunger screws and subsequent disengagement of the shear plunger from the seat track. Additionally, the manufacturer found that the threads used to attach the shear plunger screws to the seat track were filled with coating that was used on the exterior of the screws, which increases the torque required to install the screw. This information indicates that the torque required to install the shear plunger screws is very close to the strength of the screw, and as the seats are moved for maintenance or interior reconfigurations, breaking of the shear plunger screws is to be expected. The new, improved design of the seat track fitting corrects the deficiencies in the existing design, and is necessary to correct the unsafe condition specified in this final rule. Therefore, no change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 46 Model 737, 747, and 777 series airplanes of the affected design in the worldwide fleet.

For Model 737 series airplanes (2 U.S.-registered airplanes): It will take approximately 10 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $15,100 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $31,400, or $15,700 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Currently, there are no affected Model 747 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it requires approximately 29 work hours to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $43,000. Based on these figures, the cost impact of the replacement required by this AD will be $44,740 per airplane.

Currently, there are no affected Model 777 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it requires approximately 24 work hours to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $36,400. Based on these figures, the cost impact of the replacement required by this AD will be $37,840 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–11–11 Boeing: Amendment 39–12254. Docket 2000–NM–156–AD.

Applicability: Model 737, 747, and 777 series airplanes; certificated in any category; as specified in the Boeing service bulletins listed in Table 1. below:

TABLE 1.—APPLICABILITY

For Model 737 series airplanes.	737–25–1371, Revision 2, dated December 9, 1999;
For Model 737 series airplanes.	737–25–1407, dated December 9, 1999;
For Model 747 series airplanes.	747–25–3196, Revision 1, dated May 13, 1999; or
For Model 777 series airplanes.	777–25–0111, Revision 1, dated December 13, 1999;

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent unrestrained movement of the passenger seats during high forward deceleration of the airplane, which could result in injury to the passengers or crew members during an emergency landing, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD: Replace all the seat track fittings on all the passenger seats with new, improved fittings, in accordance with the Accomplishment Instructions specified in Boeing Service Bulletin 737–25–1371; Revision 2 or 737–25–1407, both dated December 9, 1999 (for Model 737 series airplanes); Boeing Service Bulletin 747–25–3196, Revision 1, dated May 13, 1999 (for Model 747 series airplanes); or Boeing Service Bulletin 777–25–0111, Revision 1, dated May 13, 1999 (for Model 777 series airplanes); as applicable.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The replacement shall be done in accordance with Boeing Service Bulletin 737–25–1371, Revision 2, dated December 9, 1999; Boeing Service Bulletin 737–25–1407, dated December 9, 1999; Boeing Service Bulletin 747–25–3196, Revision 1, dated May 13, 1999; or Boeing Service Bulletin 777–25–0111, Revision 1, dated May 13, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on July 16, 2001.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–13998 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–350–AD; Amendment 39–12250; AD 2001–11–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747–400, 757–200, 767–200, and 767–300 series airplanes, that currently requires repetitive checks to detect certain failures in the warning electronic unit (WEU) or modular avionic warning electronic assembly (MAWEA); repetitive tests to detect any failure of tactile, visual, or aural alerts generated by the WEU or MAWEA; and corrective action, if necessary. This amendment makes these requirements applicable to other airplanes on which the defective power supplies may be installed, eliminates the repetitive tests for certain airplanes, and increases the interval for the repetitive tests for certain other airplanes. This amendment also requires replacing any subject power supply in the WEU or MAWEA with a new, modified, or serviceable power supply. The actions specified by this AD are intended to prevent failure of the WEU or MAWEA power supplies, which could result in loss of visual, aural, and tactile alerts to the flightcrew. Absence of such alerts could result in the flightcrew being unaware that an immediate or appropriate action should be taken in the event of an unsafe condition.

DATES: Effective July 16, 2001.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of July 16, 2001.

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of September 16, 1999 (64 FR 47653, September 1, 1999).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sheila I. Mariano, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2675; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) by superseding AD 99–18–16, amendment 39–11282 (64 FR 47653, September 1, 1999), applicable to certain Boeing Model 747–400, 757–200, 767–200, and 767–300 series airplanes, was published in the **Federal Register** on June 15, 2000 (65 FR 37494). That action proposed to continue to require the actions specified in AD 99–18–16, and to add a terminating action for the repetitive checks and tests. That action also proposed to make those requirements applicable to other airplanes on which the defective power supplies may be installed, eliminate the repetitive tests for certain airplanes, and increase the interval for the repetitive tests for certain other airplanes. Additionally, that action also proposed to require replacement of any subject power supply in the WEU or MAWEA with a new, modified, or serviceable power supply. That action was prompted by a report of a MAWEA power supply failure due to inadequate over-voltage protection.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposed AD

One commenter supports the actions specified by the proposed AD. Four other commenters state that they are either not affected by the proposed AD or are in compliance with the proposed actions.

Request To Withdraw the Proposed AD

One commenter states that the FAA should determine the number of power supply modules, part number (P/N) 285T0035–201, currently installed on airplanes. If the subject power supply module is found, the FAA should require a fleet check for part numbers and serial numbers before requiring fleetwide preflight checks. If the manufacturer of the subject part (Boeing) could identify which serial numbers were produced and identify the units that have been modified by July 2000, there may be no need to issue an AD. The FAA infers that the commenter is requesting that the proposed AD be withdrawn.

The FAA does not concur that the proposed AD should be withdrawn. The applicability of this AD limits the requirements to only certain airplanes on which the affected P/N is installed. Airplanes not included in the applicability are not subject to preflight checks or the requirements of this AD. Issuance of this AD is necessary to require U.S. operators of airplanes with the affected P/N installed to accomplish the required actions.

Request To Clarify the Terminating Action

One commenter requests that the FAA clarify the terminating action required by the proposed AD. The commenter states that the intent of the proposed AD is to replace all power supplies, P/N 285T0035–201, found on certain Model 747, 757, and 767 series airplanes and those power supplies in stock. After such replacement, no further repetitive checks are required. However, the proposed AD does not provide clear direction to the terminating action. Paragraphs (a) and (b) of the proposed AD require ''test and replacement'' action per paragraph (c) or (f). If the action in paragraph (c) or (f) is terminated, operators are not required to do the action required by paragraph (d) or (e), which specify repetitive checks (for Model 747–400 and -400F series airplanes not listed in paragraph (a)) and repetitive checks and functional tests (for Model 757 and 767 series airplanes not listed in paragraph (b)). The operator states that, even though it has replaced the subject power supplies, the proposed AD still requires the repetitive checks (as specified in paragraph (d) of the proposed AD), and the repetitive checks and functional tests (as specified in paragraph (e) of the proposed AD). This creates an unintended burden on operators.

The FAA clarifies that the actions required by paragraphs (a), (b), and (c) of this AD in the section, ''Partial Restatement of Requirements of AD 99–18–16,'' are included for operators that have not already replaced the power supplies. For those operators, the checks and functional tests, as well as the corrective actions, continue to be required by this new AD. The replacement action was not required by AD 99–18–16. However, this new AD requires replacement of any subject power supplies within 1 year after the effective date of this AD, as the terminating action. Paragraphs (c)(1), (c)(2), and (c)(3) of this AD, clearly state that replacement of the subject power supplies constitutes terminating action for the requirements of this AD. In addition, we point out that the actions required by paragraphs (d) and (e) of this AD only apply to airplanes not subject to the requirements of paragraphs (a) and (b). Paragraphs (d) and (e) both specify that replacement action terminates the repetitive checks and tests specified by this AD. The FAA has revised paragraph (f) of this final rule to clarify that such replacement terminates ''the requirements of this AD,'' rather than ''the repetitive inspection requirements of this AD.''

Request To Add an Inspection Requirement

One commenter requests an inspection of the power supply module to identify the P/N installed at the next ''A'' check or 45 days (after the effective date of this AD), whichever occurs earlier, and repetitive inspections if subject P/N 285T0035–201 is found. The commenter contends that the first action in paragraphs (d) and (e) of the proposed AD is to check the status page of the EICAS for any MAWEA or WEU failures, which assumes that the subject P/N is installed. However, the FAA should clarify those paragraphs to specify that operators first must determine if a subject P/N is installed at the next ''A'' check or 45 days (after the effective date of this AD), whichever occurs first. If a subject P/N is found, then the proposed AD should require repetitive checks (as specified in paragraphs (d) and (e) of the proposed AD). The commenter adds that there is no assurance that the subject P/N has not been subsequently installed on an airplane that was modified per AD 99–18–16.

The FAA does not concur with the commenter's request to require an additional inspection to determine if a subject P/N is installed. The applicability statement and certain paragraphs of this AD limit the required actions to only certain airplanes equipped with either a WEU or MAWEA power supply having P/N 28T0035–201. Some operators should be able to review their maintenance log books to determine if the subject P/N has been replaced. Therefore, it is not necessary to add an inspection in paragraphs (d) and (e) of this AD to determine if a subject power supply is installed.

Also, the repetitive checks required by paragraphs (d) and (e) of this AD are limited to only certain airplanes equipped with either a WEU or MAWEA power supply having P/N 285T0035–201, other than those airplanes identified in paragraph (a) or (b) of this AD. We have revised paragraphs (d) and (e) of this AD accordingly to clarify any confusion.

We do not agree that operators may have inadvertently installed the subject P/N on a previously modified airplane. We point out that, for airplanes subject to AD 99–18–16, paragraph (g) of that AD specifies that no person shall install a WEU or MAWEA power supply having P/N 285T0035–201 on any

airplane as of the effective date of that AD, as specified in paragraph (g)(1) of this AD. Therefore, no change to this AD is necessary in this regard.

Requests To Correct a Paragraph Reference

Two commenters request changing a paragraph reference in paragraphs (d)(1) and (e)(1) of the proposed AD. The commenters state that the correct paragraph reference for the terminating action required by the proposed AD is paragraph (f) instead of paragraph (e). The FAA concurs with this request and has changed the final rule accordingly.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,592 Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 802 airplanes of U.S. registry will be affected by this AD.

The repetitive checks and tests required by AD 99–18–16 are currently applicable to approximately 33 U.S.-registered airplanes. The repetitive checks and tests take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required checks and tests on U.S. operators is estimated to be $1,980, or $60 per airplane, per check/test cycle. Because this AD eliminates the currently required repetitive tests for certain airplanes, and increases the repetitive interval for the tests for certain other airplanes, this AD reduces the costs to operators currently subject to AD 99–18–16.

The repetitive checks and tests in this new action are applicable to approximately 769 additional airplanes. Based on the figures discussed above, the new costs to U.S. operators for the repetitive checks and tests imposed by this AD are estimated to be $46,140, or $60 per airplane, per check/test cycle.

For all airplanes subject to this AD, the new replacement action required by this AD takes approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $6,424 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $5,296,408, or $6,604 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing 39–11282 (64 FR 47653, September 1, 1999), and by adding a new airworthiness directive (AD), amendment 39–12250, to read as follows:

2001–11–08 Boeing: Amendment 39–12250. Docket 99-NM–350-AD. Supersedes AD 99–18–16, Amendment 39–11282.

Applicability: Model 747–400, 747–400F, 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes; equipped with either a warning electronics unit (WEU) or a modular avionics warning electronic assembly (MAWEA) power supply having part number (P/N) 285T0035–201; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (h)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the WEU or MAWEA power supplies, which could result in loss of visual, aural, and tactile alerts to the flightcrew (the absence of which could result in the flightcrew being unaware that an immediate or appropriate action should be taken in the event of an unsafe condition), accomplish the following:

Partial Restatement of Requirements of AD 99–18–16

Model 747–400 Series Airplanes: EICAS Status Page Checks

(a) For Model 747–400 and 747–400F series airplanes having line number (L/N) 1121 through 1177 inclusive: Within 15 days after September 16, 1999 (the effective date of AD 99–18–16, amendment 39–11282), check the status page of the engine indication and crew alerting system (EICAS) for any MAWEA failure. Thereafter, repeat the EICAS status page check before each flight until the requirements of paragraph (c) or (f) of this AD have been accomplished.

Model 757–200, 767–200, and 767–300 Series Airplanes: Checks and Functional Tests

(b) For Model 757–200, –200CB, and –200PF series airplanes having L/N 761 through 828 inclusive; and Model 767–200, –300, and –300F series airplanes having L/N 668 through 723 inclusive: Within 15 days after September 16, 1999, check the status page of the EICAS for any WEU failure; and perform the Work Instructions in Section 3,

Part 1, of Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 757–200, –200CB, and –200PF series airplanes); or Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 767–200, 767–300, and 767–300F series airplanes); as applicable; to detect loss of any visual, aural, or tactile alert. Thereafter, repeat the EICAS status page check before each flight, and the Work Instructions in Section 3, Part 1, of the applicable service bulletin at intervals not to exceed every ''A'' check or 45 days, whichever occurs first, until the requirements of paragraph (c) or (f) of this AD have been accomplished. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

Corrective Action

(c) If any failure of the MAWEA or WEU, as applicable, or the loss of any visual, aural, or tactile alert is detected during any test required by either paragraph (a) or (b) of this AD, prior to further flight, accomplish paragraph (c)(1), (c)(2), or (c)(3) of this AD; as applicable.

(1) For Model 747–400 or –400F series airplanes equipped with a MAWEA power supply having P/N 285T0035–201: Replace the power supplies of the MAWEA with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with either Boeing Service Bulletin 747–31–2288, dated December 17, 1998, or Revision 1, dated January 28, 1999; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–10, or P/N 285T0035–11, in accordance with Boeing Service Bulletin 747–31–2288, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

Note 2: Page 59 of Boeing Service Bulletin 747–31–2288, Revision 1, dated January 28, 1999, incorrectly references the Boeing 767 AMM as the appropriate source of service information for accomplishment of the removal and installation of the power supply. However, the correct reference is the Boeing 747 AMM.

(2) For Model 757–200, –200CB, and –200PF series airplanes equipped with a MAWEA power supply having P/N 285T0035–201: Replace the power supplies of the WEU with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11, in accordance with Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the service bulletin shall be used.

(3) For Model 767–200, –300, and –300F series airplanes: Replace the power supplies of the WEU with new or modified power supplies having P/N 285T0035–202 Mod A, in accordance with Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998; or with new, modified, or serviceable power supplies having P/N 285T0035–202 Mod A, P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11, in accordance with Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used.

New Requirements of This AD

Note 3: Boeing Component Service Bulletin 285T0035–31–07, dated December 17, 1998, describes procedures for modifying WEU or MAWEA power supplies having P/N 28T0035–201 to 285T0035–202 Mod A.

Repetitive Checks: Model 747–400 and –400F

(d) For Model 747–400 and –400F series airplanes equipped with a MAWEA power supply having P/N 28T0035–201, other than those airplanes identified in paragraph (a) of this AD: At the next ''A'' check or within 45 days, whichever occurs first, check the status page of the EICAS for any MAWEA failure.

(1) If no MAWEA failure is detected: Thereafter, repeat the EICAS status page check before each flight, until the requirements of paragraph (f) of this AD are accomplished.

(2) If any MAWEA failure is detected: Prior to further flight, replace MAWEA power supplies having P/N 285T0035–201 with new or modified power supplies having P/N 285T0035–202 Mod A, or new, modified, or serviceable power supplies having P/N 285T0035–10 or P/N 285T0035–11; in accordance with Boeing Service Bulletin 747–31–2288, Revision 2, dated November 18, 1999. Such replacement constitutes terminating action for the requirements of this AD.

Repetitive Checks and Functional Tests: Model 757 and 767

(e) For Model 757–200, 757–200CB, 757–200PF, 767–200, 767–300, and 767–300F series airplanes equipped with a WEU power supply having P/N 28T0035–201, other than those airplanes identified in paragraph (b) of this AD: At the next ''A'' check or within 45 days, whichever occurs first, check the status page of the EICAS for any WEU failure; and perform the Work Instructions in Section 3, Part 1, of Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, dated November 18, 1999; or Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, dated November 18, 1999; as applicable; to detect loss of any visual, aural, or tactile alert.

(1) If no failure of the WEU or loss of any visual, aural, or tactile alert is detected: Thereafter, repeat the EICAS status page check before each flight, and accomplish the Work Instructions in Section 3, Part 1 of the applicable service bulletin at intervals not to exceed every ''A'' check or 45 days, whichever occurs first, until the requirements of paragraph (f) of this AD are accomplished.

(2) If any failure of the WEU or loss of any visual, aural, or tactile alert is detected: Prior to further flight, replace WEU power supplies having P/N 285T0035–201, with new or modified power supplies having P/N 285T0035–202 Mod A; or new, modified, or serviceable power supplies having P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11; in accordance with the applicable service bulletin. Such replacement constitutes terminating action for the requirements of this AD.

Replacement

(f) Within 1 year after the effective date of this AD, replace WEU or MAWEA power supplies having P/N 285T0035–201, with new or modified power supplies having P/N 285T0035–202 Mod A; or new, modified, or serviceable power supplies having P/N 285T0035–9, P/N 285T0035–10, or P/N 285T0035–11; in accordance with Boeing Service Bulletin 747–31–2288, dated December 17, 1998, Revision 1, dated January 28, 1999, or Revision 2, dated November 18, 1999 (for Model 747–400 and 747–400F series airplanes); Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 757–200, 757–200CB, and 757–200PF series airplanes); or Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998, or Revision 2, dated November 18, 1999 (for Model 767–200, 767–300, and 767–300F series airplanes); as applicable. After the effective date of this AD, only Revision 2 of the applicable service bulletin shall be used. Such replacement constitutes terminating action for the requirements of this AD.

Spares

(g) As of the date specified in paragraph (g)(1) or (g)(2) of this AD, as applicable, no person shall install a WEU or MAWEA power supply having Boeing P/N 285T0035–201 on any airplane.

(1) For Model 747–400 series airplanes, line numbers 1121 through 1177 inclusive; Model 757–200, –200CB, and –200PF series airplanes, line numbers 761 through 828 inclusive; and Model 767–200, 767–300, and –300F series airplanes, line numbers 668 through 723 inclusive: As of September 16, 1999 (the effective date of AD 99–18–16, amendment 39–11282).

(2) For airplanes other than those identified in paragraph (g)(1) of this AD: As of the effective date of this AD.

Alternative Methods of Compliance

(h)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Avionics Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously by the FAA in accordance with AD 99–18–16, amendment 39–11282, are approved as alternative methods of compliance with this AD.

Note 4: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(j) Except for the EICAS status page checks required by paragraphs (a), (b), (d), (d)(1), (e), and (e)(1) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 747–31–2288, dated December 17, 1998; Boeing Service Bulletin 747–31–2288, Revision 1, dated January 28, 1999; Boeing Service Bulletin 747–31–2288, Revision 2, including Appendix A, dated November 18, 1999; Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998; Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, including Appendix A, dated November 18, 1999; Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998; or Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, including Appendix A, dated November 18, 1999; as applicable.

(1) The incorporation by reference of Boeing Service Bulletin 747–31–2288, Revision 2, including Appendix A, dated November 18, 1999; Boeing Special Attention Service Bulletin 757–31–0066, Revision 2, including Appendix A, dated November 18, 1999; and Boeing Special Attention Service Bulletin 767–31–0106, Revision 2, including Appendix A, dated November 18, 1999; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Service Bulletin 747–31–2288, dated December 17, 1998; Boeing Service Bulletin 747–31–2288, Revision 1, dated January 28, 1999; Boeing Service Bulletin 757–31–0066, Revision 1, dated December 17, 1998; and Boeing Service Bulletin 767–31–0106, Revision 1, dated December 17, 1998; was approved previously by the Director of the Federal Register as of September 16, 1999 (64 FR 47653, September 1, 1999).

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(k) This amendment becomes effective on July 16, 2001.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–13999 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–298–AD; Amendment 39–12249; AD 2001–11–07]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737, 757, and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737, 757, and 767 series airplanes. This AD requires repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning; replacement with new valves, if necessary; and eventual replacement of certain existing valves with new valves, which terminates the repetitive inspections. This amendment is prompted by reports that various intermittent limit-switch problems have caused valve failures. The actions specified by this AD are intended to prevent failure of the motor-operated hydraulic shutoff valves, which could result in leakage of hydraulic fluid to the engine fire zone, reduced ability to retract the landing gear, loss of backup electrical power or other combinations of failures; and consequent reduced controllability of the airplane.

DATES: Effective July 16, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 16, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2673; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737, 757, and 767 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on June 21, 2000 (65 FR 38450). That action proposed to require repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning; replacement with new valves, if necessary; and eventual replacement of certain existing valves with new valves, which terminates the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter concurred with the original notice of proposed rulemaking (NPRM), and that commenter submitted no additional comment to the supplemental NPRM.

Request To Clarify Subject Valves

Several commenters request that the FAA clarify the language in the original NPRM and supplemental NPRM to clarify what valves on the airplane are subject to the proposed AD. The commenters point out that the referenced service bulletins apply only to valves in ''sensitive system'' applications (hereinafter referred to as ''sensitive'' applications). However, the language in the NPRM and supplemental NPRM does not clarify whether only valves with the subject part numbers (P/N) in ''sensitive'' applications are subject to the requirements of the proposed AD, or whether ALL valves with the subject P/N's installed on the airplane are subject to the proposed AD, regardless of whether the valves are installed in ''sensitive'' or ''non-sensitive'' applications.

The FAA concurs with the commenters' request for clarification. This AD is intended to apply only to the valves in locations listed in the referenced service bulletins—that is, valves in ''sensitive'' applications. The FAA has revised paragraphs (a) and (b) of this AD accordingly and added a new note, Note 1, after the applicability statement to clarify this issue. (Subsequent notes have also been reordered.)

Operators should note that, while the airplane manufacturer will issue new service bulletins with instructions for

replacing valves in ''non-sensitive'' applications on the affected airplanes, at this time, the FAA does not plan to mandate replacing these valves.

Request To Reference New Service Information

Several operators request that the FAA revise the proposed AD to reference new service bulletins issued by Boeing.

The FAA concurs with the commenters' request and—since the issuance of the supplemental NPRM—has reviewed and approved the following 10 new service bulletins:

• Boeing Alert Service Bulletin 737–29A1073, Revision 3, including Appendices A and B, dated December 2, 1999: This service bulletin revises Boeing Service Bulletin 737–29A1073, Revision 2, dated July 1, 1999, which was referenced as an appropriate source of service information in the supplemental NPRM. Revision 3 describes procedures for repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning on certain Boeing Model 737–100, –200, –300, –400, and –500 series airplanes. The procedures in this bulletin are essentially similar to those in Revision 2; however, this service bulletin removes all Boeing Model 737–600, 737–700, and 737–800 series airplanes from the effectivity listing. (Boeing Model 737–600, –700, and –800 series airplanes have been included in a new service bulletin, which is described below.) This service bulletin also references a new service bulletin, described below, that describes replacement of the subject valves with new, improved valves, which ends the need for the repetitive operational checks.

• Boeing Alert Service Bulletin 737–29A1081, including Appendices A and B, dated December 2, 1999: This service bulletin describes procedures for repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning on certain Boeing Model 737–600, 737–700, and 737–800 series airplanes. These procedures are essentially the same as those described in Boeing Alert Service Bulletin 737–29A1073, Revision 2, for these airplanes. This service bulletin also references a new service bulletin, described below, that describes replacement of the subject valves with new, improved valves, which ends the need for the repetitive operational checks.

• Boeing Alert Service Bulletin 757–29A0048, Revision 3, including Appendices A and B, dated December 2, 1999: This service bulletin revises Boeing Service Bulletin 757–29A0048, Revision 2, dated July 1, 1999, which was referenced as an appropriate source of service information in the supplemental NPRM. Revision 3 describes procedures for repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning on certain Boeing Model 757 series airplanes. The procedures in this service bulletin are essentially similar to those in Revision 2; however, this service bulletin removes all Boeing Model 757–300 series airplanes from the effectivity listing. (Boeing Model 757–300 series airplanes have been included in a new service bulletin, which is described below.) This service bulletin also references a new service bulletin, described below, that describes replacement of the subject valves with new, improved valves, which ends the need for the repetitive operational checks.

• Boeing Alert Service Bulletin 757–29A0051, including Appendices A and B, dated December 2, 1999: This service bulletin describes procedures for repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning on certain Boeing Model 757–300 series airplanes. These procedures are essentially similar to those described in Boeing Alert Service Bulletin 757–29A0048, Revision 2, for these airplanes. This service bulletin also references a new service bulletin, described below, that describes replacement of the subject valves with new, improved valves, which ends the need for the repetitive operational checks.

• Boeing Service Bulletin 767–29A0083, Revision 4, including Appendix A, dated September 28, 2000: This service bulletin revises Boeing Service Bulletin 767–29A0083, Revision 2, dated July 15, 1999, which was referenced as an appropriate source of service information in the supplemental NPRM. This service bulletin describes procedures for repetitive operational checks of certain motor-operated hydraulic shutoff valves to detect malfunctioning on certain Boeing Model 767 series airplanes. The procedures in this service bulletin are essentially similar to those in Revision 2. However, this service bulletin also corrects certain instructions for the functional test of two of the motor-operated hydraulic shutoff valves. The service bulletin states that the functional tests in previous revisions of the service bulletin, including Revision 2, could not be completed without the revised instructions contained in Revision 4.

• Boeing Alert Service Bulletin 737–29A1078, dated December 7, 2000: This service bulletin describes procedures for replacement of Circle Seal Controls valves in ''sensitive'' applications on certain Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, with certain new Whittaker Controls valves or new, improved Circle Seal Controls valves. Such replacement terminates the repetitive operational checks described in Boeing Alert Service Bulletin 737–29A1073, Revision 3.

• Boeing Alert Service Bulletin 737–29A1082, dated December 7, 2000: This service bulletin describes procedures for replacement of Circle Seal Controls valves in ''sensitive'' applications on certain Boeing Model 737–600, –700, and –800 series airplanes, with certain new Whittaker Controls valves or new, improved Circle Seal Controls valves. Such replacement terminates the repetitive operational checks described in Boeing Alert Service Bulletin 737–29A1081.

• Boeing Alert Service Bulletin 757–29A0049, dated December 7, 2000: This service bulletin describes procedures for replacement of Circle Seal Controls valves in ''sensitive'' applications on certain Boeing Model 757–200 series airplanes, with certain new Whittaker Controls valves or new, improved Circle Seal Controls valves. Such replacement terminates the repetitive operational checks described in Boeing Alert Service Bulletin 757–29A0048, Revision 3.

• Boeing Alert Service Bulletin 757–29A0052, dated December 7, 2000: This service bulletin describes procedures for replacement of Circle Seal Controls valves in ''sensitive'' applications on certain Boeing Model 757–300 series airplanes, with certain new Whittaker Controls valves or new, improved Circle Seal Controls valves. Such replacement terminates the repetitive operational checks described in Boeing Alert Service Bulletin 757–29A0051.

• Boeing Alert Service Bulletin 767–29A0090, dated December 7, 2000: This service bulletin describes procedures for replacement of Circle Seal Controls valves in ''sensitive'' applications on certain Boeing Model 767 series airplanes, with certain new Whittaker Controls valves or new, improved Circle Seal Controls valves. Such replacement terminates the repetitive operational checks described in Boeing Service Bulletin 767–29A0083, Revision 4.

In view of the approval of these service bulletins by the FAA, we have revised paragraph (a) of this AD to specify Boeing Service Bulletins 737–29A1073, Revision 3 (for Model 737–

100, –200, –300, –400, and –500 series airplanes), 737–29A1081 (for Model 737–600, –700, and ''800 series airplanes), 757–29A0048, Revision 3 (for Model 757–200 series airplanes), 757–29A0051 (for Model 757–300 series airplanes), and 767–29A0083, Revision 4 (for Model 767 series airplanes); as applicable; as appropriate sources of service information for the requirements of that paragraph. The FAA has revised paragraph (b) of this AD to specify Boeing Alert Service Bulletins 737–29A1078 (for Model 737–100, –200, –300, –400, and –500 series airplanes), 737–29A1082 (for Model 737–600, –700, and –800 series airplanes), 757–29A0049 (for Model 757–200 series airplanes), 757–29A0052 (for Model 757–300 series airplanes), and 767–29A0090 (for Model 767 series airplanes), as appropriate sources of service information for the requirements of that paragraph.

In addition, the FAA has provided for airplanes on which the requirements of this AD have been accomplished before the effective date of this AD, by adding two new notes, Notes 3 and 4, which specify that operational checks and valve replacements done before the effective date of this AD per Boeing Alert Service Bulletins 737–29A1073, Revision 2, or 757–29A0048, Revision 2, both dated July 1, 1999; or 767–29A0083, Revision 2, dated July 15, 1999; as applicable; are acceptable for compliance with paragraphs (a) and (b) of this AD.

Also, the applicability statement of this final rule has been revised to specify airplanes listed in Boeing Service Bulletins 737–29A1073, Revision 3, 737–29A1081, 757–29A0048, Revision 3, 757–29A0051, and 767–29A0083, Revision 4. The FAA has determined that this change does not add any new airplanes to the applicability statement which were not included in the applicability statement of the proposed rule.

Allow Use of Serviceable Parts

Several commenters request that the FAA revise paragraph (a)(1) of the supplemental NPRM to allow replacement of malfunctioning Circle Seal Controls valves having P/N's S270T010–1 through –9, with new or serviceable Circle Seal Controls valves having P/N's S270T010–1 through –9. Paragraph (a)(1) of the supplemental NPRM requires replacement of a malfunctioning valve with a new Whittaker Controls valve, and paragraph (c) of the supplemental NPRM prohibits installation after the effective date of this AD of ''any part identified in the 'Existing Part Number' column (including parts marked with the suffix ''R'' after the serial number), of Paragraph 2.E.'' of the applicable alert service bulletin. Parts listed in the ''Existing Part Number'' column are Circle Seal Controls valves having P/N's S270T010–1 through –9. The commenters state that prohibiting installation any new or serviceable valves with P/N's S270T010–1 through –9 imposes an undue burden on operators. Commenters are also concerned that airplanes needing replacement valves could be grounded if Whittaker Controls is unable to produce a sufficient amount of replacement parts.

The FAA concurs with the commenters' request to allow installation of serviceable parts. The FAA has revised paragraph (a)(2) of this AD to allow replacement of a malfunctioning valve with a new or serviceable replacement valve manufactured by Circle Seal Controls or Whittaker Controls. A valve replaced with a new or serviceable Circle Seal Controls valve having a P/N S270T010–1 through –9 will continue to be subject to repetitive operational checks per paragraph (a) of this AD, until the terminating action is accomplished per paragraph (b). Replacement of a valve with a new or serviceable Whittaker Controls valve or a new or serviceable Circle Seal Controls valve with P/N S270T010–10, –11, –12, –13, –14, or –15; as applicable; terminates the repetitive inspections for the replaced valve. Relevant to this change to paragraph (a)(1) of this AD, it is no longer necessary to include paragraph (c) of the supplemental NPRM in this AD. [Installation of a Circle Seal Controls valve having a P/N S270T010–1 through –9 is prohibited after 3 years after the effective date of this AD by virtue of the terminating action required by paragraph (b) of this AD.]

Request To Clarify Need for Repetitive Operational Checks

Two commenters request that the FAA clarify the requirements of paragraph (a)(1) of the supplemental NPRM. The commenters point out that paragraph (a)(1) of the supplemental NPRM requires replacement of any malfunctioning Circle Seal Controls valve with a new Whittaker Controls valve before further flight. However, that paragraph goes on to require repeating the operational check required by paragraph (a). The commenters point out that paragraph (b) of the supplemental NPRM states that replacement of Circle Seal Controls valves with new Whittaker Controls valves constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD. Therefore, replacement parts installed per paragraph (a)(1) of this AD should not be subject to the repetitive operational checks.

The FAA concurs with the commenters' rationale. Replacement of all existing Circle Seal Controls valves with new Whittaker Controls valves does constitute terminating action for the requirements of paragraph (a) of this AD for the replaced valve. However, as stated previously, the FAA has revised this final rule to allow replacement of existing Circle Seal Controls valves with serviceable valves having certain part numbers. Accordingly, paragraph (a)(1) has been revised in this final rule, and paragraph (c) of the supplemental NPRM has not been included in this final rule. No further change to the final rule is needed in this regard.

Request To Allow Use of Certain Other Valves for Terminating Action

Several commenters request that the FAA revise the supplemental NPRM to allow use of certain valves manufactured by Circle Seal Controls, Inc., as terminating action for the repetitive operational checks in paragraph (a) of the proposed AD. The supplemental NPRM only allowed replacement of any Circle Seal Controls valve with a new Whittaker Controls valve as terminating action for the repetitive operational checks. (The original NPRM had referenced replacement with Circle Seal Controls valves with part numbers (P/N) S270T010–10, –11, and –12, as terminating action. However, as explained in the supplemental NPRM, the FAA reviewed information regarding the failure rate of the valves and determined that the valves were not an adequate replacement.) The commenters' rationale for their requests includes the following:

- Boeing has found that initial failures of Circle Seal Controls valves with P/N's S270T010–10, –11, and –12 were due to improper rework rather than design flaws. Thus, Boeing now considers these Circle Seal Controls valves adequate for terminating action. Other commenters state that these Circle Seal Controls valves provide an equivalent level of safety to that provided by the Whittaker Controls valves.
- Some operators are concerned about Whittaker Controls' ability to produce an adequate supply of replacement parts within the three-year compliance time for the replacement required by this AD.
- Some operators point out that the supplemental NPRM does not require

repetitive operational checks of Circle Seal Controls valves with P/N's S270T010–10, –11, and –12; therefore, these valves should be acceptable for terminating action.

The FAA concurs with the commenters' request to revise the final rule to allow use of certain Circle Seal Controls valves as terminating action for this AD's repetitive operational checks. The FAA finds that replacement of existing Circle Seal Controls valves with Circle Seal Controls valves with P/N S270T010–10, –11, –12, –13, –14, or –15; or with Whittaker Controls valves; is acceptable for doing the terminating action in paragraph (b) of this AD. Paragraph (b) of this AD has been revised accordingly.

While replacement with Circle Seal Controls valves with P/Ns S270T010–10, –11, and –12 is acceptable as terminating action, the FAA points out that these valves are not currently being manufactured by Circle Seal Controls. That company is only manufacturing P/Ns S270T010–13, –14, and –15 valves.

Request To Revise Preamble Language

One commenter requests that the FAA revise the ''Discussion'' section in the original NPRM and one sentence in the ''Summary'' section to more accurately explain what prompted the proposed AD. The sentence in the ''Summary'' explains that the proposal ''was prompted by reports that the motor switch contacts on certain hydraulic shutoff valves were mis-aligned, causing subsequent malfunction of those valves.'' The commenter states that this statement could be misleading and requests that the FAA use a more general statement.

The FAA concurs with the commenter's request, and has revised the affected sentence in the summary of this final rule to state that this AD is prompted by reports that ''various intermittent limit switch problems have caused valve failures.'' (As the ''Discussion'' section is not restated in this final rule, no change is necessary in that regard.)

Request To Allow Installation of Only Certain Valves

One commenter requests that the FAA NOT revise the supplemental NPRM to allow installation of Circle Seal Controls valves to be terminating action for the repetitive operational checks in this AD. The commenter states that Circle Seal Controls, Inc., has repeatedly failed to design and manufacture reliable valves. The commenter points out that each new design has met all of the airplane manufacturer's design criteria, passed all the appropriate tests, and been approved by the FAA. However, after each approval, the valves failed to function. The commenter also questions whether the FAA made an error in the applicability of the supplemental NPRM by making the AD apply only to Circle Seal Controls valves having P/N S270T010–1 through –9. The commenter requests that the AD also apply to Circle Seal Controls valves having P/N S270T010–10 through –12.

The FAA does not concur with the commenter's requests. Information provided by the manufacturer regarding the failure rate of Circle Seal Controls valves having P/N S270T010–10 through –12 resulted in the FAA removing these parts from the list of replacement parts acceptable for terminating action in the supplemental NPRM. However, since the issuance of the supplemental NPRM, the FAA has determined that the failures in Circle Seal Controls valves having P/N S270T010–10 through –12 were due to manufacturing errors, not design flaws. Also, further refinements in the design of P/N S270T010–13 through –15 have focused on improving the ease of manufacture and assembly of the valves. Thus, as stated previously, the FAA is revising this final rule to allow installation of either new Whittaker Controls valves or new Circle Seal Controls parts having P/N S270T010–10 through –15 as terminating action for the requirements of this AD. The FAA finds that these parts will adequately ensure the continued safety of the airplane fleet. No further change to the final rule is necessary in this regard.

Request To Require Replacement of All Valves in All Locations

One of the commenters that requested clarification on which valves are subject to the proposed AD also requests that the FAA require replacement of ALL valves of the subject part numbers on the affected airplanes, not just those installed in locations listed in the service bulletins. The commenter's rationale is that, if the AD applies only to valves installed in ''sensitive'' applications, it will result in a ''configuration control nightmare'' for operators, with some valves being acceptable for installation in some applications on the affected airplanes, but not in other applications. The commenter's point is that valves may not be interchangeable from one location to another. Thus, operators will be forced to track the manufacturer of every valve and create customized maintenance instructions to ensure that correct valves are installed in the correct locations on the airplane.

Though the FAA acknowledges that operators will have to track the location of each valve to ensure that only the correct parts are installed in the locations identified in the referenced service bulletins, the FAA does not concur that it is necessary to require replacement of all valves of the affected part numbers, regardless of location, on the subject airplanes. Requiring replacement of all valves in all locations, ''sensitive'' and ''non-sensitive,'' would place an undue burden on affected operators and may call into question the availability of replacement parts for the three-year compliance time. No change to the final rule is necessary in this regard.

Request To Extend Threshold/Repetitive Interval for Operational Checks

Two commenters request that the FAA increase the threshold and repetitive interval for the operational checks in paragraph (a) of the proposed AD. One commenter requests that the interval be increased from 6 months to 456 days; the other commenter requests an increase to 1 year. The first commenter states that the frequency of operational checks associated with the six-month interval may increase the likelihood of failure of the valves. The commenter bases its comment on the fact that, except for testing, the valves would normally only be operated during an emergency situation, and the six-month interval would add unnecessary cycles and may eventually contribute to an early failure of the valves. The other commenter states that there is no technical justification for the six-month threshold and interval because proper operation of the valves cannot be guaranteed no matter how frequent the operational checks. The commenters both state that an increased threshold and repetitive interval will still be adequate to ensure safety of flight.

The FAA does not concur with the commenters' requests. While the second commenter is correct that an operational check only guarantees the functionality of the valve for that one cycle and the valve could fail the next time it is cycled, the FAA finds that the operational check may be sufficient to detect valves that are likely to fail. In addition, the repetitive inspection interval of six months will ensure that a failed valve will be detected in a timely manner. No change to the final rule is necessary in this regard.

Request To Extend Compliance Time for Replacement

Several commenters request that the FAA revise the proposed rule to extend

the three-year compliance time for the replacement in paragraph (b) of the proposed AD. Certain commenters state that three years is not enough time for operators to replace nearly 5,000 valves in the affected airplane fleet. One commenter suggests a compliance time of four years; another suggests four and a half years. Certain commenters express concern that the parts manufacturers may not be able to produce an adequate supply of parts for replacement of affected valves on the entire affected worldwide fleet within the three-year compliance time. The commenters state that repetitive operational checks at six-month intervals, as required by paragraph (a) of this AD, should provide an adequate level of safety until valves can be replaced.

The FAA does not concur with the commenters' request for an extension of the compliance time for paragraph (b) of this AD. The compliance time for the replacement of existing Circle Seal Controls valves was extended from two years to three years in the supplemental NPRM. The FAA finds that three years is the maximum time that affected airplanes may be allowed to continue to operate with the older-design Circle Seal Controls valves installed. Based on commitments by Whittaker Controls, the FAA finds that an adequate supply of replacement parts will be available within the three-year compliance time for replacement the subject valves on affected airplanes. No change to the final rule is necessary in this regard.

Request To Revise Cost Estimate

Two commenters ask the FAA to revise the cost impact information presented in the proposed rule. One of the commenters states that, for the operational check on Model 757 series airplanes, it finds 12 work hours to be a more accurate estimate than the 3 hours stated in the proposal. The other commenter states that the FAA has ''grossly underestimated'' the costs associated with this AD: the estimated inspection cost is for a single operational check, but the check will be required twice per year until accomplishment of the terminating action. The second commenter also states that if the cost estimate is intended to reflect the cost of replacing all Circle Seal Controls valves (i.e., in ''sensitive'' and ''non-sensitive'' applications), the FAA's underestimation is worse.

The FAA does not concur with the commenters' request to revise the cost impact information. The cost impact information describes only the ''direct'' costs of the specific actions required by this AD. The number of work hours necessary to accomplish the required actions is based on the manufacturer's estimate provided in the service bulletin, excluding the time necessary to gain access and close up. The estimate represents the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

With regard to the commenter's observation that the cost impact estimate is only for a single operational check, the FAA points out that the cost estimate states that the cost is ''per operational check.''

With regard to the commenter's observation about replacement of all Circle Seal Controls valves versus replacement of all valves specified in the service bulletin: as stated previously, this AD only requires replacement of the valves stated in the applicable service bulletin.

No change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 3,029 Boeing Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,234 airplanes of U.S. registry will be affected by this AD, and that it will take approximately 2 work hours per airplane to accomplish the required operational check, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this requirement on U.S. operators of these airplanes is estimated to be $148,080, or $120 per airplane, per operational check.

There are approximately 802 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 558 airplanes of U.S. registry will be affected by this AD, and that it will take approximately 3 work hours per airplane to accomplish the required operational check, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this requirement on U.S. operators of these airplanes is estimated to be $100,440, or $180 per airplane, per operational check.

There are approximately 701 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 280 airplanes of U.S. registry will be affected by this AD, and that it will take approximately 4 work hours per airplane to accomplish the required operational check, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this requirement on U.S. operators of these airplanes is estimated to be $67,200, or $240 per airplane, per operational check.

For all airplanes, it will take approximately 5 work hours per valve to accomplish the replacement required by this AD, at an average labor rate of $60 per work hour. Required parts and hydraulic fluid will cost approximately $4,316 per airplane. Based on these figures, the cost impact of the valve replacements required by this AD on U.S. operators is estimated to be $4,616 per airplane, per valve replacement. This AD will require eventual replacement of approximately 5,000 valves.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under

Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–11–07 Boeing: Amendment 39–12249. Docket 98–NM–298–AD.

Applicability: Model 737, 757, and 767 series airplanes, certificated in any category, as listed in the following Boeing Service Bulletins:

TABLE 1.—EFFECTIVITY

Boeing Service Bulletin	Date	Affected models/series
737–29A1073, Revision 3	December 2, 1999	Model 737–100, –200, –300, –400, and –500.
737–29A1081	December 2, 1999	Model 737–600, –700, and –800.
757–29A0048, Revision 3	December 2, 1999	Model 757–200.
757–29A0051	December 2, 1999	Model 757–300.
767–29A0083, Revision 4	September 28, 2000	Model 767.

Note 1: Only motor operated hydraulic shutoff valves manufactured by Circle Seal Controls that are installed in the locations specified in the applicable alert service bulletin listed in the table above are subject to this AD.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the motor operated hydraulic shutoff valves, which could result in leakage of hydraulic fluid to the engine fire zone, reduced ability to retract the landing gear, loss of backup electrical power or other combinations of failures, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Checks/Corrective Action

(a) Within 6 months after the effective date of this AD: Perform an operational check to detect malfunctioning of any Circle Seal Controls motor operated hydraulic shutoff valve in a ''sensitive system'' application (as defined in the applicable service bulletin) having a part number specified in the ''Existing Part Number'' column (including parts marked with the suffix ''R'' after the serial number), of Paragraph 2.E. of Boeing Alert Service Bulletins 737–29A1073, Revision 3 (for Model 737–100, –200, –300, –400, and –500 series airplanes), 737–29A1081 (for Model 737–600, –700, and –800 series airplanes), 757–29A0048, Revision 3 (for Model 757–200 series airplanes), or 757–29A0051 (for Model 757–300 series airplanes); all dated December 2, 1999; or Boeing Service Bulletin 767–29A0083, Revision 4, dated September 28, 2000 (for Model 767 series airplanes); as applicable; in accordance with the applicable service bulletin.

(1) If any malfunction of any valve is detected, prior to further flight, replace the valve with a new or serviceable Whittaker Controls or Circle Seal Controls valve in accordance with the applicable service bulletin. Repeat the operational check thereafter at intervals not to exceed 6 months until accomplishment of the terminating action required by paragraph (b) of this AD on all subject valves.

(2) If no malfunction of any valve is detected, repeat the operational check thereafter at intervals not to exceed 6 months until accomplishment of the terminating action required by paragraph (b) of this AD on all subject valves.

Note 3: Operational checks done before the effective date of this AD per Boeing Alert Service Bulletin 737–29A1073, Revision 2 (for Model 737 series airplanes), or 757–29A0048, Revision 2 (for Model 757 series airplanes), both dated July 1, 1999; or 767–29A0083, Revision 2, dated July 15, 1999 (for Model 767 series airplanes); as applicable; is acceptable for compliance with paragraph (a) of this AD.

Terminating Action

(b) Within 3 years after the effective date of this AD, accomplish the replacement of any Circle Seal Controls valve in a ''sensitive system'' application (as defined in the applicable service bulletin) having a P/N specified in the ''Existing Part Number'' column (including parts marked with the suffix ''R'' after the serial number), of Paragraph 2.E. of Boeing Alert Service Bulletin 737–29A1078 (for Model 737–100, –200, –300, –400, and –500 series airplanes), 737–29A1082 (for Model 737–600, –700, and –800 series airplanes), 757–29A0049 (for Model 757–200 series airplanes), 757–29A0052 (for Model 757–300 series airplanes), or 767–29A0090 (for Model 767 series airplanes); all dated December 7, 2000; as applicable. Replace an existing part with a new Whittaker Controls valve having a P/N specified in the ''New Part Number'' column of Paragraph 2.E. of the applicable service bulletin; or with a new Circle Seal Controls valve having P/N S270T010–10, –11, –12, –13, –14, or –15; as applicable. Do the replacement in accordance with the applicable alert service bulletin. Accomplishment of this replacement constitutes terminating action for the repetitive operational checks required by this AD.

Note 4: Replacement of Circle Seal Controls valves done before the effective date of this AD per Boeing Alert Service Bulletin 737–29A1073, Revision 2 (for Model 737 series airplanes), or 757–29A0048, Revision 2 (for Model 757 series airplanes), both dated July 1, 1999; or 767–29A0083, Revision 2, dated July 15, 1999 (for Model 767 series airplanes); as applicable; is acceptable for compliance with paragraph (b) of this AD.

Alternative Methods of Compliance

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 737–29A1073, Revision 3, dated December 2, 1999; Boeing Alert Service Bulletin 737–29A1081, dated December 2, 1999: Boeing Alert Service Bulletin 757–29A0048, Revision 3, dated December 2, 1999; Boeing Alert Service Bulletin 757–29A0051, dated December 2, 1999; Boeing Service Bulletin 767–29A0083, Revision 4, dated September 28, 2000; Boeing Alert Service Bulletin 737–29A1078, dated December 7, 2000; Boeing Alert Service Bulletin 737–29A1082, dated December 7, 2000; Boeing Alert Service Bulletin 757–29A0049, dated December 7, 2000; Boeing Alert Service Bulletin 757–29A0052, dated December 7, 2000; or Boeing Alert Service Bulletin 767–29A0090, dated December 7, 2000; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on July 16, 2001.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate,Aircraft Certification Service.

[FR Doc. 01–14000 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–126–AD; Amendment 39–12251; AD 2001–09–51]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2001–09–51 that was sent previously to all known U.S. owners and operators of Boeing Model 737–600, –700, –700C, and –800 series airplanes by individual notices. This AD requires inspection of the small jam nut on the elevator tab control rods to detect inspection putty and to determine its condition; a torque check of the small and large jam nuts on the tab control rod, if necessary; and corrective actions, as applicable. For certain airplanes, this AD also requires a one-time inspection for torque of the small and large jam nuts on the tab control rods; and corrective actions, as applicable. This action is prompted by reports indicating that operators found problems with the elevator tab control rods during accomplishment of an existing AD. The actions specified by this AD are intended to prevent excessive freeplay in the tab control mechanism, which could result in elevator tab flutter and consequent loss of controllability of the airplane.

DATES: Effective June 18, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–09–51, issued April 24, 2001, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 18, 2001.

Comments for inclusion in the Rules Docket must be received on or before August 10, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–126–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–126–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Fairhurst, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1118; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On April 24, 2001, the FAA issued emergency AD 2001–09–51, which is applicable to certain Boeing Model 737–600, –700, –700C, and –800 series airplanes.

That action was prompted by reports indicating that, during accomplishment of actions required by AD 2001–04–08, amendment 39–12127 (66 FR 13229, March 5, 2001), operators found problems with the elevator tab control rods on certain Boeing Model 737–700 and –800 series airplanes. One operator found jam nuts that had been installed improperly. Two other operators reported damage that was attributed to inadequately torqued jam nuts. The control rod jam nuts may not have been torqued properly when the control rod length was rigged at Boeing prior to delivery of the airplanes.

Improperly torqued jam nuts on the elevator tab control rods could result in damage to the tab control rod. If both tab control rods are damaged, excessive freeplay in the tab control mechanism can occur, which could result in elevator tab flutter. This condition, if not corrected, could result in loss of controllability of the airplane.

The elevator tab control rods on Model 737–600 and –700C series airplanes are identical to those on the affected Model 737–700 and –800 series airplanes. Therefore, those Model 737–600 and –700C series airplanes may be

subject to the same unsafe condition revealed on Model 737–700 and –800 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–27A1245, dated April 23, 2001, which describes procedures for inspecting the small jam nut on the elevator tab control rods to detect inspection putty and to determine its condition; a torque check of the small and large jam nuts on the tab control rod, if necessary; and corrective actions (including performing a detailed visual inspection of the threads on the rod end bearing for wear, measuring the diameter of the threads on the rod end bearing, replacing the rod end bearing and the threaded adjustment bushing, torquing the jam nuts, and applying inspection putty), as applicable.

For any control rod jam nut on which the putty is found and is intact, the alert service bulletin also describes procedures for a one-time inspection for torque of the small and large jam nuts on the tab control rods; and corrective actions (including performing a detailed visual inspection of the threads on the rod end bearing for wear, measuring the diameter of the threads on the rod end bearing, replacing the rod end bearing and the threaded adjustment bushing, torquing the jam nuts, and applying inspection putty), as applicable.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this airworthiness directive is issued to require the actions specified in the alert service bulletin described previously. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

This AD also requires that operators report both positive and negative results of inspections to Boeing.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on April 24, 2001, to all known U.S. owners and operators of Boeing Model 737–600, –700, –700C, and –800 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Clarification of Applicability

For clarification, the FAA notes that, while the alert service bulletin does not specify that Model 737–700C series airplanes are subject to the actions in the alert service bulletin, the list of affected line numbers in the applicability of this AD includes the line numbers of certain Model 737–700C series airplanes.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–126–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–09–51 Boeing: Amendment 39–12251. Docket 2001–NM–126–AD.

Applicability: Model 737–600, –700, –700C, and –800 series airplanes, line numbers 1 through 788 inclusive, 790 through 814 inclusive, 816, 819, 821, and 823, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent excessive freeplay in the tab control mechanism, which could result in elevator tab flutter, and consequent loss of controllability of the airplane, accomplish the following:

Inspection and Corrective Actions

(a) Within 10 days after the effective date of this AD, inspect the small jam nut on the elevator tab control rods to detect inspection putty and to determine its condition, per paragraph III.B. of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1245, dated April 23, 2001.

(1) If inspection putty is found and it is intact, no further action is required by paragraph (a) of this AD.

(2) If inspection putty is missing or detached, prior to further flight, perform a torque check of the small and large jam nuts on the tab control rod, in accordance with paragraph III.B. of the alert service bulletin. Prior to further flight, perform corrective actions (including performing a detailed visual inspection of the threads on the rod end bearing for wear, measuring the diameter of the threads on the rod end bearing, replacing the rod end bearing and the threaded adjustment bushing, torquing the jam nuts, and applying inspection putty), as applicable, per paragraph III.B. of the alert service bulletin. If the tab control rod is disassembled and if no wear is found during accomplishment of the detailed visual inspection specified in this paragraph, measuring the diameter of the threads on the rod end bearing may be deferred until 250 flight cycles or 30 days after the effective date of this AD, whichever occurs first.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(b) For any control rod jam nut on which the putty was found and was intact, as specified in paragraph (a)(1) of this AD: Within 250 flight cycles or 30 days after the effective date of this AD, whichever occurs first, perform a one-time inspection for torque of the small and large jam nuts on the tab control rods, per paragraph III.C. of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–27A1245, dated April 23, 2001. Prior to further flight, perform corrective actions (including performing a detailed visual inspection of the threads on the rod end bearing for wear, measuring the diameter of the threads on the rod end bearing, replacing the rod end bearing and the threaded adjustment bushing, torquing the jam nuts, and applying inspection putty), as applicable, per paragraph III.C. of the alert service bulletin.

Reporting Requirement

(c) Within 15 days after accomplishing the inspections required by paragraphs (a) and (b) of this AD, submit a report of inspection findings, positive or negative, to Boeing per paragraph I.C. of the Planning Information of Boeing Alert Service Bulletin 737–27A1245, dated April 23, 2001. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 737–27A1245, dated April 23, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on June 18, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–09–51, issued on April 24, 2001, which contained the requirements of this amendment.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–13997 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–135–AD; Amendment 39–12252; AD 2001–11–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes. This action requires repetitive inspections to detect discrepancies of the transfer tubes and the collar of the ball nut of the trimmable horizontal stabilizer actuator (THSA); and corrective action, if necessary. This action is necessary to prevent degraded operation of the THSA due to the entrance of water into the ball nut. Degraded operation could lead to reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective June 26, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 26, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–135–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–135–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A330 and A340 series airplanes. The DGAC advises that four cases of transfer tube disconnection from the ball nut of the trimmable horizontal stabilizer actuator (THSA) have been detected during greasing of in-service Model A330 and A340 series airplanes. The cause was found to be water entering the ball nut of the THSA, resulting in jamming of the ball transfer path when the water froze. There are three independent circuits of balls. The loss of one or two circuits does not impact the THSA operation, as it continues to operate on the remaining circuits. If three circuits are lost, then the THSA operates on the fail-safe nut. Due to the high friction between the fail-safe nut and the screw, THSA operation will be inefficient and it will lock after a few movements. This degraded operation is not detectable by the flight crew as long as the THSA is not locked and could damage the screw and the fail-safe nut. Jamming of the ball transfer paths, if not corrected, could result in degraded operation of the THSA and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued All Operator Telexes (AOT) A330–27A3088 and A340–27A4093, both dated April 5, 2001, which describe procedures for repetitive detailed visual inspections of the ball nut in the area of the transfer tubes for, among other things, evidence of ball migration from the ball nut; distortion of the collar or transfer tubes; or disconnection of the transfer tubes from the ball nut; and replacement of the THSA, if necessary. The DGAC classified these AOTs as mandatory and issued French airworthiness directives 2001–141(B) and 2001–140(B), both dated April 18, 2001, in order to assure the continued airworthiness of these airplanes in finance.

FAA's Conclusions

These airplane models are manufactured in and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent degraded operation of the THSA due to the entrance of water into the ball nut, and consequent reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the applicable AOT described previously. This AD also requires that operators report results of inspection findings to Airbus.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–135–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2001–11–09 Airbus Industrie: Amendment 39–12252. Docket 2001–NM–135–AD.

Applicability: Model A330 and A340 series airplanes, certificated in any category, equipped with a trimmable horizontal stabilizer actuator (THSA) part number 47172, and on which Airbus Modification 45299 has been performed.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent degraded operation of the THSA due to the entrance of water into the ball nut, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Inspections

(a) Within 150 flight hours from the effective date of this AD, perform a detailed visual inspection to detect discrepancies in the THSA (including distortion of the transfer tubes, disconnection of the tubes, and distortion of the collar of the ball nut), in accordance with All Operators Telex (AOT) A330–27A3088 (for Model A330 series airplanes) or A340–27A4093 (for Model A340 series airplanes), both dated April 5, 2001, as applicable. If any discrepancy, as defined in paragraph 4–2–2/Rejection Criteria of the applicable AOT, is detected, prior to further flight, replace the THSA with a serviceable one, per the applicable AOT.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(b) At intervals not to exceed 150 flight hours, repeat the inspection mandated in paragraph (a) of this AD.

Report of Inspection Findings

(c) Submit a report of inspection findings (both positive and negative) to Airbus; at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. The report must include the inspection results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection is accomplished after the effective date of this AD: Submit the report within 10 days after performing the inspection required by paragraph (a) or (b) of this AD.

(2) For airplanes on which the inspection has been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(f) The inspections and replacement shall be done in accordance with Airbus All Operators Telex A330–27A3088, dated April 5, 2001; or Airbus All Operators Telex A340–27A4093, dated April 5, 2001; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directives 2001–141(B) and 2001–140(B), both dated April 18, 2001.

Effective Date

(g) This amendment becomes effective on June 26, 2001.

Issued in Renton, Washington, on May 25, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–13996 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61, 63, 65, 108, 121 and 135

[Docket No. FAA–2000–7497; Amendment No. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–79]

RIN 2120–AH01

Advanced Qualification Program; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule, published in the **Federal Register** on October 10, 2000 (65 FR 60334). That final rule established a new termination date for Special Federal Aviation Regulation (SFAR) No. 58 (55 FR 40275; October 2, 1990), which provided the approval of an alternate method (known as ''Advanced Qualification Program'' or ''AQP'') for qualifying, training and certifying, and otherwise ensuring the competeny of crewmembers, aircraft dispatchers, other operations personnel, instructors, and evaluators who are required to be trained or qualified under 14 CFR parts 121 and 135.

FOR FURTHER INFORMATION CONTACT: Thomas M. Longridge, (703) 661–0260.

Correction of Publication

In the final rule FR Doc. 00–25951, beginning on page 60334 in the **Federal Register** issue of October 10, 2000, make the following corrections:

1. On page 60334, in column 1, in the heading section, beginning on line 7,

correct ''Amendment No. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–78'' to read ''Amendment Nos. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–79''.

Issued in Washington, DC on June 6, 2001.

Donald Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 01–14656 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121 and 135

[Docket No. FAA–2000–7119; Amendment No. 121–281 and 135–80]

RIN 2120–AG89

Emergency Medical Equipment; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule, published in the **Federal Register** on April 12, 2001 (66 FR 19028). That final rule responds to the Aviation Medical Assistance Act of 1998 by requiring that air carrier operators carry automated external defibrillators on large, passenger-carrying aircraft and augment currently required emergency medical kits.

FOR FURTHER INFORMATION CONTACT: Judi citrenbaum, (202) 267–9689.

Correction of Publication

In the final rule FR Doc. 01–8923, beginning on page 19028 in the **Federal Register** issue of April 12, 2001, make the following corrections:

1. On page 19028, in column 1, in the heading section, beginning on line 5, correct ''Amendment No. 121–280 and 135–78'' to read ''Amendment Nos. 121–281 and 135–80''.

Issued in Washington, DC, on June 6, 2001.

Donald Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 01–14657 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 606, 607, 610, 640, 660, and 809

[Docket No. 98N–0581]

Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the general biological product standards applicable to human blood and blood components by updating the hepatitis B virus (HBV) and human immunodeficiency virus (HIV) testing requirements, by adding testing requirements for hepatitis C virus (HCV), human T-lymphotropic virus (HTLV), and by adding requirements for supplemental (i.e., additional, more specific) testing approved for such use by FDA when a donation is found to be reactive for any of the required screening tests for evidence of infection due to communicable disease agents. The agency also is requiring manufacturers of certain test kits to use reference panels, when available, to verify the acceptable sensitivity and specificity of each lot. This final rule is intended to help protect the safety and ensure the quality of the Nation's blood supply, to enhance the safety of medical devices containing blood or blood components, to provide FDA with clear enforcement authority, and to promote consistency in the industry. Elsewhere in this issue of the **Federal Register**, FDA is publishing a rule requiring blood and plasma establishments to notify donors, including autologous donors, whenever the donor is deferred or determined not to be suitable for current or future donations of blood and blood components.

DATES: This rule is effective December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

Requirements for testing blood donors for hepatitis B surface antigen (HBsAg) and antibody to human immunodeficiency virus (anti-HIV) are currently codified in part 610 (21 CFR part 610), and requirements for performing a serological test for syphilis are codified in part 640 (21 CFR part 640). The agency has issued various guidance documents to registered blood and plasma establishments providing recommendations for testing for antibody to hepatitis B core antigen (anti-HBc), antibody to human T-lymphotropic virus types I and II (anti-HTLV I/II), antibody to hepatitis C virus (anti-HCV), and HIV–1 p 24 antigen. The purposes of the guidance documents are to assist blood and plasma establishments in protecting the safety of the blood supply and to establish policies with the intent of promoting consistency in the industry. These guidance documents represent the agency's current thinking on the appropriate testing of human blood donors for evidence of infection due to various communicable disease agents. Through inspection, we (FDA) determined that blood and plasma establishments generally have been following these recommendations. However, there have been instances where there have been variations in testing and in the determination of suitability of the blood based on the testing results. Accordingly, we proposed a regulation requiring testing consistent with our current recommendations and industry practice.

In the **Federal Register** of August 19, 1999 (64 FR 45340), we published a proposed rule to revise the testing requirements codified in part 610. The proposed rule would require:

- Each donation of human blood or blood component, including autologous donations, to be tested for evidence of infection due to HIV, types 1 and 2; HBV; HCV; and HTLV, types I and II;
- Each donation that tests reactive for any of the required screening tests for evidence of infection due to communicable disease agents, to be further tested using a supplemental (additional, more specific) test that has been approved for such use by FDA;
- The required testing to be performed by a laboratory certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) or meeting equivalent requirements as described by Health Care Financing Administration (HCFA), and registered with FDA in accordance with part 607 (21 CFR part 607);
- Deferral from future donations of donors who test reactive;
- Criteria for release or shipment of human blood or blood components prior to completion of testing under limited circumstances;

• Restrictions on shipment or use of human blood or blood components that test reactive when screened for evidence of infection; and

• Manufacturers of approved test kits used for testing donations of human blood and blood components for evidence of infection due to communicable disease agents, or for use in the diagnosis, or monitoring of HIV, to verify an acceptable sensitivity and specificity of each lot of test kit using a reference panel obtained from FDA, or an FDA designated source, when available.

We provided 90 days for comments on the proposed rule.

In the same **Federal Register** issue (64 FR 45355), we proposed new § 630.6 to require blood and plasma establishments to notify donors of deferral based on evidence of infection due to communicable disease agents or failure to satisfy donor suitability criteria. We intended to finalize the donor notification rule and issue it simultaneously with this document.

On November 9, 1999, we announced a public workshop held on November 22, 1999, and extended to December 22, 1999, the comment period on both proposed rules, entitled ''Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents,'' and ''General Requirements for Blood, Blood Components, and Blood Derivatives; Notification of Deferred Donors.'' The purpose of the public meeting was to provide a public forum for gathering information and views regarding the proposed rules.

II. Highlights and Summary of the Final Rule

A. Plain Language

We have written the final rule using plain language consistent with the presidential memorandum on plain language in government writing, dated June 1, 1998. We have adopted the plain language approach to make the rule more accessible and understandable to the public. As a result, we have used pronouns in describing who must comply, e.g., ''you'' refers, in the appropriate context, to an establishment that collects blood or blood components or to an establishment that is a consignee of a collecting establishment. We also have used ''must'' instead of ''shall,'' and are using charts to clarify provisions.

B. Test Requirements (§ 610.40)

In § 610.40(a) of the final rule, we require the use of screening tests for evidence of infection due to communicable disease agents, i.e., HIV, types 1 and 2; HBV; HCV; and HTLV, types I and II, for each donation of human blood and blood component. In § 610.40(b), we are requiring testing using one or more tests to reduce adequately and appropriately the risk of disease transmission. We are allowing for future advancements in testing methodologies by not specifying the test marker(s) for each disease agent. Further testing is required of all donations, including autologous (some exceptions apply) that are reactive when screened for evidence of infection due to any of the communicable disease agents, using supplemental (additional, more specific) tests approved for such use by FDA in § 610.40(e). (See section IV of this document.) We have eliminated the use of the term ''repeatedly reactive'' and replaced it with ''reactive.'' The terminology was revised to allow for future technology in testing, where the process of repeating an initial reactive result in duplicate would no longer be appropriate. However, for the test technologies recommended in current guidance, ''reactive'' means ''repeatedly reactive,'' because the manufacturers' instructions for current tests require duplicate retesting after an initial reactive result.

Specified exceptions to the testing requirements in § 610.40(c) are described as they apply to a dedicated donor (a donor whose collections are used by an identified recipient, see section V.B of this document), a donor of Source Plasma, a donor of blood or blood components intended as a component of, or used to prepare, a medical device (see section II.D of this document), and samples used or distributed for clinical laboratory testing or research purposes and not intended for administration to humans or in the manufacture of a product.

In § 610.40(d) of the final rule, we have created a separate paragraph for autologous donations. Testing of autologous donations is not required under this section unless an autologous donation of blood or blood components potentially could be used for allogeneic transfusion or shipped to another establishment. If shipped to an establishment that does not permit the use of autologous donations for allogeneic use, only the first donation in each 30 day period must be tested as discussed in section V of this document.

In § 610.40(f), testing required under § 610.40(a), (b), and (e) must be performed by a laboratory registered under part 607 and either certified to perform testing on human specimens under the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. 263a) under 42 CFR part 493 or has met equivalent requirements as determined by HCFA under those provisions. Therefore, § 607.65(g) is removed, formerly exempting from registration clinical laboratories that are approved for Medicare reimbursement and are engaged in the testing of blood products in support of other registered blood establishments.

Release or shipment prior to completion of testing in § 610.40(g) may occur in appropriately documented emergency medical situations, or when approved in writing by FDA, provided that the shipping establishment notifies the consignee that test results are not yet available, that the tests for communicable disease agents are completed as soon as possible, and that the results are provided promptly to the consignee.

Under § 610.40(h), an establishment must not ship or use blood or blood components that have a reactive screening test for a communicable disease agent(s) or reactive serological test for syphilis, or that were collected from a donor with a previous record of a reactive screening test for a communicable disease agent(s) or reactive serological test for syphilis. Exceptions to this requirement are:

• For blood and blood components from autologous donors when labeled as required in § 610.40(d);

• When approval in writing is obtained from FDA and the blood or blood component is labeled as required under § 610.40(h)(2)(ii);

• Samples for use or distribution, if intended for clinical laboratory testing or research and not intended for administration in humans or for further manufacturing use;

• When a collection from a donor with a record of a reactive screening test result tests negative and the donor is shown, or previously was shown, to be suitable by an acceptable requalification method; and

• When a collection from a donor, who tests reactive for anti-HBc and otherwise is determined to be suitable, may be used for further manufacturing into plasma derivatives without prior FDA approval or the ''BIOHAZARD'' legend.

C. Donor Deferral (§ 610.41)

Under § 610.41(a), any donor of blood and blood components, including an autologous donor, who tests reactive for a communicable disease agent(s) described under § 610.40(a) or reactive with a serological test for syphilis must be deferred from future donations. Exceptions apply as follows:

• A donor who tests reactive for anti-HTLV I/II or anti-HBc only once is permitted to donate again without being deferred from further donation unless there is further testing using an approved supplemental (additional, more specific) test;

• A deferred donor who tests reactive for HIV, types 1 and 2, HBV, HCV, HTLV types I and II, or syphilis may donate blood or blood components to be shipped or used under the provisions described in § 610.40(h)(2)(ii);

• A deferred donor who showed evidence of infection due to HBsAg when previously tested may donate blood or blood components to be used in the preparation of Hepatitis B Immune Globulin (Human) provided the donor's current donation tests nonreactive for HBsAg and the donor otherwise is determined to be suitable;

• A deferred donor who tests reactive for anti-HBc or for evidence of infection due to HTLV, types I and II, may serve as a donor of Source Plasma collected for further manufacturing use;

• A deferred donor who tests reactive by a screening test for syphilis may serve as a donor of human blood and blood components, if the donation is further tested by an adequate and appropriate test demonstrating that the reactive screening test is a biological false positive; and

• A deferred donor who tests reactive for a communicable disease agent(s) described under § 610.40(a) or reactive with a serological test for syphilis may serve as an autologous donor.

Under new § 630.6 in the donor notification rule found elsewhere in this issue of the **Federal Register**, all deferred donors, including those deferred donors who may serve as donors under specified conditions described in § 610.41, must be notified of their deferral.

Under § 610.41(b) the regulations permit the reentry of a deferred donor into the donor pool when the donor is requalified by a process or method (algorithm) approved by FDA for such purpose.

D. Medical Devices (§§ 610.42 and 610.44)

In the proposed rule, we discussed the need for labeling of medical devices manufactured from reactive blood or blood components. In the final rule, we have changed the text of § 610.42 to require labeling for all medical devices that contain blood or a blood component as a medical device component, and not just in vitro diagnostic products. Under § 610.42(a), when a medical device contains human blood or a human blood component as a component of the final device and the human blood or blood component was found to be reactive by a screening test for a communicable disease agent(s) or reactive by a serological test for syphilis then the device labeling requires a warning statement indicating that the product was manufactured from a donation found to be reactive by a screening test for evidence of infection due to the identified communicable disease agent(s). Other labeling requirements in subchapter H (Medical Devices) of chapter I would also apply. We also are allowing for an exemption approved by FDA to the statement of warning in circumstances where the reactivity of the human blood or blood component in the device presents no significant health risk through the use of the device.

In proposed § 610.44, manufacturers of test kits would be required to use, when available, a reference panel obtained from FDA or from a FDA designated source to verify the sensitivity and specificity of kits approved for use in testing donations of blood and blood components for communicable disease agents listed in § 610.40(a) and for an HIV test approved for use in the diagnosis and monitoring of HIV.

In the final rule, we are amending the requirements to clarify that when available and appropriate, a manufacturer must use panels that have been provided or identified by FDA to verify acceptable sensitivity and specificity of kits used to test donations of human blood and blood components, including licensed supplemental (additional, more specific) tests. The agency is making this change after reviewing 21 CFR 660.46. That regulation recognizes that official lot release may not be required after a manufacturer consistently produces a product that meets specifications. Consistent with this policy, the agency has recognized that less strict reference standard testing requirements may be appropriate in some situations. Accordingly, FDA has revised 1§ 610.44 to require use of reference panels only when such use is appropriate and panels are available. Moreover, FDA may determine that reference panel testing of each lot is not appropriate, based on a manufacturer's consistent prior production of products of acceptable sensitivity and specificity. In that situation, intermittent testing of lots may be appropriate.

FDA also is clarifying that § 610.44(a)(2) requires manufacturers of an HIV test kit approved for use in diagnosis, prognosis, or monitoring to use an FDA provided or designated reference panel, when available and appropriate to assure acceptable sensitivity and specificity of each lot of test kit. When available and appropriate, FDA expects the manufacturer to perform testing using the panel to assure that each lot meets acceptable sensitivity and specificity.

The agency also is making a conforming amendment to § 809.20(b) (21 CFR 809.20(b)), to make clear that § 610.44 applies to all HIV test kits that are biological products, and are approved for diagnosis, prognosis, or monitoring, including any such kits reviewed under the medical device authorities.

In the proposed rule, we stated that as technology and scientific knowledge advance, and the demands placed on the blood industry change, there will continue to be instances when a regulation will become outdated or where unanticipated circumstances may warrant a departure from a regulation. To allow for flexibility in such cases, we discussed the availability of approval for exemption upon written request from a manufacturer to FDA. We also noted that, under § 640.120, applicants may submit requests for exceptions or alternatives to regulations regarding blood, blood components, or blood products. Consistent with this policy, we created a similar provision in the final rule that is applicable to the labeling of medical devices in § 610.42, and distribution of lots found not to be acceptable for sensitivity and specificity in § 610.44. We would approve an exception or alternative under these sections only if we concluded that the safety, purity, potency, and effectiveness of the final product were adequately assured. Manufacturers may submit, in writing to FDA, a request for an exception or alternative to §§ 610.42(a) and 610.44(b). In limited circumstances, a request and approval may be made orally followed by a written request and written approval.

E. Technical Amendments

We also made technical changes to existing regulations, consistent with this rulemaking. We removed §§ 606.121(g), 607.65(g), 610.45, 640.2(d), and 660.42. We revised §§ 640.5(f) and 640.67 for consistency with § 610.40, and in §§ 606.121(h)(2) and (h)(3), 640.14, 640.23(a), 640.33(a), and 640.53(a) we deleted ''§ 610.45.'' We have amended §§ 606.121(e)(5)(ii) and 640.70(a)(2) to conform with the labeling requirement in § 610.40(h)(2)(ii)(E), and amended § 809.20(b) to conform with § 610.44.

III. Testing for Syphilis

In the proposed rule, we solicited comments, with supporting data, from the public in regard to the value of such a test as a marker of high risk behavior, as a surrogate test for other communicable diseases, and as a screen for syphilis in blood and blood components to prevent transfusion-related transmission. We recognized that many scientists, including some members of the blood banking community, continue to advocate the elimination of the serological test for syphilis as a testing requirement. Comments were received and are discussed in comment 28 of this document. We have concluded that there are insufficient data to justify eliminating the requirement for a serological test for syphilis. Therefore, §§ 640.5(a) and 640.65(b) remain in effect at this time. The agency remains interested in receiving scientific data to clarify the value of performing serologic tests for syphilis on donations of blood and plasma.

IV. Relevant Guidance

Over time, we have issued guidance representing the agency's current thinking on the adequate and appropriate testing of blood and blood component donations for evidence of infection due to various communicable disease agents. Because we are not specifying the test or tests to be used in this regulation, we are listing in the following table the test or tests we currently believe reduce adequately and appropriately the risk for transmission of communicable disease agents.

TABLE 1.—SCREENING TESTS

Tests	Whole Blood and Blood Components Including Recovered Plasma	Components of, or Used to Prepare, Medical Devices Containing Viable Leukocytes	Components of, or Used to Prepare, Medical Devices Not Containing Viable Leukocytes	Source Plasma
Serological Test for Syphilis (STS)	X	X	X	X
Antibodies to HIV, types 1 and 2 (anti-HIV)	X	X	X	X
HIV–1 Antigen (HIV–1 Ag)	X	X	X	X
Hepatitis B Surface Antigen (HBsAg)	X	X	X	X
Antibody to Hepatitis B Core Antigen (anti-HBc)	X	X[1]	X[1]	
Antibody to Hepatitis C Virus Encoded Antigen (anti-HCV)	X	X	X	X
Antibodies to HTLV, types I and II (anti-HTLV I/II)	X	X		

[1] Anti-HBc testing not recommended for donations intended solely for further manufacturing into in vitro medical devices.

TABLE 2.—ADDITIONAL MORE SPECIFIC TESTS

Tests	STS	anti-HIV	HIV–1Ag	HBsAg	anti-HBc	anti-HCV	anti-HTLV I/II
Approved Supplemental Tests	X	X	X[1]	X[1]		X	

[1] A neutralization assay is performed as part of the screening test procedure for a reactive sample.

As technology advances, we intend to regularly issue guidance describing those tests that we believe would adequately and appropriately reduce the risk of transmission of communicable disease agents. Unless we determine that prior public participation is not feasible or appropriate, we intend to issue such guidance in draft, giving the opportunity for public comment and for manufacturers to prepare to use any appropriate new testing technologies. When prior public participation is not feasible or appropriate, for example, when immediate action is necessary to protect the public health, we may immediately implement the guidance.

We have prepared a list of guidance documents that currently are applicable to these regulations. They are listed in order by date of issuance.

- Recommendations for the Management of Donors and Units that are Initially Reactive for Hepatitis B Surface Antigen (HBsAg); December 2, 1987
- HTLV–I Antibody Testing; November 29, 1988
- FDA Recommendations Concerning Testing for Antibody to Hepatitis B Core Antigen (Anti-HBc); September 10, 1991
- Clarification of FDA Recommendations for Donor Deferral and Product Distribution Based on the Results of Syphilis Testing; December 12, 1991
- Revised Recommendations for Testing Whole Blood, Blood Components, Source Plasma and Source Leukocytes for Antibody to Hepatitis C Encoded Antigen (Anti-HCV); April 23, 1992
- Revised Recommendations for the Prevention of Human Immunodeficiency Virus (HIV) Transmission by Blood and Blood Products; April 23, 1992
- Revised Recommendations for Testing Whole Blood, Blood Components, Source Plasma and Source Leukocytes for Antibody to Hepatitis C Virus Encoded Antigen (Anti-HCV) [Supplements previous guidance April 23, 1992]; August 5, 1993
- Donor Suitability Related to Laboratory Testing for Viral Hepatitis and a History of Viral Hepatitis; December 22, 1993
- Recommendations for Donor Screening with a Licensed Test for HIV–1 Antigen; August 8, 1995
- Additional Recommendations for Donor Screening with a Licensed Test Kit for HIV–1 Antigen [Supplements previous guidance August 8, 1995]; March 14, 1996
- Additional Recommendations for Testing Whole Blood, Blood Components, Source Plasma, and Source Leukocytes for Antibody to Hepatitis C Virus Encoded Antigen (Anti-HCV) [Supplements previous HCV guidance—April 23, 1992 and August 5, 1993]; May 16, 1996
- Guidance for Industry: Donor Screening for Antibodies to HTLV–II; August 15, 1997
- Guidance for Industry: Errors and Accidents Regarding Saline Dilution of

Samples Used for Viral Marker Testing; June 11, 1998

The guidance documents referenced in this document or otherwise applicable to the testing of donors of blood and blood components may be obtained from the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance documents may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by FAX by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. Persons with access to the Internet may connect to CBER at http://www.fda.gov/cber/publications.htm.

V. Comments on the Proposed Rule

We received 24 letters of comment on the proposed rule, most of which raised multiple issues. The comments were submitted by blood centers, hospitals, transfusion services, trade associations, and professional associations. A number of comments expressly supported our revision of communicable disease testing requirements to incorporate the agency's guidance and industry practice into one comprehensive regulatory framework to help ensure the safety of the blood supply. A summary of the comments and the agency's responses follow.

A. Testing of Autologous Donations

In the proposed rule, each donation of autologous blood and blood component would be tested for evidence of infection due to the following communicable disease agents: HIV, types 1 and 2; HBV; HCV; and HTLV, types I and II. The testing would be performed using screening tests approved for such use by FDA. One or more such tests would be performed as necessary to reduce adequately and appropriately the risk of transmission of communicable disease. Restrictions on shipment or use would not apply to autologous blood and blood components provided the autologous blood and blood components are labeled appropriately. We requested comments on alternatives (including the rationale) to testing each autologous donation, such as procedural or labeling improvements. A majority of comments submitted to us responded to this issue.

(Comment 1) Six comments support testing autologous donations in the same manner as allogeneic donations. The comments argue that a significant error rate in the use of autologous blood for allogeneic use or use in preparing a product, makes the current risks to recipients of blood and blood components unacceptable. They further argue that testing will reduce these risks, as well as the risk to healthcare workers from inadvertent exposure. Several of these comments recommend that autologous donations testing reactive for a communicable disease agent(s) should not be exempt from the restrictions on shipment and use in the proposed rule. They argue that positive donations of autologous blood should be discarded to protect the health of healthcare workers and to prevent inadvertent use of such autologous blood for allogeneic transfusions.

Eleven comments oppose testing of autologous donations for evidence of infection due to communicable disease agents. These comments argue that testing would not significantly reduce the risk of inadvertent allogeneic transfusions with autologous blood and blood components because testing alone does not address the process errors that cause inadvertent allogeneic transfusions. Errors in labeling and handling autologous blood will occur regardless of whether donations are tested. Several comments argue that we presented no data to suggest testing will reduce inadvertent allogeneic transfusion. One comment points out that inadvertent allogeneic transfusion errors occur despite the fact that an estimated 60 to 70 percent of autologous donations currently are tested. The comments that argue against testing instead support regulation that focuses on improving quality assurance systems. These comments recommend optimizing labeling, separating processing paths and segregating storage for autologous donations, as well as requiring multiple identifications of recipients to address directly all (autologous and allogeneic) transfusion errors. Finally, comments opposed to testing autologous donations argue that the significant costs of testing are unwarranted given the lack of clinical utility. They argue that in many cases, particularly in small, rural hospitals where patients will have few alternatives, the costs of testing will be prohibitive and will result in reduced availability of autologous services. Several comments also suggest that reduced availability of autologous donations will result in an increase in allogeneic use with its attenuated risks outweighing any minor increase in safety from testing autologous donations.

A number of comments recommend an intermediate position between testing all autologous donations and testing none. Three comments support testing only one in a series of autologous donations, noting that many autologous donors donate multiple donations in a short timeframe, therefore, testing each donation would result in significant costs without any appreciable increase in safety to the blood supply. One comment calls for testing autologous donations once in 30 days if the autologous donation is to be shipped from the collection establishment before transfusion. If the donation is collected and transfused in the same facility, the comment recommends no testing be required. The same comment supports labeling all autologous donations with a unique label stating ''FOR AUTOLOGOUS USE ONLY'' and all reactive or untested donations with a ''BIOHAZARD'' legend. Further, the comment calls for prohibiting establishments from using autologous donations as allogeneic donations. The comment argues that requiring testing every 30 days for shipped autologous donations, labeling changes, and preventing the use of autologous blood and blood components for allogeneic transfusion are better, more cost-efficient methods of protecting patients and health care personnel.

Based on the comments submitted and our own evaluation, the agency has concluded that its proposal to test all autologous donations in the same manner as allogeneic donations should be amended. While communicable disease testing plays a major role in improving the safety of the allogeneic blood supply, we are not convinced that the testing of all autologous donations is necessary to improve the safety of the general blood supply. It is the inadvertent improper use of autologous donations, rather than the product itself, which poses risk to the public health. Many of the incidents involving autologous donations that compromise transfusion safety are caused by process or clerical error. As one comment points out, these errors occur regardless of whether the autologous donation is tested and its communicable disease status is known. We are persuaded that such errors involving autologous donations can be better addressed by changes in labeling and processing of autologous donations. We believe that clearly marking autologous donations as ''DONOR UNTESTED,'' as well as with the autologous label (§ 606.121(i) (21 CFR 606.121(i))), will alert healthcare workers that they could be handling potentially infectious products and

should take appropriate precautions. We believe that not requiring testing of autologous donations will help assure continued autologous services at certain small, rural blood establishments, which do not use autologous donations for allogeneic use. We believe that these labeling changes will sufficiently increase the safety of autologous transfusions without compromising the availability of these services.

However, we have concluded that under certain circumstances there is a potential risk to blood safety from autologous donations, and under those circumstances labeling changes alone are insufficient to protect the public health. First, blood establishments that permit autologous donations to be used for allogeneic transfusions run a potentially greater risk of erroneous transfusion of an autologous donation to an unintended recipient. We are requiring that establishments that maintain a program permitting allogeneic use of autologous donations test each autologous donation collected regardless of whether the particular blood or blood component is ''crossed-over'' for allogeneic use. Positive and reactive donations must be labeled with a ''BIOHAZARD'' legend as well as with the label ''FOR AUTOLOGOUS USE ONLY'' as required under § 606.121(i). Autologous donations that test negative for evidence of infection due to communicable disease agents must be labeled ''FOR AUTOLOGOUS USE ONLY'' as further specified under § 606.121(i). The agency believes that blood establishments that use autologous donations for allogeneic uses should be subject to these additional safety measures to prevent erroneous allogeneic uses. The agency believes that for such establishments the additional margin of safety achieved by testing all donations in the establishment's inventory and labeling reactive donations with a ''BIOHAZARD'' legend is necessary to protect the public health.

The second area in autologous transfusion services that presents additional safety concerns is the shipment of autologous products from the collection facility to another establishment. Errors, including clerical errors in inventory management and breakage of autologous donations, may occur when the product is handled by a variety of individuals and facilities throughout collection, transport, storage, and transfusion. We are requiring that blood establishments that ship autologous products to other establishments that do not use autologous donations for allogeneic use must test the first autologous donation collected at the beginning of each 30-day period for evidence of infection due to communicable disease agents. We believe a minimum requirement of testing the autologous donor's blood at least once in 30 days is sufficient because autologous donations are usually given in a series over a short timeframe. Because these donations are not intended to be transfused into any other recipient than the donor, testing once in 30 days for evidence of infection due to communicable disease agents will give an added measure of safety to those handling the blood without the costs of testing each autologous donation. Thus, if an autologous donor donated three times over a 30-day period and the establishment ships the autologous donations to another establishment that does not allow use of autologous donations for allogeneic transfusion, the rule requires, at a minimum, that the establishment test the first collection only. If the donor donated a fourth time on the 31st day or later, the establishment must test the fourth collection.

(Comment 2) One comment raises several additional arguments against testing autologous donations including: Testing may give a false sense of increased protection resulting in decreased attention and more errors; testing may result in denial of services to patients or loss of autologous donor programs; and testing of autologous donations constitutes the practice of medicine since autologous donors are patients under a doctor's care.

We do not believe that testing of autologous donations will result in decreased attention and more errors. Communicable disease testing of allogeneic blood and blood components has been an important and effective tool to ensure the safety of the blood supply. Testing of autologous donations, which are shipped to or collected in an establishment that maintains a program that uses autologous blood and blood components for allogeneic transfusion will provide an additional margin of safety against a potentially greater risk of error. We do not believe that communicable disease testing of autologous donations will result in a denial of such services to patients or in the loss of such programs. We are not requiring testing of autologous blood and blood components except when an establishment has a program allowing the use of autologous donations for allogeneic transfusion, or ships the autologous donations from the collecting facility. We believe this approach allows services and programs for autologous collections to continue while protecting potential allogeneic recipients and healthcare workers who may be exposed to biohazardous blood or blood components.

The comment views the testing of autologous donations as practice of medicine. However, we do not consider testing of autologous donations to be practice of medicine, but to be a safeguard in protecting the public health when autologous donations are made available for allogeneic use or when others may be exposed to potentially hazardous donations during shipment of autologous donations by the collecting establishment. This policy responds to a recommendation in the February 1997 report issued by the General Accounting Office entitled ''Blood Supply: FDA Oversight and Remaining Issues of Safety.''

(Comment 3) Two comments argue that testing and labeling autologous blood and blood components can seriously jeopardize the confidentiality of the donor's communicable disease status.

We do not believe the required testing and labeling of autologous donations will seriously compromise the donor's confidentiality. The final rule does not require most autologous donors to be tested, and labeling on untested autologous donations will not raise confidentiality issues. In addition, the label will not identify in any manner the donor's particular communicable disease status. The ''BIOHAZARD'' legend on donations from autologous donors who test positive or reactive will serve as a necessary alert for blood healthcare workers and help prevent transfusion errors. We recommend that autologous donors be informed beforehand if their donations will be tested for evidence of infection due to communicable disease agents. Thus, autologous donors may choose not to donate in a setting where testing is required.

(Comment 4) Seven comments raise the issue of what to do with autologous blood or blood components that test reactive by one or more of the communicable disease agents identified in § 610.40(a). Several of these comments point out that blood establishments are under ethical and legal constraints that would prevent them from discarding test positive autologous donations. Several comments suggest that under a recent Supreme Court decision it may be a violation of the American with Disabilities Act (''ADA'') to deny HIV-infected patients the right to use their own blood. Two comments strongly support discarding autologous donations testing reactive. These comments argue that the risks from

keeping these positive donations in blood inventories are too great. The comments argue these donations should be treated similarly to blood from a positive allogeneic donor and discarded.

We are not prohibiting blood establishments from transfusing positive donors with their own blood. These donations, however, if made available for autologous use must be labeled ''FOR AUTOLOGOUS USE ONLY'' and also with a ''BIOHAZARD'' legend.

(Comment 5) Several comments call for prohibiting the use of autologous donations for allogeneic transfusion for all blood collection establishments. The comments argue that the benefit of testing would be negated if test positive autologous donations remain in the system subject to the processing errors that can occur when use of autologous donations for allogeneic transfusions is permitted.

The agency has determined that this final rulemaking is not the appropriate venue to institute a requirement prohibiting use of autologous donations for allogeneic use. However, we believe that this issue should be considered further in the more general context of medical errors. In the interim, we believe that requiring blood establishments that continue the practice of using autologous donations for allogeneic transfusions to test and appropriately label all their autologous donations will help control errors involving autologous donations testing reactive for a communicable disease agent(s).

(Comment 6) Four comments point out that the proposed rule does not address perioperative autologous blood collections. Two comments suggest that requiring testing of perioperative collections would effectively eliminate them because testing would not be completed in time for donations to be used. One comment suggests the final rule should contain an exception for intraoperatively salvaged blood.

We are not proposing testing of perioperative blood collections. These blood or blood components are collected and used within the same facility where the operation is being performed, and are not intended for allogeneic use. They also do not become part of the transfusion center's or blood collection establishment's inventories. Therefore, we do not consider perioperative blood or blood component donations subject to testing for evidence of infections under the purview of the final rule.

(Comment 7) Four comments suggest that we deal with the issue of the inappropriate use of recovered plasma for further manufacture from untested or communicable disease marker reactive autologous blood by banning the use of untested or reactive recovered plasma or by requiring testing of autologous blood to be used for salvage.

Under 21 CFR 606.100(b)(18), blood establishments are required to establish and maintain standard operating procedures (SOP's) for recovered plasma. If a blood establishment intends to use recovered plasma from an untested donation for further manufacturing use, the donation would then be considered an allogeneic donation subject to the testing requirements for allogeneic donations under the final rule. The use of untested or reactive autologous blood for further manufacturing is prohibited unless exempted under § 610.40(h)(2).

B. Exception for Dedicated Apheresis Donations

We requested comments on whether to exempt from testing for evidence of infection due to communicable disease agents each donation from a dedicated apheresis donor (defined in section I.B of this document) and instead test such donors only once in each 30-day period.

(Comment 8) Eight comments responded to this request. One comment opposes a once in each 30-day period testing exception for dedicated apheresis donors, arguing that recipients of these donations are entitled to the same protection as other recipients of blood components. The remaining seven comments support allowing testing of dedicated apheresis donors only once every 30 days. These comments cite the fact that dedicated apheresis donations are often used for patients in dire situations who are unable to wait for each donation to be tested. They argue that dedicated apheresis donations tested only once in each 30-day period would not present a safety concern because new tests have substantially increased the reliability of the first donation's test results; because subsequent donations during the 30-day period would create little additional risk to the recipient, since the first donation would expose the recipient to any undetected infection; and because new risk of exposure could be caught by taking the donor's medical history (including health and social history screening) on the day of each subsequent collection. (See 21 CFR 640.3(a).)

Based on the comments submitted and the agency's own evaluation, we have concluded that donations from dedicated apheresis donors must be tested for evidence of infection due to communicable disease agents at the first donation and at a minimum of once at the beginning of each successive 30-day period. This exception from universal testing will provide the recipient of dedicated apheresis donations with adequate protection against disease transfer since the test results would be unlikely to change within the 30-day period. We also believe this exception will limit donor exposure when the patient needs frequent transfusions and will help avoid delaying treatment of patients in need of emergency transfusions.

(Comment 9) One comment suggests that the communicable disease agent testing should be allowed near the time of the first collection to facilitate expedited release of dedicated apheresis donations to patients in need.

We have reviewed the comment and will consider permitting communicable disease agent testing prior to collection of the first dedicated donation in the context of creating specific standards for dedicated donations in future rulemaking.

(Comment 10) Two comments call for use of an abbreviated donor screening questionnaire for dedicated apheresis donors.

Since we are limiting testing for evidence of infection due to communicable disease agents to the first donation in each 30-day period, we believe that the screening process plays an even more important role in evaluating the safety of the blood or blood component being collected from the dedicated donor. The possible implications of an abbreviated screening are not in the scope of this rulemaking, and are under study for future rulemaking.

(Comment 11) Two comments suggest extending this exception from universal testing to other dedicated blood components (e.g. dedicated granulocyte donors; parent to child donations of plasma or red blood cells).

We agree with this comment. We believe that donations from dedicated donors should be treated alike in regards to communicable disease testing. Accordingly, the agency has extended the exception allowing testing for evidence of infection due to communicable disease agents to the first donation in each 30-day period for all donations of blood and blood components from dedicated donors to a single, identified recipient. Syphilis testing is required, at a minimum, for the first donation in each 30-day period in addition to the other communicable disease agents listed in § 610.40(a).

(Comment 12) One comment also calls for extending the exemption to other non-infectious tests required for donations from dedicated apheresis

donors, such as ABO, Rh, red cell antibody screening.

We disagree with this comment. Tests such as ABO, Rh, and red cell antibody screening are part of matching the donation to the donor and, therefore, part of quality assurance processes.

(Comment 13) One comment suggests that subsequent donations from dedicated apheresis donors should not be labeled as untested since the test results from the first donation should apply to subsequent donations.

We agree with this comment. We are requiring that donations subsequent to the first tested donation in each 30-day period from dedicated donors, including apheresis donors, be labeled ''DONOR TESTED WITHIN THE LAST 30 DAYS.''

We are aware that there may be occasions where the dedicated donations are no longer needed by the identified recipient. When an untested donation is to be used for transfusion to another recipient or for further manufacturing, the establishment must assure that all suitability criteria under § 640.3 are met and that testing required under § 610.40 is completed and that the donation tests nonreactive before use.

C. Supplemental Testing

In proposed § 610.40(c), we would require that each donation found to be reactive by a screening test for evidence of infection due to communicable disease agents be further tested whenever a supplemental (additional, more specific) test has been approved for such use by FDA.

(Comment 14) Three comments support our proposal to further test reactive donations whenever a supplemental (additional, more specific) test has been approved for such use by FDA. These comments point out that this information is relevant to the donor and part of the usual and customary business practice for blood centers to provide. One of these comments also suggests that requiring such testing will provide test kit manufacturers with the economic incentive to develop supplemental tests for less common viruses for which donors are screened.

Four comments oppose our mandating supplemental testing. These comments argue that there is not a sufficient public health concern and that the costs are too burdensome. The comments suggest that our regulatory concerns should be limited to deferring reactive donors and labeling positive donations. Several of these comments argue that supplemental testing has no impact on blood safety and is a medical decision to be made by the donor's physician. Others suggest that blood centers do supplemental testing voluntarily if they intend to reenter donors; so supplemental testing should not be required.

Historically, we have recommended in guidance supplemental testing of reactive samples and, for HIV, we have required supplemental testing in § 610.46(b). We consider supplemental testing as part of communicable disease control, necessary in protecting public health. Screening tests are designed to be highly specific for the tested marker. Nevertheless, false positives occur due to sample contamination, cross-reactivity, or nonspecific causes. In § 610.40(e), we are requiring that reactive samples be further tested by a supplemental (additional, more specific) test, when available, that has been approved for such use by FDA. Although a donor must be deferred based on a reactive screening test, the blood and plasma establishment should use the information obtained through supplemental testing to notify and counsel the deferred donor. Providing donors with accurate information about their communicable disease status and deferral as soon as possible helps ensure a healthy donor population. Blood and plasma establishments also can use information from supplemental testing to evaluate the donor for possible reentry into the donor pool. Requalification of donors contributes to blood availability, which also is a public health concern. Therefore, FDA believes supplemental testing has a direct impact on blood safety in preventing communicable disease transmission and in optimizing blood availability.

(Comment 15) Several comments object to HCV supplemental testing in particular because there is currently no requirement for lookback or product retrieval and there is no reentry algorithm in place.

We disagree with the comments. We consider supplemental testing part of blood safety by providing deferred donors with accurate, timely information regarding their deferred status and possible transmission of communicable disease. Currently, we allow reentry of donors who test reactive by a multiantigen screening test for HCV. Reentry into the donor population must follow a method or process approved by FDA. This process includes the use of a supplemental test, e.g., recombinant immunoblot assay 3.0 (RIBA 3.0). We have issued draft guidance on our current thinking on HCV ''lookback'' (see section IV of this document for description on how to access the draft guidance document); we intend to finalize this guidance and to propose new regulations in a future rulemaking for ''lookback'' when donors test reactive for HCV.

(Comment 16) One comment objects to supplemental testing of autologous donations. The comment objected, in part, because of the costs associated with testing each donation from autologous donors.

Under the final rule, we require testing of autologous donations only where there is a public health risk, i.e., where an establishment has a program allowing the use of autologous donations for allogeneic transfusion, or where a collecting establishment ships autologous donations. For those donations of autologous blood and blood components that are required to be tested, we also are requiring blood establishments to further test such donations using supplemental tests. If an autologous donation is reactive in screening tests, blood establishments are required to defer the autologous donor from future allogeneic donations. The deferred autologous donor has the same need as the deferred allogeneic donor for accurate information regarding his or her possible infectious status, and the information from supplemental testing may prevent the donor from spreading the infection. Thus, we believe that supplemental testing of autologous donations is just as necessary to blood safety and public health as supplemental testing of allogeneic donations. For those autologous donors with a record of a positive supplemental test for a specific communicable disease agent, the establishment is not required to perform the supplemental test again.

(Comment 17) Two comments argue that the approved supplemental tests are not always the best method of confirmatory testing, pointing to nucleic-acid-based testing (NAT) for HCV and HIV. The comments also suggest allowing blood establishments to use NAT testing and leave the decision to the donor's physician whether other supplemental tests are warranted medically.

In structuring the proposed rule, we intended to allow for advancements in testing technology without further rulemaking. We built into the requirement for supplemental testing of reactive donations the ability for blood and plasma establishments to use different testing methods as long as those tests have been approved by the agency. NAT is not yet available as a supplemental testing method and cannot now be used in lieu of licensed or approved tests. However, we expect further development in NAT, both as a screening and supplemental test, and intend to issue guidance on the use of such testing in the future.

(Comment 18) Three comments suggest that to reduce costs and delays supplemental tests need be performed only on the first reactive donation in a series of donations.

Supplemental testing, when available, is required for each donation that tests reactive for evidence of infection due to a communicable disease agent(s) listed in § 610.40. We agree with the comments in part, and applied the suggestion to autologous donors. We are making two exceptions to performing supplemental testing on each reactive donation. The first exception requires, at a minimum, that supplemental testing be performed on the first reactive autologous donation in each 30-day period. The second exception is when an autologous donor has a positive supplemental test of record. In that instance, the supplemental test is not required to be performed on subsequent autologous donations.

D. Release or Shipment Prior To Testing

In proposed § 610.40(e), we would allow the use or shipment prior to test results of human blood or blood components under two circumstances: Appropriately documented medical emergency situations; or when approved in writing by FDA. Use or shipment prior to test results may occur, provided the consignee is notified that test results are not available, the tests for evidence of infection due to communicable disease agents are performed as soon as possible after release or shipment, and the results are provided promptly to the consignee.

(Comment 19) Several comments support allowing use or shipment of donations prior to testing in medical emergencies and routine shipment for further manufacturing use. One comment opposes any use or shipment prior to testing.

We believe these exceptions are necessary to ensure the continued availability of blood products in emergency situations and when products require rapid preparation, e.g., Source Leukocytes. In either instance, the completion of testing prior to shipment or use may not be feasible. The regulations require the blood or plasma establishment to document the emergency release or shipment of blood or blood components prior to completion of testing. If the blood or plasma establishment ships blood or blood components for further manufacturing use prior to completion of testing, the blood establishment must obtain prior approval from FDA. In either instance, the blood or plasma establishment must complete testing as soon as possible thereafter, and must notify the consignee of test results as soon as they are available.

(Comment 20) One comment argues that a blood establishment should not be required to obtain approval from FDA before shipping untested blood or blood components for further manufacturing use. The comment contends that there is no public health concern since the blood or blood components are not released yet. The comment asserts that a request for FDA approval would delay manufacture of the biological product. The comment asks that any such requests be automatically approved 30 days after submission to FDA.

We believe it is essential as a public health safeguard that blood or plasma establishments shipping blood and blood components for further manufacturing use prior to completion of testing obtain prior approval from FDA and submit their SOP's for review. However, the blood or plasma establishment must submit its SOP's and obtain prior approval only before its first shipment—not, as some comments seem to suggest, before each shipment. This requirement of a single submission will not delay the manufacture of a biological product. We believe that this provision will expedite the manufacturing process by allowing communicable disease testing to be completed after shipment, but before further manufacturing use. Prior approval is necessary to help ensure that a blood or plasma establishment is following proper procedures in shipping potentially infectious blood and blood components for further manufacturing use.

(Comment 21) One comment asks FDA to clarify whether proposed § 610.40(e)(2) addresses the transfer of untested donations within a multifacility manufacturer for labeling purposes.

Requests to ship blood and blood components prior to testing between facilities within a multifacility manufacturer for labeling purposes should be submitted through the license application for that product. FDA will review those applications on a case-by-case basis.

E. Donor Deferral

In proposed § 610.41, we would require donors testing reactive for evidence of infection due to a communicable disease agent or reactive for a serological test for syphilis be deferred from future donations of blood and blood components. Proposed exceptions to this requirement are: (1) Autologous donors; (2) plasmapheresis donors with a reactive serological test for syphilis under § 640.65; (3) donors who test reactive for anti-HTLV, types I or II, or anti-Hepatitis B core (anti-HBc) on only one occasion; (4) donors who test reactive for anti-HTLV, types I or II, or anti-HBc may serve as donors of Source Plasma; (5) deferred donors testing reactive for evidence of infection due to a communicable disease agent may serve as donors for blood or blood components when used following the requirements for restriction on shipment or use; (6) deferred donors showing evidence of infection due to hepatitis B virus when previously tested, may donate blood or blood components in the preparation of Hepatitis B Immune Globulin (Human) provided their current donations test negative for HBsAg and the donor is determined otherwise to be suitable; (7) donors testing reactive with a serological test for syphilis and found negative by an approved specific treponemal test; and (8) previously deferred donors later found to be suitable as donors of blood or blood components by a method or process acceptable for such purposes by FDA.

(Comment 22) One comment supports and one comment opposes allowing donors testing reactive for anti-HTLV, type I or type II, or anti-HBc to serve as donors of Source Plasma.

In the proposed rule, we explained that the communicable disease agents HTLV, types I and II, are highly cell-associated. It is well established that HTLV, types I and II infection may be transmitted to recipients by the transfusion of cellular blood components from infected donors. Conversely, HTLV transmission has not been demonstrated by the transfusion of Plasma or Cryoprecipitate or by the use of products made from Source Plasma. Donors testing reactive for anti-HBc also do not present a risk of transmitting hepatitis B to recipients of plasma derivatives made from Source Plasma. Although blood that is reactive for anti-HBc, even when negative for hepatitis B surface antigen (HBsAg), has a low risk of infectivity for HBV and would not be suitable for transfusion, the plasma from such blood would be suitable for manufacture into plasma derivatives. In most cases, blood that is negative for HBsAg, but is reactive for anti-HBc would be from a donor who has cleared a hepatitis B infection. Such a donor would still have circulating anti-HBc and presumably would also have circulating anti-hepatitis B surface antigen (anti-HB's), which is hepatitis B neutralizing antibody. This neutralizing antibody is thought to contribute to the safety of immune globulin products. Additionally, all licensed human plasma derivatives undergo procedures

that will inactivate HBV and HTLV. In the final rule, therefore, we continue to allow donors testing reactive for anti-HTLV, type I or type II, or anti-HBc to serve as donors of Source Plasma, consistent with the exemption that donors of Source Plasma need not be tested for anti-HTLV, types I and II, and anti-HBc.

(Comment 23) One comment suggests creating a temporary deferral category for donors found reactive with earlier generation EIA/screening test, but negative by more specific tests and reenter those donors if they test negative two times 6 months apart by a later more specific/sensitive test for the same marker.

We disagree with this comment on the basis that it is too specific for a regulation. The final rule contains a provision in § 610.41(b), which allows donors deferred based on reactive screening tests to be reentered into the donor pool if their blood subsequently tests negative for the same communicable disease agent and the donor is shown to be suitable to donate by a method or process approved by FDA. We have identified such donor reentry algorithms in guidance documents for some of the communicable disease agents listed in § 610.40 of the final rule. We expect, in the future, that blood and plasma establishments will submit for approval other reentry algorithms for the listed communicable disease agents.

(Comment 24) One comment requests that FDA explicitly allow the use of newly developed technologies to reenter donors under proposed § 610.40(f)(3).

We are allowing for further advancements in testing methodologies by not identifying specific tests to be performed within this rulemaking. We will continue evaluating new technologies related to reentry of deferred donors. We intend to issue guidance concerning our views on the use of those new technologies in screening and confirmatory communicable disease testing and as part of reentry algorithms for donors deferred based on results of screening tests for infection due to communicable disease agents.

(Comment 25) One comment stated that the exception to deferral in proposed § 610.41(a) should apply to donors who test reactive for anti-HTLV, types I and II, or anti-HBc on only one occasion, unless further testing under proposed § 610.40(c) is positive.

We agree in part with this comment. Once a supplemental test for anti-HTLV, types I and II, or for anti-HBc is approved, deferral will occur after a reactive screening test on one occasion regardless of the outcome of the supplemental (additional, more specific) testing. When a supplemental test is approved, we intend to issue guidance on when donor requalification is appropriate. Until such time, deferral will be based on reactive test results on two occasions.

(Comment 26) One comment requests clarification of the rule's impact on anti-HBc testing of blood and blood components for further manufacturing use.

The final rule does not require blood and plasma establishments to test blood and blood components for further manufacturing use (including Source Plasma) for anti-HBc. The rule does not prohibit establishments that choose to test such products for anti-HBc from using reactive blood or blood components in fractionation products and in in-vitro diagnostic products. A guidance issued to all registered blood establishments addresses labeling for injectable and non-injectable products using anti-HBc reactive blood components. (See the list of documents in section IV of this document (dated September 9, 1991).)

(Comment 27) For the manufacture of Hepatitis B Immune Globulin (Human) (HBIG), one comment supports the use of donors immunized to hepatitis B virus, as an alternative to using donors previously showing evidence of infection due to hepatitis B virus. The comment contends that this change would expand the possible supply. Another comment opposes the sole use of blood from donors immunized to hepatitis B virus in manufacture of HBIG for reasons related to protecting the public health.

We disagree with the first comment, and accept the second. In the final rule, we have permitted deferred donors previously showing evidence of infection due to hepatitis B virus to donate blood or blood components for use in the preparation of HBIG, provided that the current donations test nonreactive for HBsAg and that the donor is otherwise suitable. The agency has concluded that donors with antibodies to HBsAg should not be excluded. Donors having detectable antibodies to HBsAg have a spectrum of antibodies to different epitopes of the hepatitis B virus and, therefore, are acceptable or even desirable as donors for HBIG. Blood or blood components from such donors also may provide better protection against future mutations of the hepatitis B virus. We believe that HBIG prepared from the blood and blood components of donors previously showing evidence of infection would produce a more effective product.

F. Syphilis

In the proposed rule, we requested comments on continuing the requirement for testing each donation of blood and blood components for syphilis. We also requested data supporting their conclusion.

(Comment 28) The majority of comments that responded to the issue of testing for syphilis support eliminating such testing. These comments argue that there has been no reported case of transfusion transmitted syphilis in 30 years; that studies show treponemes don't survive in blood stored at 4 ½C and positive treponenemal DNA/RNA is not present in test positive donations based on studies using polymerase chain reaction (PCR) (ARCNET study); that there are no relevant case reports of platelet transfusion transmission; and that recent studies indicate testing for syphilis has limited value as a surrogate marker for other communicable disease agents or high risk behavior. The comments also point out that syphilis testing has unnecessarily constricted the blood supply and eroded donor trust as otherwise qualified donors are deferred based on what turns out to be treated previous infection. Those comments that oppose eliminating the syphilis requirements criticize the recent ARCNET study's methodology and conclusions and argue that there is not sufficient information to eliminate testing requirements.

After reviewing the comments and submitted study in addition to other scientific data, we have determined that the comments did not provide sufficient supporting data to justify eliminating the requirements to test blood and blood components with a serological test for syphilis. Preliminary results from ongoing studies indicate that the infectivity of seroreactive donors remains the subject of scientific debate. (See the transcript of the 67th Blood Product Advisory Committee Meeting, September 15, 2000). We will continue to consider this issue including any further studies that address the issues of transfusion related syphilis infection or testing for syphilis as a surrogate marker for other communicable diseases. We remain interested in receiving data supporting the elimination of the requirement for syphilis testing. Blood and plasma establishments must continue to test donations of blood and blood components for syphilis under §§ 640.5(a), 640.14, 640.23(a), 640.33(a), 640.53(a), and 640.65(b)(2) and references to these sections are inserted into the codified language in §§ 610.40

and 610.41. The final rule requires that blood and plasma establishments defer donors who test reactive for a serologic test for syphilis unless a specific treponemal antibody test is negative or the donation is used for further manufacturing into control serum for a serological test for syphilis.

In § 610.40(h)(2)(vi) and (vii), we added language describing current requirements for the use of human blood, blood components, and Source Plasma with a reactive screening test for syphilis that is determined to be a biological false positive. Human blood and blood components may be used if the reactive screening test is further tested by an adequate and appropriate test demonstrating that the reactive screening test is a biological false positive. (See the list of documents in section IV of this document (dated December 12, 1991)). Such donations must be labeled with both test results. Source Plasma may be used from a donor with a reactive screening test for syphilis if the donor meets the requirements of § 640.65(b)(2).

VI. Effective Date

This final rule becomes effective December 10, 2001. All blood and blood components collected on and after the effective date must be in compliance with the new requirements. Labeling required by §§ 610.40(c)(3)(ii) and (h)(2)(ii), and 610.42 must be submitted to FDA as part of a supplement submission requesting FDA approval prior to distribution of a product under § 601.12(f)(1) (21 601.12(f)(1)). All other labeling changes must be submitted in an annual report under § 601.12(f)(3).

VII. Analysis of Impacts

FDA has examined the impacts of the rule under Executive Order 12866, under the Regulatory Flexibility Act (5 U.S.C. 601–612), and under the Unfunded Mandates Reform Act(2 U.S.C. 1501 *et seq.*). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Regulatory Flexibility Act requires agencies to analyze whether a rule may have a significant impact on a substantial number of small entities and, if it does, to analyze regulatory options that would minimize the impact. Section 202(a) of the Unfunded Mandates Reform Act requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation).

The Office of Management and Budget (OMB) has determined that the rule is a significant regulatory action as defined by the Executive Order and so is subject to review. Because the rule does not impose any mandates on State, local, or tribal governments, or the private sector, that will result in any one year of $100 million or more, FDA is not required to perform a cost-benefit analysis according to the Unfunded Mandates Reform Act.

The Regulatory Flexibility Act requires agencies to prepare a Regulatory Flexibility Analysis for each rule unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Although the rule is not expected to have a significant economic impact on a substantial number of small business entities, a precise impact is uncertain. Therefore, the agency has prepared a Regulatory Flexibility Analysis.

A. Objectives and Basis of the Action

The basis for this rule is to help protect the safety and ensure the quality of the Nation's blood supply, and to promote consistency in the industry. The safety of the Nation's blood supply is enhanced when donors whose test results indicate evidence of infection due to communicable disease agents are excluded from donating blood and blood components. Under the biologics licensing and quarantine provisions of sections 351–361 of the Public Health Service Act (PHS Act) (42 U.S.C. 262–264) and the drug, device, and the general administrative provisions of sections 501–503, 505–519, and 701–704 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351–353, 355–360i, and 371–374), FDA has the authority to issue regulations designed to protect the public from unsafe or ineffective biological products and to issue regulations necessary to prevent the transmission of communicable diseases into the United States or from one State to another. Under these statutory authorities, the agency is: (1) Requiring supplemental (additional, more specific) testing of all donations that are reactive by screening tests for which there are supplementary tests; and (2) codifying as requirements those recommendations that FDA has issued that are necessary to ensure blood safety, including testing for evidence of infection due to HIV, HBV, HCV, and HTLV.

B. Nature of the Impact

The rule requires that each donation of human blood or blood component, including those intended for use as a component of, or used to prepare, a medical device, but not including those intended for autologous use, unless shipped or used for allogeneic transfusion, be tested for evidence of infection due to HIV, types 1 and 2; HBV; HCV; and HTLV, types I and II. Each donation that is reactive when tested for evidence of infection due to any of the disease agents would be required to be further tested whenever a supplemental (additional, more specific) test has been approved for such use by FDA. FDA is requiring that the testing be done by a laboratory that is registered with FDA and CLIA-certified or meeting equivalent requirements as determined by HCFA. The rule also contains provisions for appropriate deferral of donors based on test results, and exemptions for Source Plasma from being tested for evidence of infection from HTLV, types I and II. Under the rule, allogeneic donations that test reactive shall not be shipped except in situations specifically approved by FDA. Autologous donations may be shipped as long as they are properly labeled.

This rule also requires manufacturers of tests kits, approved for use in testing donations of human blood and blood components for these disease agents, to verify an acceptable sensitivity and specificity of each lot of test kit, using a reference panel obtained from CBER or an FDA designated source, when available.

1. The Type and Number of Entities Affected

The testing of donations from allogeneic and certain autologous donors of blood and blood components will affect all blood and plasma establishments that collect blood and blood components from such donors. FDA's registration database has record of 981 registered blood establishments that collect blood and blood components and 60 licensed plasma centers with approximately 370 locations that collect Source Plasma. Whole Blood donors in the United States are volunteers. By contrast, most Source Plasma centers are commercial establishments with paid donors. Based on information published by the American Association of Blood Banks (AABB) regarding allogeneic donations (Ref. 1), and communications with experts in the blood banking industry

regarding the testing of autologous donations, FDA believes that all of the 12 million blood donations (not including 643,000 autologous donations) currently collected annually by the regional and community blood centers and hospitals are already being tested for the specific disease agents as usual and customary business practice. FDA further estimates that autologous donations that are shipped are already being tested for HIV, types 1 and 2, HBV, HCV, HTLV, types I and II, and syphilis as usual and customary business practice. It is also usual and customary business practice for hospitals to solely use autologous donations for autologous use and not allow autologous donations to be used for allogeneic transfusion. Therefore, we estimate that since industry practices are currently the same as FDA requirements for testing shipped autologous donations, and are more stringent than FDA requirements for use of autologous donations for allogeneic transfusion, then additional costs to blood establishments collecting autologous blood and blood components will be minimal, if any.

In 1997, the Government Accounting Office (GAO) estimated that approximately 12 million donations of Source Plasma were collected by plasma centers (Ref. 2). Although the precise number of those donations currently tested for HIV, types 1 and 2, HBV, and HCV is not reported, FDA assumes that virtually all donations are currently being initially screened for the communicable disease agents specified for plasma donations in the rule. However, based on GAO reported variations in the plasma industry's confirmatory testing of repeat reactive donations, it is also assumed that supplemental testing for HCV is not widely practiced at present.

The requirements for lot testing of approved test kits by manufacturers will entail use of CBER regulatory reference panels to provide verification of the specificity and sensitivity of each lot of test kits approved for use in testing donations of human blood. This release criterion would be applied to lots of test kits produced by licensed manufacturers or lots produced by manufacturers pursuing licensure of such tests. FDA estimates that the number of manufacturers of kits for the four disease agents specified in the rule currently ranges from six to seven establishments per disease agent. It is also possible that some additional number of manufacturers may pursue licensure of such kits in future years, although the total number is likely to remain small because of the expected limits of demand for such tests.

FDA currently has reference panels available for all of the disease agents specified in the rule, and has made the panels available to all currently licensed manufacturers of test kits. To the agency's knowledge, all currently licensed manufacturers covered by the rule are already performing the tests to comply with their own quality assurance standards. The rule is therefore expected to introduce no substantial impact on these establishments.

2. Estimated Impact of Requirements for Donor Testing

The rule provisions for donation testing, appropriate handling, labeling, and distribution will involve a one-time effort by all blood and plasma establishments to review and modify current blood and plasma donor testing, handling, and recordkeeping protocols to comply with the rule. While the rule does establish test requirements, these are not expected to increase the yearly cost of donor screening testing.

The one-time effort to review and modify current SOP's is expected to take approximately 8 hours of staff time to reconcile the regulations against the facility's current standards. This process could be performed by a technical specialist who works as a regulatory reviewer or manager of quality assurance. Based on the total average hourly compensation of $25.67 for professional specialty and technical occupations in the health services industry, as reported by Bureau of Labor Statistics for March 1997, the cost would be approximately $205, for each of the blood and plasma collecting establishments. Because this final rule does not require that all blood centers test all autologous donations, it is a lesser burden that what was in the proposed rule. FDA assumes that the cost will be the same for all facilities, whether or not they currently test all autologous donations. It is also assumed that all facilities already perform careful labeling and keep records of test results for evidence of infection due to communicable disease agents. Thus, the total one-time cost for the industry is estimated to be $276,955 ((370 + 981 establishments) x $205).

(Comment 29) Ten comments asserted that testing of autologous donations is costly to facilities and patients.

We have considered these comments and we are limiting the requirement to test autologous donations to two occasions when risk of exposure is increased, i.e., when autologous donations are used for allogeneic transfusion or when they are shipped. It is assumed that there will be very little testing that was not already being done, and that the requirement to test autologous donations when used for allogeneic transfusion or shipped will not impose additional cost.

The rule also allows that multiple donations of blood and blood components from single donors dedicated to a single identified recipient be tested once at the beginning of a 30-day period. These dedicated donations, however, are relatively uncommon and are believed to generally undergo testing by all facilities that is at least as frequent as the rule requires.

(Comment 30) Two comments contend that supplemental testing should be required only for HIV and HBsAg. Four additional comments noted that supplemental testing is expensive.

The agency believes that while there are costs to supplemental testing, the costs imposed by this rule are mitigated because a substantial fraction of facilities already perform supplemental testing. In addition, the ability to obtain more precise information on donors testing reactive will improve public health by providing these donors with accurate health information.

Currently, blood and plasma establishments are required under § 610.46(b) to further test donations that test reactive by a screening test for HIV. Anti-HBc and anti-HTLV, types I and II, do not have supplemental (additional, more specific) tests approved for such use by FDA at this time. Therefore, the yearly increase in cost imposed by this final rule is based on the assumption that blood and plasma collecting establishments will need to begin supplemental (additional, more specific) testing on donations that test reactive for HCV and HBsAg. Assuming: (1) An average 0.18 percent (0.0018) rate of HCV reactive donations; (2) an average 0.05 percent (0.0005) rate of HBsAg reactive donations; and (3) an annual volume of approximately 24 million blood and plasma donations, and the cost for a supplemental (additional, more specific) test for HCV and HbsAg is approximately $144.50 and $8.00 respectively (Ref. 3), then the annual cost is estimated to be no greater than $5,946,400 ((24,000,000 x 0.0018) x $114.50 + (24,000,000 x 0.0005) x $8.00).

In summary, the rule would result in an estimated one-time cost of $276,955, and a total annual cost of $5,042,400 to the blood and plasma industries.

3. Expected Benefits of the Rule

The rule is intended to increase the safety of all blood and blood component products by providing recipients with increased protection against communicable disease transmission. The rule addresses exposures that may occur through errors in administration of autologous as well as allogeneic blood units. For example, AABB Anonymous Survey Report included reports of erroneous transfusions (1.2 percent of respondents), untested recovered plasma salvaged (3.7 percent), units lost in transit (12.3 percent), units broken in the lab (33.6 percent), and units broken outside the lab (32.2 percent), as well as other errors (9.8 percent) (Ref. 4). The reduction in communicable disease risk already achieved among allogeneic blood transfusions as a result of infectious disease testing of donors has been quite dramatic. For example, as a result of the expansion of blood donor screening and improved laboratory tests, it is now estimated that the chances of transfusion-related HIV infection have decreased to between 1 in 450,000 to 660,000 per unit of blood (Ref. 5). HCV and HBV transfusion risks have also declined. In 1990, prior to specific testing, HCV was transmitted by 0.2 to 0.5 percent of transfusions, compared with the current rate of approximately 0.0005 percent. The risk of HBV transfusion transmission is currently estimated to be 1 in 500,000 transfused units.

The gravity of the disease risks addressed by the rule is widely recognized. Transfusion of HIV, the virus that causes AIDS, continues to cause great concern. Human T-cell leukemia/lymphoma viruses types I and II ,were identified in the early 1980's. Infection with the virus is associated with tropical spastic paraparesis, adult T-cell leukemia/lymphoma, and some inflammatory disorders (Lapane et al.). Although the virus is primarily transmitted by sexual contact and intravenous drug abuse, it can also be transmitted through blood transfusion.

HBV is a major cause of acute and chronic hepatitis, cirrhosis, and primary hepatocellular carcinoma worldwide. The Centers for Disease Control and Prevention (CDC) estimated that in 1985 approximately 300,000 persons became infected with HBV. Prior to the development of hepatitis screening tests, transfusion-related risks were significant. A retrospective testing of blood donors using first generation tests for the presence of HBsAg found that over half of recipients of HBsAg positive blood developed hepatitis (Ref. 6). Of the current pool of 1 to 1.25 million HBV carriers, approximately 25 percent will develop chronic hepatitis which will progress to cirrhosis and carriers will have a risk of liver cancer that is 12 to 300 times higher than the risk to non-carriers. An estimated 4,000 persons die each year from hepatitis B-related cirrhosis, and more than 800 die from primary hepatocellular carcinoma (PHC). The lifetime medical cost per case of PHC and cirrhosis is estimated to be $96,500 (Ref. 7).

Epidemiologic and experimental studies indicate that HCV is primarily transmitted by the parenteral route. Persons at increased risk of acquiring hepatitis C include parenteral drug users; health-care workers with occupational exposure to blood; hemodialysis patients; and recipients of Whole Blood, blood cellular components, or Plasma. Transfusion of blood or blood products, which accounted for a substantial proportion of HCV infections acquired more than 10 years ago, is now an uncommon means of transmission. CDC estimates that 150,000 to 170,000 new HCV infections occur annually in the United States (Ref. 8). Of patients with transfusion-associated chronic non-A, non-B hepatitis who undergo biopsy within 5 years after onset, at least 40 percent have histological evidence of chronic active hepatitis and 10 to 20 percent have evidence of cirrhosis (Ref. 9). An estimated 30 percent of those infected will eventually die of liver-related causes, an estimated 8,000 patients per year. Although some HCV patients have been found to respond to interferon therapy, the average cost of care per year for persons with liver disease from chronic hepatitis C is estimated to range from $24,600 for patients without interferon-alpha therapy to $26,500 per year for those receiving a 12-month course of therapy. The latter has been estimated to provide patients with an additional 0.37 quality-adjusted life years (Ref. 10). As described previously, the requirement of HIV, types 1 and 2; HBV; HCV; HTLV, types I and II; and syphilis testing for blood and blood component donations significantly reduces the U.S. population's exposure to the morbidity and mortality risks associated with these diseases, and their attendant costs.

4. Small Entity Impact

The information available to characterize the relevant volumes of affected blood and plasma products is limited. Although the rule is not expected to have a significant impact on a substantial number of small entities, the impact on blood and plasma establishments that might qualify as small entities is uncertain. FDA has therefore prepared a Regulatory Flexibility Analysis. The blood and plasma establishments affected by the rule are included under the major Standard Industry Code (SIC) group 80 for providers of health services. According to section 601 of the Regulatory Flexibility Act of 1980, the term ''small entity'' encompasses the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' ''Small governmental jurisdiction'' generally means governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

The extent of the small business impact is uncertain. Although the details of blood collection at hospitals are not available, FDA examined other data to develop a preliminary assessment of small business impact. The size of U.S. hospitals varies substantially. The 1998 American Hospital Association (AHA) survey data (Ref. 11) indicate a total of 5,134 U.S. registered community hospitals grouped into 8 bedsize categories. The average annual revenues for facilities in these bedsize categories range from approximately $5.5 million to $513 million. However, since many hospitals are not-for-profit or are operated by State and local governments, the Small Business Association (SBA) annual receipts criteria for small businesses would not apply to these facilities. Of the 5,134 U.S. community hospitals included in the AHA report, 1,330 are under the control of State and local government, 3,045 are nonprofit institutions, and the remaining 759 are reported to be investor-owned. (Note that while there are over 5,000 community hospitals in this small entity impact analysis, not all 5,000 hospitals are collecting facilities. Therefore, this does not invalidate the estimate of 60 licensed plasma centers with 370 locations and 981 registered blood establishments affected by the rule.)

The number of hospitals that would meet at least one of the various SBA definitions for small entities is uncertain. According to the AHA statistics for 1998, the smallest reported hospital size category includes 262 hospitals with 6 to 24 beds, and total gross revenues of $1.43 billion, yielding average revenues of $5.46 million. FDA assumes that the 11 facilities reported to be investor-owned within this bedsize category could qualify as small entities. Although it is possible that all nonprofit hospitals may qualify as small entities, it appears that a number of facilities

might be excluded from that definition because they are reported to be hospitals in a system. According to the AHA survey definition, ''hospitals belonging to a corporate body that owns and/or manages health provider facilities or health-related subsidiaries; the system may also own non-health-related facilities.'' The AHA currently has record of 1,592 hospitals that are nonFederal and nonprofit (including State and local government controlled) that are hospitals in a system. If these facilities were excluded, FDA estimates that 2,783 [1,330 State and local + 3,045 nonprofit—1,592 in-a-system] non-federal, nonprofit hospitals may qualify as small entities. Although, a total of 2,794 [2,783 + 11] hospitals might qualify as small entities, not all such hospitals collect blood and blood components, and some would be transfusion services only.

Approximately 75 of the 981 registered blood establishments that collect blood and blood components are responsible for collecting 65 percent of the blood supply (7.8 million donations). The remaining 906 registered blood establishments assumed to operate as small entities would collect 45 percent of the blood supply (5.4 million donations). If the estimated 5.4 million donations of blood and blood components were evenly distributed over the 906 registered blood collection establishments, each establishment would average 5,960 donations annually, of which approximately 11 (0.0018 x 5,960) might test reactive for HCV and approximately 3 (0.0005 x 5,960) of which might test reactive for HBsAg, and require supplemental testing. The expected cost of the additional testing would then be $1,283.50 (($114.50 x 11) + ($8.00 x 3)) per establishment per year.

The number of plasma facilities that would qualify as small entities is also uncertain. According to the General Accounting Office (Ref. 12) approximately 370 paid plasma collection locations annually collect about 12 million plasma donations, the vast majority of which is processed by 8 companies. FDA estimates that approximately 90 percent of these plasma collection locations are owned by companies that operate multiple facilities. Although the agency is uncertain about the level of revenues for these companies, it is considered likely that most would have annual receipts of $5 million or more per year. The remaining 10 percent of paid plasma collection locations (37 locations) may qualify as small business establishments. The potential impact on these facilities will be a function of the number of donors and the HCV and HBsAg reactive findings among donors at their facility. If the estimated 12 million plasma donations were evenly distributed over the collection centers, each center would average 25,000 donations. Assuming approximately 8 units per plasma donor per year (Ref. 12), each center would average 3,125 donors, approximately 6 (0.0018 x 3,125) of whom might test reactive for HCV and approximately 2 (0.0005 x 3,125) of whom might test reactive for HBsAg, and require supplemental testing. The expected cost of the additional testing would then be $703 (($114.50 x 6) + ($8.00 x 2)) per center per year.

In addition to these for-profit establishments, the remaining plasma collection centers function within blood collection centers that are operated by the American National Red Cross, or are independently operated. The independently operated, not-for-profit blood collection centers would likely qualify as small entities. The added impact of the rule on plasma collection performed at blood collection facilities is expected to be small, however, because the required testing would already be performed for Whole Blood donation.

FDA has considered alternatives for lessening the burden on small entities. The proposed rule proposed that all autologous blood be tested. By choosing this less costly alternative that does not require autologous blood testing, FDA is lessening the burden on small entities.

VIII. The Paperwork Reduction Act of 1995

This final rule contains information collection requirements that are subject to review by OMB under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

Title: Recordkeeping and Reporting Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents.

Description: FDA is revising the test requirements in part 610 subpart E issued under the authorities of the act and the PHS Act. Section 610.40 of the final rule requires screening tests for evidence of infection due to communicable disease agents, HIV, types 1 and 2; HBV; HCV; HTLV, types I and II, be performed on each donation of human blood and blood component. Certain exceptions to performing screening tests are described elsewhere in this rule.

In § 610.40(c)(1)(ii), each dedicated donation must be labeled as required under § 606.121 and with a label entitled ''INTENDED RECIPIENT INFORMATION LABEL'' containing the name and identifying information of the recipient. Each donation that is untested in the 30-day period must be labeled ''DONOR TESTED WITHIN THE LAST 30 DAYS.''

In § 610.40(d)(4), each autologous donation must be labeled as required under § 606.121 and with the following label, as appropriate. If the donation is: (1) Untested, label with ''UNTESTED;'' (2) negative, label as required under § 606.121; (3) reactive on the current collection or in the last 30 days, label with ''BIOHAZARD'' legend; and (4) tested negative within the last 30 days, label with ''DONOR TESTED WITHIN THE LAST 30 DAYS.''

Under § 610.40(g), each donation that may be released or shipped prior to testing must be labeled as required under § 606.121(h) and the test results must be provided promptly to the consignee. Section 610.40(g)(1) permits release or shipment prior to completion of testing in documented medical emergencies, and § 610.40(g)(2) permits release or shipment prior to completion of testing when FDA provides written approval for the shipment or use.

In § 610.40(h)(2)(ii), human blood or blood components intended for further manufacturing use may be shipped or used under the following conditions.

- When FDA provides written approval for the shipment or use;
- When such human blood and blood components are labeled as required under § 606.121 or § 640.70 and with the ''BIOHAZARD'' legend;
- When such human blood and blood components are labeled reactive for the appropriate screening test for evidence of infection due to the identified communicable disease agent(s);
- When such human blood and blood components are intended for further manufacturing use into injectable products, and a statement indicating the exempted use specifically approved by FDA is included on the container label;
- When such human blood and blood components are intended solely as a component of, or used to prepare, a medical device and the statement ''Caution: For Further Manufacturing Use As a Component of a Medical Device For Which There Are No Alternative Sources;'' and

• When such human blood and blood components are intended for in vitro use and the statement ''Caution: For Further Manufacturing Into In Vitro Diagnostic Reagents For Which There Are No Alternative Sources'' is included.

In § 610.40(h)(2)(vi) and (h)(2)(vii), we added language describing current practice on the use of human blood and blood components, and Source Plasma, with a reactive screening test for syphilis that is determined to be a biological false positive.

In § 610.42(a), medical devices containing or used to prepare human blood or blood components that are reactive for syphilis or by a screening test for evidence of infection due to a communicable disease agent(s) must include, in addition to appropriate labeling requirements in subchapter H (Medical Devices), a statement of warning that the product was manufactured from a donation testing reactive for the identified communicable disease agent(s).

Description of Respondents: Establishments that collect blood and blood components.

As required by section 3506(c)(2)(B) of the PRA, FDA provided an opportunity for public comment on the information collection requirements of the proposed rule (64 FR 67207). In accordance with the PRA, OMB reserved approval of the information collection burden in the proposed rule stating they will make an assessment in light of public comments received on the proposed rule. No letters of comment on the information collection requirements were submitted to OMB or the docket.

Based on current information retrieved from FDA's registration data base, there are approximately 60 licensed plasma collection facilities and approximately 981 registered blood collection facilities for a total of 1,041 establishments. These facilities collect annually an estimated 24.6 million donations: 12 million donations of Source Plasma and 12.6 million donations of Whole Blood, including 643,000 autologous.

Annual Reporting Burden (Table 3)

Section 610.40(c)(1)(ii) requires that each dedicated donation be labeled as required under § 606.121 (OMB No. 0910–0116) and with a label containing the name and identifying information of the recipient. FDA estimates that approximately 5 percent (10,250) of the 205,000 donations that are donated specifically for the use of an identified recipient would be tested under the dedicated donors testing provisions in § 610.40(c). FDA estimates that the remaining 95 percent would be tested as allogeneic donations in accordance with § 610.40(a), (b), and (e) because most such donors do not donate more often than once in a 30-day period, and because most establishments choose to test every donation. We estimate that each establishment expends approximately 5 minutes to insert the name of the recipient and identifying information on each label.

In § 610.40(g)(2) and (h)(2)(ii)(A), a manufacturer must obtain written approval from FDA when a manufacturer seeks to: (1) Ship human blood or blood components for further manufacturing use prior to completion of testing; or (2) ship human blood or blood components found to be reactive by a screening test for evidence of a communicable disease agent(s) or collect from a donor with a record of a reactive screening test, respectively. The only product currently shipped prior to completion of testing is a licensed product, Source Leukocytes, used in the manufacture of interferon, which requires rapid preparation from blood. Shipment of Source Leukocytes are preapproved under a product license application and each shipment does not have to be reported to the agency. To obtain approval from FDA as described in § 610.40(g)(2), we expect the manufacturer(s) to submit specific procedures for collection, shipment, and quarantine of a product before testing is completed, and the completion of testing as soon as possible after shipping. In addition, the manufacturer must promptly communicate the test results to the consignee. FDA has received two applications from the manufacturers of Source Leukocytes during fiscal year (FY) 95, FY 96, and FY 97. Therefore, we estimate receiving an average of two annually.

According to information from industry, a license application of this type would contain safety and effectiveness information and would take approximately 1,600 hours to prepare. The information that a manufacturer would need to put together for the request is typically part of an Biologics License Application (BLA) submission. Therefore, we estimate that approximately 1 hour of the estimated 1,600 hours would be used in preparing the request for FDA's approval to ship a product prior to completion of testing.

Under § 610.40(h)(2)(ii)(C) and (h)(2)(ii)(D), industry estimates that each manufacturer would ship an estimated 10 blood or blood components per month that would require 2 labels; one as reactive for the appropriate screening test under paragraph (C), and the other stating the exempted use specifically approved by FDA under paragraph (D). According to FDA's database, there are approximately 300 licensed manufacturers that ship known reactive blood or blood components. Industry also estimates that it would take approximately 10 minutes per blood or blood component to affix the labels.

In § 610.40(h)(2)(vi), each donation of human blood or blood component that tests reactive by a screening test for syphilis and is determined to be a biological false positive, must be labeled with both test results. After reviewing information from industry, we estimate that approximately 15,120 donations annually test reactive by a screening test for syphilis, and are determined to be biological false positives by additional testing. We also estimate that the establishment would expend approximately 5 minutes to label the blood or blood component with the results of both tests.

Section 610.42(a) requires a warning statement, including the identity of the communicable disease agent, on medical devices containing human blood or blood components found to be reactive by a screening test for evidence of infection due to a communicable disease agent(s) or syphilis. Human blood or a blood component with a reactive screening test, as a component of a medical device, is an integral part of the medical device, e.g., a positive control for an in vitro diagnostic testing kit. It is usual and customary business practice for manufacturers to include on the container label a warning statement that identifies the communicable disease agent. In addition, on the rare occasion when a human blood or blood component with a reactive screening test is the only component available for a medical device that does not require a reactive component, then a statement of warning is required to be affixed to the medical device. To account for this rare occasion we estimate that the warning statement would be necessary no more than once a year and we estimate the manufacturer would need to expend 1 hour to complete the labeling requirement.

Annual Recordkeeping Burden (Table 4)

Under § 610.40(g)(1), we are permitting in rare emergency circumstances, the release or shipment of human blood or blood components prior to the completion of testing for evidence of infection due to communicable disease agents. Such emergencies include, e.g., where a patient's need for blood is so acute as to preclude any communicable disease

testing of the blood. We have concluded that the use of untested or incompletely tested blood in such medical emergencies should not be prohibited. Release of blood or blood components due to a medical emergency prior to completion of required testing must be appropriately documented. We estimate the recordkeeping to be minimal with one or less occurrence per year. Documentation of the medical emergency should take a half-hour or less. The reporting of test results to the consignee in § 610.40(g) does not create a new burden for respondents because it is the usual and customary business practice or procedure to finish the testing and provide the results to the manufacturer responsible for labeling the blood products.

TABLE 3.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
610.40(c)(1)(ii)	1,041	9	10,250	.08	820
610.40(g)(2)	2	1	2	1	2
610.40(h)(2)(ii)(A)	2	1	2	1	2
610.40(h)(2)(ii)(C) and (h)(2)(ii)(D)	300	10	3,000	0.2	600
610.40(h)(2)(vi)	1,041	15	15,120	0.08	1,210
610.42(a)	1	1	1	1	1
Total					2,635

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
610.40(g)(1)	981	1	981	0.5	490.5

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Under section 1320.3(c)(2) of the PRA, the labeling requirements in § 610.40(c)(3)(ii), (d)(4), and (h)(2)(ii)(B) and (h)(2)(ii)(E) do not constitute collection of information because information required to be on the labeling is originally supplied by the Federal Government to the manufacturers for the purpose of disclosure to the public in order to keep the blood supply safe and protect public health.

The information collection provisions of this final rule have been submitted to OMB for review.

Prior to the effective date of this final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions in this final rule. 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 number.

IX. Environmental Impact

The agency has determined under 21 CFR 25.30(j) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

X. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

XI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. American Association of Blood Banks, *Facts About Blood and Blood Banking,* ''http://www.aabb.org''.

2. General Accounting Office, ''Blood Safety: Enhancing Safeguards Would Strengthen the Nation's Blood Supply,'' GAO–HEHS–97–143, June 1997.

3. Lapane, K. L., A. F. Jakiche, D. Sugano, C. S. Wayne Weng, and W. D. Carey, ''Hepatitis C Infection Risk Analysis: Who Should Be Screened? Comparison of Multiple Screening Strategies Based on the National Hepatitis Surveillance Program,'' *The American Journal of Gastroenterology*, vol. 93, no. 4, pp. 591–596, 1998.

4. American Association of Blood Banks (AABB) Association Bulletin No. 95–4: *AABB Position on Testing of Autologous Units. Attachment 1: AABB Anonymous Autologous Survey Request*, May 9, 1999.

5. Podnos, Y. D. and R. A. Williams, Current Risks for Blood Borne Viral Illness in Blood Transfusion, *Western Journal of Medicine*, vol. 168, no. 1, pp. 36–37, January 1998.

6. Public Health Service Inter-Agency Guidelines for Screening Donors of Blood, Plasma, Organs, Tissues, and Semen for Evidence of Hepatitis B and Hepatitis C, *Morbidity and Mortality Weekly Report* 40 (RR–4) April 19, 1991.

7. Margolis, H. S., P. J. Coleman, R. E. Brown, E. E. Mast, S. H. Sheingold, and J. A. Arevalo, ''Prevention of Hepatitis B Virus Transmission by Immunization: an Economic Analysis of Current Recommendations,'' *Journal of the American Medical Association*, vol. 274, no. 15, October 1995.

8. U.S. Centers for Disease Control and Prevention, 1997, ''www.cdc.gov/ncidod/diseases/hepatitis''.

9. *Morbidity and Mortality Weekly Report*, 40 (RR–4) April 19, 1991.

10. Kim, W. R., J. J. Peterucha, J. E. Hermans, T. M. Therneau, E. R. Dickson, R. W. Evans, and J. B. Gross,

''Cost-Effectiveness of 6 and 12 Months of Interferon Therapy for Chronic Hepatitis C,'' *Annals of Internal Medicine*, vol. 127, no. 10, November 1997.

11. Healthcare InfoSource, Inc., a subsidiary of the American Hospital Association, *Hospital Statistics*, 1998 ed., Chicago, IL.

12. General Accounting Office, ''Blood Plasma Safety: Plasma Product Risks Are Low if Good Manufacturing Practices Are Followed.'' GAO–HEHS–98–205, September 1998.

List of Subjects

21 CFR Part 606

Blood, Labeling, Laboratories, Reporting and recordkeeping requirements.

21 CFR Part 607

Blood.

21 CFR Parts 610 and 660

Biologics, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 640

Blood, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 809

Labeling, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 606, 607, 610, 640, 660, and 809 are amended as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

1. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374; 42 U.S.C. 216, 262, 263a, 264.

2. Section 606.121 is amended by revising paragraph (e)(5)(ii), by removing and reserving paragraph (g), and in paragraphs (h)(2) and (h)(3) by removing ''610.45,'' to read as follows:

§ 606.121 Container label.

* * * * *

(e) * * *

(5) * * *

(ii) The statement as applicable: ''Caution: For Manufacturing Use Only''; or ''Caution: For Use in Manufacturing Noninjectable Products Only.'' If the recovered plasma has a reactive screening test for evidence of infection due to a communicable disease agent(s) under § 610.40 of this chapter, or is collected from a donor with a previous record of a reactive screening test for evidence of infection due to a communicable disease agent(s) under § 610.40 of this chapter, the recovered plasma must be labeled as required under § 610.40(h)(2)(ii)(E) of this chapter.

* * * * *

PART 607—ESTABLISHMENT REGISTRATION AND PRODUCT LISTING FOR MANUFACTURERS OF HUMAN BLOOD AND BLOOD PRODUCTS

3. The authority citation for 21 CFR part 607 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 371, 374; 42 U.S.C. 216, 262.

§ 607.65 [Amended]

4. Section 607.65 *Exemption for blood product establishments* is amended by removing paragraph (g).

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

5. The authority citation for 21 CFR part 610 is revised to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 360c, 360d, 360h, 360i, 371, 372, 374, 381; 42 U.S.C. 216, 262, 263, 263a, 264.

6.–7. The heading of subpart E is revised to read as follows:

Subpart E—Testing Requirements for Communicable Disease Agents

8. Section 610.40 is revised to read as follows:

§ 610.40 Test requirements.

(a) *Human blood and blood components.* Except as specified in paragraphs (c) and (d) of this section, you, an establishment that collects blood or blood components, must test each donation of human blood or blood component intended for use in preparing a product, including donations intended as a component of, or used to prepare, a medical device, for evidence of infection due to the following communicable disease agents:

(1) Human immunodeficiency virus, type 1;

(2) Human immunodeficiency virus, type 2;

(3) Hepatitis B virus;

(4) Hepatitis C virus;

(5) Human T-lymphotropic virus, type I; and

(6) Human T-lymphotropic virus, type II.

(b) *Testing using one or more approved screening tests.* To test for evidence of infection due to communicable disease agents designated in paragraph (a) of this section, you must use screening tests that the Food and Drug Administration (FDA) has approved for such use, in accordance with the manufacturer's instructions. You must perform one or more such tests as necessary to reduce adequately and appropriately the risk of transmission of communicable disease.

(c) *Exceptions to testing for allogeneic transfusion or further manufacturing use.*

(1) *Dedicated donations.* (i) You must test donations of human blood and blood components from a donor whose donations are dedicated to and used solely by a single identified recipient under paragraphs (a), (b), and (e) of this section; except that, if the donor makes multiple donations for a single identified recipient, you may perform such testing only on the first donation in each 30-day period. If an untested dedicated donation is made available for any use other than transfusion to the single, identified recipient, then this exemption from the testing required under this section no longer applies.

(ii) Each donation must be labeled as required under § 606.121 of this chapter and with a label entitled ''INTENDED RECIPIENT INFORMATION LABEL'' containing the name and identifying information of the recipient. Each donation must also have the following label, as appropriate:

Donor Testing Status	Label
Tests negative	Label as required under § 606.121
Tested negative within the last 30 days	''DONOR TESTED WITHIN THE LAST 30 DAYS''

(2) *Source Plasma.* You are not required to test donations of Source Plasma for evidence of infection due to the communicable disease agents listed in paragraphs (a)(5) and (a)(6) of this section.

(3) *Medical device.* (i) You are not required to test donations of human blood or blood components intended solely as a component of, or used to prepare, a medical device for evidence of infection due to the communicable disease agents listed in paragraphs (a)(5) and (a)(6) of this section unless the final device contains viable leukocytes.

(ii) Donations of human blood and blood components intended solely as a component of, or used to prepare, a medical device must be labeled ''Caution: For Further Manufacturing Use as a Component of, or to Prepare, a Medical Device.''

(4) *Samples.* You are not required to test samples of blood, blood components, plasma, or sera if used or distributed for clinical laboratory testing or research purposes and not intended for administration to humans or in the manufacture of a product.

(d) *Autologous donations.* You, an establishment that collects human blood or blood components from autologous donors, or you, an establishment that is a consignee of a collecting establishment, are not required to test donations of human blood or blood components from autologous donors for evidence of infection due to communicable disease agents listed in paragraph (a) of this section or by a serological test for syphilis under paragraph (i) of this section, except:

(1) If you allow any autologous donation to be used for allogeneic transfusion, you must assure that all autologous donations are tested under this section.

(2) If you ship autologous donations to another establishment that allows autologous donations to be used for allogeneic transfusion, you must assure that all autologous donations shipped to that establishment are tested under this section.

(3) If you ship autologous donations to another establishment that does not allow autologous donations to be used for allogeneic transfusion, you must assure that, at a minimum, the first donation in each 30-day period is tested under this section.

(4) Each autologous donation must be labeled as required under § 606.121 of this chapter and with the following label, as appropriate:

Donor Testing Status	Label
Untested	''DONOR UNTESTED''
Tests negative	Label as required under § 606.121
Reactive on current collection/reactive in the last 30 days	''BIOHAZARD'' legend in § 610.40(h)(2)(ii)(B)
Tested negative within the last 30 days	''DONOR TESTED WITHIN THE LAST 30 DAYS''

(e) *Further testing.* You must further test each donation, including autologous donations, found to be reactive by a screening test performed under paragraphs (a) and (b) of this section, whenever a supplemental (additional, more specific) test has been approved for such use by FDA, except:

(1) For autologous donations, you must further test under this paragraph, at a minimum, the first reactive donation in each 30-day period; or

(2) If you have a record for that donor of a positive result on a supplemental (additional, more specific) test approved for such use by FDA, you do not have to further test an autologous donation.

(f) *Testing responsibility.* Required testing under this section, must be performed by a laboratory registered in accordance with part 607 of this chapter and either certified to perform such testing on human specimens under the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. 263a) under 42 CFR part 493 or has met equivalent requirements as determined by the Health Care Financing Administration in accordance with those provisions.

(g) *Release or shipment prior to testing.* Human blood or blood components that are required to be tested for evidence of infection due to communicable disease agents designated in paragraphs (a) and (i) of this section may be released or shipped prior to completion of testing in the following circumstances provided that you label the blood or blood components under § 606.121(h) of this chapter, you complete the tests for evidence of infection due to communicable disease agents as soon as possible after release or shipment, and that you provide the results promptly to the consignee:

(1) Only in appropriately documented medical emergency situations; or

(2) For further manufacturing use as approved in writing by FDA.

(h) *Restrictions on shipment or use*—(1) *Reactive screening test.* You must not ship or use human blood or blood components that have a reactive screening test for evidence of infection due to a communicable disease agent(s) designated in paragraphs (a) and (i) of this section or that are collected from a donor with a previous record of a reactive screening test for evidence of infection due to a communicable disease agent(s) designated in paragraphs (a) and (i) of this section, except as provided in paragraphs (h)(2)(i) through (h)(2)(vii) of this section.

(2) *Exceptions.* (i) You may ship or use blood or blood components intended for autologous use, including reactive donations, as described in paragraph (d) of this section.

(ii) You must not ship or use human blood or blood components that have a reactive screening test for evidence of infection due to a communicable disease agent(s) designated in paragraph (a) of this section or that are collected from a donor deferred under § 610.41(a) unless you meet the following conditions:

(A) Except for autologous donations, you must obtain from FDA written approval for the shipment or use;

(B) You must appropriately label such blood or blood components as required under § 606.121, or § 640.70 of this chapter, and with the ''BIOHAZARD'' legend;

BIOHAZARD

(C) Except for autologous donations, you must label such human blood and blood components as reactive for the appropriate screening test for evidence of infection due to the identified communicable disease agent(s);

(D) If the blood or blood components are intended for further manufacturing

use into injectable products, you must include a statement on the container label indicating the exempted use specifically approved by FDA.

(E) Each blood or blood component with a reactive screening test and intended solely as a component of, or used to prepare a medical device, must be labeled with the following label, as appropriate:

Type of Medical Device	Label
A medical device other than an in vitro diagnostic reagent	''Caution: For Further Manufacturing Use as a Component of a Medical Device For Which There Are No Alternative Sources''
An in vitro diagnostic reagent	''Caution: For Further Manufacturing Into In Vitro Diagnostic Reagents For Which There Are No Alternative Sources''

(iii) The restrictions on shipment or use do not apply to samples of blood, blood components, plasma, or sera if used or distributed for clinical laboratory testing or research purposes, and not intended for administration in humans or in the manufacture of a product.

(iv) You may use human blood or blood components from a donor with a previous record of a reactive screening test(s) for evidence of infection due to a communicable disease agent(s) designated in paragraph (a) of this section, if:

(A) At the time of donation, the donor is shown or was previously shown to be suitable by a requalification method or process found acceptable for such purposes by FDA under § 610.41(b); and

(B) tests performed under paragraphs (a) and (b) of this section are nonreactive.

(v) Anti-HBc reactive donations, otherwise nonreactive when tested as required under this section, may be used for further manufacturing into plasma derivatives without prior FDA approval or a ''BIOHAZARD'' legend as required under paragraphs (h)(2)(ii)(A) and (h)(2)(ii)(B) of this section.

(vi) You may use human blood or blood components, excluding Source Plasma, that test reactive by a screening test for syphilis as required under paragraph (i) of this section if, consistent with § 640.5 of this chapter, the donation is further tested by an adequate and appropriate test which demonstrates that the reactive screening test is a biological false positive. You must label the blood or blood components with both test results.

(vii) You may use Source Plasma from a donor who tests reactive by a screening test for syphilis as required under § 610.40(i) of this chapter, if the donor meets the requirements of § 640.65(b)(2) of this chapter.

(i) *Syphilis testing.* In addition to the testing otherwise required under this section, you must test by a serological test for syphilis under §§ 640.5(a), 640.14, 640.23(a), 640.33(a), 640.53(a), and 640.65(b)(2) of this chapter.

9. Section 610.41 is revised to read as follows:

§ 610.41 Donor deferral.

(a) You, an establishment that collects human blood or blood components, must defer donors testing reactive by a screening test for evidence of infection due to a communicable disease agent(s) listed in § 610.40(a) or reactive for a serological test for syphilis under § 610.40(i), from future donations of human blood and blood components, except:

(1) You are not required to defer a donor who tests reactive for anti-HBc or anti-HTLV, types I or II, on only one occasion. When a supplemental (additional, more specific) test for anti-HBc or anti-HTLV, types I and II, has been approved for use under § 610.40(e) by FDA, such a donor must be deferred;

(2) A deferred donor who tests reactive for evidence of infection due to a communicable disease agent(s) listed in § 610.40(a) may serve as a donor for blood or blood components shipped or used under § 610.40(h)(2)(ii);

(3) A deferred donor who showed evidence of infection due to hepatitis B surface antigen (HBsAg) when previously tested under § 610.40(a), (b), and (e) subsequently may donate Source Plasma for use in the preparation of Hepatitis B Immune Globulin (Human) provided the current donation tests nonreactive for HBsAg and the donor is otherwise determined to be suitable;

(4) A deferred donor, who otherwise is determined to be suitable for donation and tests reactive for anti-HBc or for evidence of infection due to HTLV, types I and II, may serve as a donor of Source Plasma;

(5) A deferred donor who tests reactive for a communicable disease agent(s) described under § 610.40(a) or reactive with a serological test for syphilis under § 610.40(i), may serve as an autologous donor under § 610.40(d).

(b) A deferred donor subsequently may be found to be suitable as a donor of blood or blood components by a requalification method or process found acceptable for such purposes by FDA. Such a donor is considered no longer deferred.

10. Section 610.42 is added to subpart E to read as follows:

§ 610.42 Restrictions on use for further manufacture of medical devices.

(a) In addition to labeling requirements in subchapter H of this chapter, when a medical device contains human blood or a blood component as a component of the final device, and the human blood or blood component was found to be reactive by a screening test performed under § 610.40(a) and (b) or reactive for syphilis under § 610.40(i), then you must include in the device labeling a statement of warning indicating that the product was manufactured from a donation found to be reactive by a screening test for evidence of infection due to the identified communicable disease agent(s).

(b) FDA may approve an exception or alternative to the statement of warning required in paragraph (a) of this section based on evidence that the reactivity of the human blood or blood component in the medical device presents no significant health risk through use of the medical device.

11. Section 610.44 is added to subpart E to read as follows:

§ 610.44 Use of reference panels by manufacturers of test kits.

(a) When available and appropriate to verify acceptable sensitivity and specificity, you, a manufacturer of test kits, must use a reference panel you obtain from FDA or from an FDA designated source to test lots of the following products. You must test each lot of the following products, unless FDA informs you that less frequent testing is appropriate, based on your consistent prior production of products of acceptable sensitivity and specificity:

(1) A test kit approved for use in testing donations of human blood and blood components for evidence of

infection due to communicable disease agents listed in § 610.40(a); and

(2) Human immunodeficiency virus (HIV) test kit approved for use in the diagnosis, prognosis, or monitoring of this communicable disease agent.

(b) You must not distribute a lot that is found to be not acceptable for sensitivity and specificity under § 610.44(a). FDA may approve an exception or alternative to this requirement. Applicants must submit such requests in writing. However, in limited circumstances, such requests may be made orally and permission may be given orally by FDA. Oral requests and approvals must be promptly followed by written requests and written approvals.

§ 610.45 [Removed]

12. Section 610.45 *Human Immunodeficiency Virus (HIV) requirements* is removed.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

13. The authority citation for 21 CFR part 640 continues to read as follows:

Authority: 21 U.S.C. 321, 351, 352, 353, 355, 360, 371; 42 U.S.C. 216, 262, 263, 263a, 264.

§ 640.2 [Amended]

14. Section 640.2 *General requirements* is amended by removing paragraph (d).

15. Section 640.5 is amended by revising paragraph (f).

§ 640.5 Testing the blood.

* * * * *

(f) *Test for communicable disease agents.* Whole Blood shall be tested for evidence of infection due to communicable disease agents as required under § 610.40 of this chapter.

§ 640.14 [Amended]

16. Section 640.14 *Testing the blood* is amended by removing ''§§ 610.40 and 610.45'' and by adding in its place '' § 610.40''.

§ 640.23 [Amended]

17. Section 640.23 *Testing the blood* is amended in paragraph (a) by removing ''§§ 610.40 and 610.45'' and by adding in its place ''§ 610.40''.

§ 640.33 [Amended]

18. Section 640.33 *Testing the blood* is amended in paragraph (a) by removing ''§§ 610.40 and 610.45'' and by adding in its place ''§ 610.40''.

§ 640.53 [Amended]

19. Section 640.53 *Testing the blood* is amended in paragraph (a) by removing ''§§ 610.40 and 610.45'' and by adding in its place ''§ 610.40''.

20. Section 640.67 is revised to read as follows:

§ 640.67 Laboratory tests.

Each unit of Source Plasma shall be tested for evidence of infection due to communicable disease agents as required under § 610.40 of this chapter.

21. Section 640.70 is amended by revising paragraph (a)(2).

§ 640.70 Labeling.

(a) * * *

(2) The statement ''Caution: For Manufacturing Use Only'' for products intended for further manufacturing into injectable products, or the statement, ''Caution: For Use In Manufacturing Noninjectable Products Only'', for products intended for further manufacturing into noninjectable products. The statement shall follow the proper name in the same size and type of print as the proper name. If the Source Plasma has a reactive screening test for evidence of infection due to a communicable disease agent(s) under § 610.40 of this chapter, or is collected from a donor with a previous record of a reactive screening test for evidence of infection due to a communicable disease agent(s) under § 610.40 of this chapter, the Source Plasma must be labeled under § 610.40(h)(2)(ii)(E) of this chapter.

* * * * *

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

22. The authority citation for 21 CFR part 660 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 360c, 360d, 360h, 360i, 371, 372; 42 U.S.C. 216, 262, 263, 263a, 264.

§ 660.42 [Removed]

23. Section 660.42 *Reference panel* is removed.

PART 809—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

24. The authority citation for 21 CFR part 809 continues to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 355, 360b, 360c, 360d, 360h, 360i, 360j, 371, 372, 374, 381.

25. Section 809.20 is amended by revising paragraph (b).

§ 809.20 General requirements for manufacturers and producers of in vitro diagnostic products.

* * * * *

(b) *Compliance with good manufacturing practices.* In vitro diagnostic products shall be manufactured in accordance with the good manufacturing practices requirements found in part 820 of this chapter and, if applicable, with § 610.44 of this chapter.

Dated: June 1, 2001.

Bernard A. Schwetz,

Acting Principal Deputy Commissioner.

[FR Doc. 01–14408 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 606 and 630

[Docket No. 98N–0607]

General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to require blood and plasma establishments to notify donors, including autologous donors, whenever the donor is deferred or determined not to be suitable for current or future donations of blood and blood components. A donor is deferred based on results of tests for communicable disease agents or determined not to be suitable for donation based on failure to satisfy suitability criteria. Blood and plasma establishments also are required to notify the referring physician of an autologous donor when the autologous donor is deferred based on tests for evidence of infection with a communicable disease agent(s). A standard operating procedure (SOP) and recordkeeping also are required. This final rule is intended to help protect public health and to promote consistency in the industry. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule on the requirements for testing human blood donors for evidence of infection due to communicable disease agents.

DATES: This rule is effective December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of August 19, 1999 (64 FR 45355), we (FDA) proposed to require that blood and plasma establishments notify donors of their deferral due to results of tests for communicable disease agents or based on failure to satisfy donor suitability criteria. We issued the proposed rule with the intent of reducing the risk of transmission of communicable disease from the use of blood, blood components, and blood derivatives. Under the proposed rule, blood and plasma establishments would: (1) Notify the donors that they are deferred based on results of tests for evidence of infection due to a communicable disease agent or based on suitability criteria, and the reason for the deferral; (2) where applicable, provide the results of tests for evidence of infection due to a communicable disease agent(s) that was the basis for deferral, including the results of supplemental (additional, more specific) tests; (3) provide information concerning appropriate medical followup and counseling; (4) describe the types of donations the donors should not donate in the future; and (5) discuss the possibility that the donor may be found suitable in the future, where appropriate. We proposed that the notification process should include a minimum of three attempts to notify the donor and be completed within 8 weeks after the donor was determined to be deferred or at the first return visit of the donor, whichever is earlier. FDA provided 90 days for comments on the proposed rule.

In the same issue of the **Federal Register** of August 19, 1999 (64 FR 45340), we proposed to revise the general biological product standards by updating the hepatitis B virus (HBV) and human immunodeficiency virus (HIV) testing requirements by adding testing requirements for hepatitis C virus (HCV), human T-lymphotropic virus (HTLV), and by adding requirements for supplemental (i.e., additional, more specific) testing when a donation is found to be reactive for any of the required screening tests for evidence of infection due to communicable disease agents. (No change was proposed to the requirements for serological tests for syphilis). We also proposed regulations for the deferral of donors based on the results of the screening test. FDA provided 90 days for comment.

In the **Federal Register** of November 9, 1999 (64 FR 61045), we announced a public workshop to be held on November 22, 1999, and also extended to December 22, 1999, the comment period on both proposed rules, i.e., ''Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents,'' and ''General Requirements for Blood, Blood Components, and Blood Derivatives; Notification of Deferred Donors.'' The purpose of the public meeting was to provide a public forum for gathering information and views regarding the proposed rules.

II. Highlights and Summary of the Final Rule

A. Plain Language

We have written the final rule using plain language consistent with the Presidential memorandum on plain language in Government writing, dated June 1, 1998. We have adopted the plain language approach making the rule more accessible and understandable to the public. As a result, we have used pronouns in describing who must comply, e.g., ''you'' is used to refer to an establishment that collects blood or blood components. We also have used ''must'' instead of ''shall.''

B. Final Rule

With this final rule, we created a new part 630 entitled ''General Requirements for Blood, Blood Components, and Blood Derivatives'' containing requirements for notification of deferred and unsuitable donors. Under § 630.6, establishments that collect blood or blood components must make reasonable attempts to notify all donors, including autologous donors, that they are deferred from further donations based on results of tests for evidence of infection due to communicable disease agents under part 610 or part 640 (21 CFR part 610 or part 640) in new § 610.41 or determined not to be suitable for donation based on failure to satisfy suitability criteria under § 640.3 or § 640.63. The establishment must provide the following information to the donor: (1) That the donor is deferred or determined not to be suitable for donation and the reason for that decision; (2) where appropriate, the types of donations of blood and blood components that the donor should not donate in the future; (3) where applicable, the results of tests for evidence of infection due to communicable disease agent(s) that were a basis for deferral, including results of supplemental (i.e., additional, more specific) tests; and (4) where appropriate, information concerning medical followup and counseling. The establishment must make reasonable attempts to notify the donor within 8 weeks of determining that the donor is deferred or determined not to be suitable for donation. The establishment must document that the donor has been successfully notified, or if unsuccessful, that the establishment made reasonable attempts to notify the donor. In addition to notifying an autologous donor, the establishment must notify the autologous donor's referring physician agents, with the same information and within the same time period, when the donor is deferred based on results of tests for evidence of infection due to communicable disease. Each establishment must prepare a SOP for donor notification and autologous donor referring physician notification, including the appropriate followup if the initial attempt at notification fails. Recordkeeping also is required.

This final rule on notification of donors is a companion rule to the final rule entitled ''Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents'' (testing final rule) found elsewhere in this issue of the **Federal Register**. The testing final rule revises the general biological product standards by updating the HBV and HIV testing requirements, by adding testing requirements for HCV and HTLV, and by adding requirements for supplemental (additional, more specific) testing when a donation is found to be reactive for any of the required screening tests for evidence of infection due to communicable disease agents. The testing final rule also requires the deferral of donors based on the results of screening tests for communicable disease agents, including syphilis. The requirements in the testing final rule are referenced throughout this document. Therefore, in order to understand fully the requirements of both rulemakings, they should be read together.

III. Comments on the Proposed Rule and FDA Responses

We received 14 letters of comment on the proposed rule, submitted by blood centers, hospitals, transfusion services, consumer advocacy groups, and professional associations. The comments predominantly supported the concept of promptly notifying donors that they are deferred based on results of tests for communicable disease agents or that they are determined not to be suitable for donation based on failure to satisfy suitability criteria. Some comments objected to FDA mandating how and when notification occurs. Others objected to specific requirements in the proposed rule. A summary of the comments and the agency's responses follow.

A . Scope of the Notification Rule

Proposed § 630.6(a) required an establishment that collects blood or blood components to notify donors who have been deferred based on results of tests for evidence of infection due to communicable disease agents or determined not to be suitable for donation based on failure to satisfy suitability criteria. In proposed § 630.6(b), the rule required the establishment to inform a donor that the donor is deferred or determined not to be suitable for donation and the reason for that decision. The establishment would also provide the following information: The types of donations of blood or blood components that the donor should not donate in the future; where applicable, the results of tests including supplemental (i.e., additional, more specific) tests; information concerning appropriate medical followup and counseling; and, where applicable, the possibility that the donor may be found suitable for future donations.

(Comment 1) Two comments suggested requiring notification of donors based on other criteria in addition to those deferred for results of tests for evidence of infection due to communicable disease agents and determined not to be suitable as a donor based on suitability criteria. One of the two comments suggested we require notification of donors deferred voluntarily by blood banks. The other comment argued that notification should apply to any preliminary test results carried out prior to blood or blood component collection.

Under the final rule, we are requiring notification of donors deferred based on results of required tests for evidence of infection due to communicable disease agents, or determined not to be suitable for donation due to failure to satisfy suitability requirements in §§ 640.3 and 640.63. The notification requirement is imposed in conjunction with requirements for testing for infection due to markers of certain communicable disease agents listed in new § 610.40 or for syphilis in §§ 640.5(a), 640.14, 640.23(a), 640.33(a), 640.53(a) and 640.65(b)(2), and for deferral of donors who test reactive for those markers in new § 610.41. The notification must include screening test results and the results of any approved supplemental (i.e., additional, more specific) tests. As we stated in the proposed rule, we are not requiring blood and plasma establishments to notify donors that are deferred voluntarily by blood and plasma establishments for a variety of medical reasons beyond what is required in the regulation. We believe notification of donors voluntarily deferred by a blood and plasma establishment should be left to the medical judgment of the blood or plasma establishment's medical director.

(Comment 2) Six comments argued that the proposed rule is too detailed on the method and content of notification. These comments argued that blood and plasma establishments need flexibility in how and what they tell donors about their deferred status. Further, the sensitivity of the information, the setting, and the donor's attitude may not lend themselves to the detailed notification included in the proposed rule. Several of the comments pointed out that most blood and plasma establishments follow the American Association of Blood Banks (AABB) standards and voluntarily notify donors, so FDA does not need to codify the details of notification.

The final rule provides blood and plasma establishments with the framework for notification of deferred donors and donors determined not to be suitable for donation. Donors who are deferred based on test results or determined not to be suitable for donation based on failure to satisfy donor suitability criteria must be informed that they are deferred or determined not to be suitable for donation and the reason for that decision. The donor must be given, where appropriate, a description of the types of donations the donor should not make in the future and information concerning medical followup and counseling. Where applicable, the donor must be provided the results of screening and supplemental tests for evidence of infection due to a communicable disease agent(s). In the final rule, our intent is not to remove from blood and plasma establishments the medical judgment necessary to inform donors fully of their potential infectious disease status. Rather, the final rule sets out the information the agency considers necessary to be provided to the donor. We recognize that some donors may need to be informed of the need for medical followup or counseling, others may not. A variety of factors may influence a blood and plasma establishment's decision to inform the donor in person, by phone, or by mail. The final rule is intended to help ensure consistency in the blood industry's notification practices. We believe uniform notification practices by blood and plasma establishments will improve blood safety by preventing donations by individuals at risk for transmitting communicable diseases.

(Comment 3) Five comments argued that the requirements of the proposed rule fall outside FDA's jurisdiction. These comments argued that donor notification and education don't affect the safety, purity, or potency of the blood supply because the donor is already deferred from future donations. The comments also argued that the manner of notification constitutes the practice of medicine best left to the discretion of the medical staff (or in the case of an autologous donor, the donor's referring physician) at the blood and plasma establishment, and should not be imposed on the collection site staff.

As we explained in the preamble of the proposed rule, notification of a donor is directly related to preventing the introduction and spread of communicable diseases. Through notification, a donor learns of the deferral and the need to refrain from future donations, as well as the medical significance of the deferral. Where appropriate, the donor is made aware of the need for further medical treatment or counseling. We do not agree that donor notification constitutes the practice of medicine. We believe that this information is pertinent to the donor's health status and that the donor must be made aware of such information in order to seek medical care as appropriate. Notification of donors is currently part of the AABB standards, which recommend that establishments notify donors of ''any medically significant abnormality detected during the predonation evaluation or as a result of laboratory testing'' (see section B3.500 of ''AABB Standards for Blood Banks and Transfusion Services,'' 19th edition, 1999). As many of the comments pointed out, this activity is currently performed as usual and customary business practice. The final rule also requires the establishment to develop SOP's for notifying donors and the referring physicians of autologous donors. A blood or plasma establishment that fails to comply with donor notification procedures is in violation of current good manufacturing practice (CGMP) and, therefore, is subject to the enforcement provisions of the Federal Food, Drug, and Cosmetic Act (the act).

(Comment 4) Two comments pointed out that several States have laws governing notification of donors and FDA's proposed requirements may conflict with State provisions and cause confusion for blood collection establishments.

We are aware of varying State requirements concerning notification of the State health authorities of a donor's positive test results, not of a donor's deferral. Such State laws require that the collecting establishment notify the State of certain communicable disease test results. The State may then notify the donor, but not always. Our requirements prescribe that the donor be notified directly of all test results that were the basis for deferral and be given information concerning medical followup and counseling. Our requirements are in addition to, and do not conflict with, State requirements.

(Comment 5) One comment supported providing donors with information about the possibility of requalification for donating and suggested expanding the requirement to include information regarding future donations even where there is no requalification process or method (algorithm) approved by FDA for such purpose. Two comments argued against notifying the donor of possible requalification. These comments argued that such information would make the notification too long and confusing and that blood and plasma establishments would be required to change their notification procedures every time requalification protocols change.

We have removed the requirement that blood and plasma establishments notify donors of the possibility that the donor may be found suitable for future donations. We removed this requirement because requalification of donors is not required and to explain the possibility of requalification to a donor would be an unnecessary burden for an establishment that does not have a requalification program. Under the related donor testing and deferral rule, blood and plasma establishments may use blood or blood components from a donor who was previously deferred as a result of testing reactive on a screening test(s) for specified communicable disease agent(s) if the blood or blood components currently test negative for those same disease agent(s) and the donor has been shown to be suitable to donate blood by an algorithm approved for that purpose by FDA. Blood and plasma establishments that requalify donors should consult FDA guidance on what to tell a donor about the possibility for future donation. Guidance documents may be obtained from the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance documents may also be obtained by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by FAX by calling the FAX Information System at 1–888–CBER–FAX or 301–827–3844. Persons with access to the Internet may connect to CBER at ''http://www.fda.gov/cber/publications.htm.''

B. Notification of Deferred Autologous Donors

We proposed several exceptions to donor deferral in related rulemaking that would affect donor notification. Autologous donors testing reactive for communicable disease agents would not be deferred. Collecting establishments would not be required to notify autologous donors who test reactive for a communicable disease agent(s). Nevertheless, we recommended that collecting establishments notify autologous donors, when applicable, for the purpose of medical followup and counseling. We also requested comments on whether to require notification of autologous donors of reactive and supplemental test results even though such donors would not be deferred.

(Comment 6) Three comments supported permanently deferring autologous donors from future allogeneic donations and notifying the autologous donors of their deferral using the same criteria as for allogeneic donors. These comments argued that autologous donors and allogeneic donors present the same risks for future allogeneic donations. The comments also argued that notification of autologous donors will help reduce the spread of communicable disease, and help prevent potentially infectious autologous donors from attempting to become allogeneic donors in the future. One comment pointed out that notification of autologous donors of the results of infectious disease testing is widely practiced already and therefore would not be a burden on blood and plasma establishments.

Under new § 610.40 found elsewhere in this issue of the **Federal Register**, autologous donations must be tested for evidence of infection due to communicable disease agents only if the blood or plasma establishment ships autologous donations or maintains a program that allows autologous donations to be used for allogeneic transfusion. In such case, if an autologous donor tests reactive, he or she must be deferred from allogeneic donations under new § 610.41. In order to prevent donation in the future, deferral under new § 610.41 triggers the notification requirements of the final notification rule. Notification of autologous donors also must include the test results that are the basis for deferral, if applicable; types of donations they should not make in the future; and where applicable, information concerning medical followup and counseling. Recognizing that autologous donation is also a medically ordered procedure, blood and plasma establishments also must notify the deferred autologous donor's referring physician that the donor has been deferred based on test results and the reasons for that decision, including test results that are the basis for deferral and the types of donations the autologous donor should not donate in the future for allogeneic use.

An allogeneic donor completes a preliminary screening and physical assessment prior to donation. If the allogeneic donor is determined not to be suitable for donation during this process, it is usual and customary business practice that the donor be notified on site that they are determined not to be suitable for donation and given the reason for that decision. We anticipate that any additional required information will be provided at that time. However, usually when an autologous donor donates, it is by a physician's prescription and the autologous donor may not always meet, and is not required to meet, all the preliminary screening and physical assessment criteria. Even when the autologous donor is determined not to be suitable for allogeneic use, the donation is collected and labeled under § 606.121 and the autologous donor must be provided the information required in § 630.6(b), i.e., the reason for the determination; if applicable, types of donations they should not make in the future; and where applicable, information concerning medical followup and counseling.

(Comment 7) Six comments suggested that abnormal test results should be sent only to an autologous donor's referring physician, not the donor. The comments argued that an autologous donor is a patient under physician care undergoing a medical procedure ordered by that physician. Under these circumstances, the comments argued it would be appropriate to give the test results to the referring physician, similar to any other laboratory results, and let that physician determine the need to notify the donor for medical followup. These comments argued that notifying the autologous donor directly could interfere with the doctor-patient relationship and result in conflicting advice. Several comments state that notifying the donor's

physician of test results is current industry practice. Two of the comments argued that there was no safety issue to justify notification of the autologous donor because reactive units would not enter the blood supply and few autologous donors return to donate allogeneic units.

Under the final rule, we are requiring blood and plasma establishments to notify both the autologous donor and the autologous donor's referring physician of the donor's deferral whenever the donor is deferred as required under new § 610.41. We believe that the referring physician needs to be informed of the reasons for the autologous donor's deferral due to test results. Such notification should include the results of any screening or supplemental tests so that the physician can make informed medical judgments about the donor as a patient. We also believe that the donor has a need to be informed of his or her deferral or determination not to be suitable, and the reasons for the decision, as well as any appropriate medical counseling or treatment. We believe notifying the deferred autologous donor is necessary both for the health of the donor and to help prevent deferred or unsuitable autologous donors from attempting future allogeneic donations if indicated. Autologous donors may wish to discuss the underlying reasons for the determination with their physicians.

C. Notification Based on Results of Tests for HTLV, Types I and II, and Anti-HBc

In the proposed rule, blood and plasma establishments would be required to notify donors that they have been deferred from donations of Whole Blood, and transfusable components (including Plasma) only after they had tested reactive on a second occasion for anti-HTLV, types I and II, or anti-hepatitis B core (anti-HBc). The agency requested comments on whether to notify donors who test reactive for anti-HTLV, types I and II, or anti-HBc on only one occasion or to wait to notify donors upon testing reactive on the second occasion. Upon the availability of an approved supplemental (additional, more specific) test, a reactive donor would be deferred after a single reactive donation. At such time, blood establishments would notify donors of the test results of both the approved screening and supplemental tests.

(Comment 8) Four comments were submitted on the notification of donors testing reactive for anti-HTLV, types I and II, or anti-HBc. Two comments favored notifying the donor when the donor is deferred, i.e., after the reactive screening test on a second occasion. Another comment suggested notifying the donor after the reactive screening test on the first occasion, but not to defer until the reactive screening test occurs on a second occasion. One comment stated that the reliability of the tests for anti-HTLV, types I and II or anti-HBc is low enough that donor notification should not be required.

After reviewing the comments and further evaluation, we have decided to require blood establishments to notify donors who test reactive for anti-HTLV, types I and II, or anti-HBc on two occasions and, consequently, are deferred. Because an approved supplemental test for HTLV, types I and II, or anti-HBc is not currently available to aid in the notification, we believe it is appropriate that blood and plasma establishments not be required to notify donors after a reactive screening test on the first occasion due to the high rate of false reactivity in low risk blood bank settings. However, under new§ 610.40(h)(1), the donation that tests reactive must not be shipped or used, and the donor remains in the donor pool until the donor tests reactive on a second occasion. It is our intent that if licensed supplemental tests for HTLV, types I and II, or anti-HBc are approved, blood establishments would be required to defer donors after a reactive donation on the first occasion regardless of the results of the supplemental (additional, more specific) tests and notify the donor of both the screening and supplemental test results as prescribed in § 630.6(b).

D. Notification of Donors Determined Not to Be Suitable for Donation Based on Failure to Satisfy Suitability Criteria

The proposed rule would require blood and plasma establishments to notify donors who are determined not to be suitable based on failure to satisfy donor suitability criteria.

(Comment 9) Five comments called for clarification of what suitability requirements would trigger notification of a donor determined not to be suitable for donation.

Currently, the regulations defining donor suitability in §§ 640.3 and 640.63 apply to all donations, including autologous donations. See comment 6 of this document for further discussion of notification of an autologous donor when determined not to be suitable for donation.

(Comment 10) Several comments argued that blood and plasma establishments already voluntarily notify donors based on failure to satisfy suitability criteria on site so the proposed rule is not necessary and too burdensome.

We believe that notification of donors based on failure to satisfy suitability requirements is necessary to help ensure consistency in industry practice and further improve the safety of the blood supply. We do not believe the final rule is too burdensome as it codifies what many blood and plasma establishments already are performing as usual and customary business practice. As the final rule discusses in section III.E of this document, notification of donors based on determination not to be suitable still may occur on site at the time of deferral.

(Comment 11) Two comments stated that criteria used in determining the donor not to be suitable for donation and notification of the donor are decided by medical professionals at blood and plasma establishments and constitute the practice of medicine. Consequently, the comments believed the proposed rule goes beyond FDA's jurisdiction.

We disagree with the comments. We believe that donor testing, deferral, and notification are within our jurisdiction because they relate to the safety of blood products and the control of communicable disease. We believe the deferral and notification requirements will help ensure that the Nation's blood supply is safe by excluding donors who may present significant risks from donation in the future. These requirements also will enhance the public health by helping to ensure that those donors who have been deferred or determined not to be suitable for donation are advised to seek treatment and counseling, where appropriate.

(Comment 12) One comment argued that requiring blood and plasma establishments to notify donors based on their failure to satisfy suitability criteria under the proposed rule may create a patient-physician relationship between the donor and the blood and plasma establishment, therefore violating statutes that prohibit the corporate practice of medicine.

We disagree with the comment. Our intention is not to encourage the practice of medicine by the blood and plasma establishments, but to help ensure that blood and plasma establishments help prevent the potential spread of communicable disease and provide valuable information that may affect the donor's health so that the donor can seek medical care as appropriate. We have revised the language in § 630.6(b) of the final rule to support these intentions.

(Comment 13) Two comments argued that notification of a donor based on

failure to meet suitability criteria is done on site at the time of donation, so blood and plasma establishments should not be required to make three attempts at notification at some later date.

The final rule is not prescribing the method of notification to be used. This will allow the blood and plasma establishments to determine the best method of notification for a particular donor. This flexibility allows a collecting establishment to notify the donor on site either at the time of the donor's screening and physical assessment or at the time of the donor's return visit, by phone, or by mail.

The final rule requires that the blood or plasma establishment make reasonable attempts to notify donors. For example, an establishment may send a notification letter by regular mail to a donor in compliance with § 630.6. A week later, the letter is returned to the establishment by the post office marked ''address unknown.'' The establishment could then proceed with the additional steps until successful notification occurs, or until it is clear that further attempts will not be successful. Such steps could include: Checking the record of the donor's address for transcription error; or searching a local phone book for a correct address and then, in either case, resending the letter. Additionally, the establishment could phone the donor and either notify the donor at that time or ask for a correct address in order to resend the letter.

The final rule also clarifies that a blood or plasma establishment must make reasonable attempts to notify the donor within 8 weeks after determining the donor is deferred or not suitable until the establishment actually succeeds in notification or until the blood and plasma establishment makes sufficient reasonable attempts at notification and it is clear that further attempts will not be successful. A blood and plasma establishment that successfully notifies on site at the time of donation would not have to notify further a donor determined not to be suitable for donation based on failure to satisfy suitability criteria under §§ 630.6 and 640.63.

(Comment 14) One comment argued that blood and plasma establishments should be allowed to notify donors determined not to be suitable for donation based on failure to satisfy suitability criteria by providing the donors with generic letters on site.

The final rule does not prohibit this method of notification as longas a blood or plasma establishment can fully meet the requirements of §§ 630.6 and 630.63 by including the necessary information in a standardized letter. However, blood and plasma establishments may need to supplement such a letter on a case-by-case basis with information specific to the donor.

(Comment 15) Two comments pointed out that many donors determined not to be suitable for donation based on failure to satisfy suitability criteria do not need further treatment or counseling.

We agree with the comment. In the final rule, we clarify the intent to require blood and plasma establishments to provide donors, deferred or determined not to be suitable for donation, with information concerning medical followup, treatment or counseling only when applicable to a particular donor. We recognize that for some donors referral to medical followup or counseling would be unnecessary.

(Comment 16) One comment argued that the proposed rule should not treat donors deferred based on test results in the same manner as donors determined not to be suitable for donation based on failure to satisfy suitability criteria because the former have known health problems while the latter probably do not.

We disagree with the comment. Both reactive test results for communicable disease agents and failure to satisfy suitability criteria raise health concerns for the donor of which the donor should be aware. However, the information provided in the notification may vary, depending on the reason for the deferral or determination not to be suitable for donation based on failure to satisfy suitability criteria.

E. Method of Notification—How to Notify the Donor

The preamble of the proposed rule discussed the possibility that blood and plasma establishments would be able to fulfill the notification requirements on site. It explained that some blood and plasma establishments may notify donors by registered mail, return receipt; or may choose to request that the donor return for direct donor notification. In the preamble of the proposed rule, FDA requested comments on the methods of notification that would help ensure adequate donor confidentiality and the current application and sufficiency of Federal, State, and local laws that protect the privacy of the individual being notified.

(Comment 17) Four comments argued that blood and plasma establishments should have flexibility in the manner they meet their notification obligations under § 630.6(b) and in the way they protect donor confidentiality. No comments were received on the current application and sufficiency of the Federal, State, and local laws that protect the privacy of the individual being notified.

Under the final rule, blood and plasma establishments have the flexibility to choose the manner in which they notify donors. Provided that their notification obligations are fulfilled within 8 weeks, blood and plasma establishments may choose to notify a donor: (1) In person at the time of actual deferral, (2) in person at the donor's first return visit, (3) by phone, or (4) by mail.

Personnel performing this activity must be adequately trained as required under § 606.20. One method of notification that helps ensure donor confidentiality is person-to-person contact.

(Comment 18) Seven comments objected to FDA requiring that notification be sent by registered mail. These comments argued that some donors will not open registered mail and others will be unnecessarily alarmed by receipt of such a letter. The comments stated that sending notification by certified mail will not guarantee that the donor receives it and will add significant expense unnecessarily. The comments suggested that a letter sent by regular mail, documented by the blood or plasma establishment, should be sufficient.

The preamble of the proposed rule only discussed the possibility of notification by certified mail. Blood and plasma establishments may fulfill their notification obligations by regular mail provided they do so within 8 weeks after determining that the donor is deferred or is not suitable to donate and they document their notification attempts.

(Comment 19) Two comments asked for FDA to allow notification of a donor by telephone or by letter providing a telephone number that the donor can call for information regarding the deferral.

The final rule does not preclude notification by telephone provided a blood or plasma establishment meets all of its notification obligations under § 630.6 and documents notification of the donor.

(Comment 20) Five comments objected to FDA requiring blood and plasma establishments to make three attempts to notify donors deferred based on results of tests for communicable disease agents or determined not to be suitable for donation based on failure to satisfy suitability criteria. These comments argued that the first attempt should be sufficient because it is made

shortly after the donation and subsequent attempts are unlikely to succeed.

We clarify in the final rule that a blood or plasma establishment must make reasonable attempts to notify the donor. We eliminate the requirement for three attempts to emphasize that a blood or plasma establishment should continue attempting to notify a donor until it is clear that further attempts would not be successful. If the initial attempt or attempts are unsuccessful, a blood or plasma establishment may need to try other methods to contact the donor. If a blood or plasma establishment is successful in notifying a donor then, obviously, no other attempts are necessary. Blood and plasma establishments must document their attempts to notify donors and maintain a record of these attempts, whether successful or not.

(Comment 21) One comment suggested 8 weeks is not enough time for blood and plasma establishments to complete notification because some confirmatory test results take longer to be completed. Another comment argued that 8 weeks is too long a timeframe for notification.

We believe blood and plasma establishments will be able to complete notification or reasonable attempts to notify the donor within the prescribed 8-week timeframe. Blood and plasma establishments must attempt to obtain the results of supplemental tests prior to notifying donors of their deferral. However, if the results were unavailable prior to notification, blood and plasma establishments would be required to renotify the donor with the results of the supplemental testing. We believe that the results of tests for communicable disease agents, including approved supplemental tests, should generally be available within the 8-week notification timeframe.

F. Permanent Address

In proposed § 606.160(b)(1)(x), FDA proposed to require the blood or plasma establishment to record the donor's permanent address to facilitate the notification of the donor.

(Comment 22) Five comments objected to FDA requiring proof of a permanent fixed address. These comments question what proof of a permanent, fixed address would be acceptable and point out that certain donors may not be able to provide such proof. The comments argued it is not logical that voluntary donors would misrepresent their address. Several of these comments point out that donors may have privacy concerns for not giving a permanent address.

We clarify in the final rule that blood and plasma establishments need to obtain and keep a record of an address where the donor represents he or she can be reached within 8 weeks after donation. A donor does not need to prove that the provided current address is fixed or permanent.

IV. Analysis of Impacts

FDA has examined the impacts of the rule under Executive Order 12866, under the Regulatory Flexibility Act (5 U.S.C. 601–612), and under the Unfunded Mandates Reform Act (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity).

The Regulatory Flexibility Act requires agencies to analyze whether a rule may have a significant impact on a substantial number of small entities and, if it does, to analyze regulatory options that would minimize the impact. Section 202(a) of the Unfunded Mandates Reform Act requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation).

The Office of Management and Budget (OMB) has determined that this rule is a significant regulatory action as defined by the Executive Order and so is subject to review. Because the rule does not impose any mandates on State, local, or tribal governments, or the private sector, that will result in an expenditure in any one year of $100 million or more, FDA is not required to perform a cost-benefit analysis according to the Unfunded Mandates Reform Act.

The Regulatory Flexibility Act requires agencies to prepare a Regulatory Flexibility Analysis for each rule unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As explained in the following sections of this document, the rule is not expected to have a significant economic impact on a substantial number of small business entities because donor notification is considered usual and customary business practice for the affected entities.

A. Objectives and Basis of the Action

As discussed previously, FDA is implementing this action to helpprotect the public health and promote consistency in the industry. The safety of the Nation's blood supply is enhanced when donors whose test results indicate evidence of infection due to communicable disease agents or who fail to satisfy suitability criteria are excluded from donating blood and blood components. Once donors are deferred from donation or determined not to be suitable for donation, they would be informed of the deferral or determination and the reason for that decision; the types of donations they should not donate in the future; the screening and supplemental test results, if applicable; and information concerning medical counseling or treatment, as appropriate. Public health would be protected not only by deferring the donor from future donations and preventing the transmission of communicable disease agents through transfusion, but also by counseling the donor to minimize the risk of transmitting the disease agent.

This action is taken under the authority of sections 351 and 361 of the Public Health Service Act (42 U.S.C. 262 and 264 *et seq.*) and the provisions of the act that apply to drugs, specifically section 501 of the act (21 U.S.C. 351), in order to prevent the introduction, transmission, and spread of communicable disease, and to ensure that methods used in manufacturing conform with CGMP's. Failure to comply with donor notification procedures would violate CGMP's and, therefore, the blood or plasma establishment would be subject to the act's enforcement provisions. FDA has reviewed related Federal rules and has not identified any rules that duplicate, overlap, or conflict with the rule.

B. Nature of the Impact

The rule requires that blood and plasma establishments notify donors, including autologous donors, of their deferral because of the results of testing for evidence of infection due to communicable disease agents including HIV, HTLV, hepatitis B, hepatitis C, or syphilis or that they are determined not to be suitable for donation based on failure to satisfy suitability criteria. Blood establishments also are required to notify referring physicians of autologous donors of reactive test results for evidence of infection due to communicable disease agents. Under the rule, the donor must be notified of the types of blood or blood components that the donor should not donate in the

future, where appropriate. The notification must include the results of tests for evidence of infection due to communicable disease agents including the results of supplemental tests, if applicable, and where appropriate, the types of donation of blood or blood components that the donor should not donate in the future, and information concerning medical followup and counseling. The establishments must make reasonable attempts to notify the donor within 8 weeks of the donor deferral or determination not to be suitable for donation. In order to implement this notification process, the rule also requires that blood and plasma establishments obtain and record an address for each prospective donor. Establishments must also maintain records of attempts to notify a deferred or unsuitable donor within the prescribed timeframe. An establishment also must prepare SOP's describing all steps required in the notification process.

C. Type and Number of Entities Affected

The donor notification requirements will affect all blood and plasma establishments that collect blood and blood components. FDA's registration data base for blood and plasma establishments has record of approximately 1,041 establishments: 60 licensed plasma establishments with multiple locations and 981 registered blood establishments. The AABB estimates that approximately 12.6 million blood donations are collected annually. Allogeneic blood donations have recently accounted for an estimated 87.2 percent of that total with autologous donations comprising an additional 8.1 percent and directed donations averaging 3.2 percent (Ref. 1). In 1997, the General Accounting Office (GAO) estimated that approximately 12 million donations of Source Plasma were collected by plasma centers.

D. Estimated Impact of Requirements for Donor Notification

The rule is expected to have a minor net impact on blood and plasma establishments because it is already usual and customary business practice in the blood industry to notify donors that are deferred or determined not to be suitable for donation; virtually all establishments include this process within current operational guidelines. FDA expects that the primary impact of the rule will include a one-time review effort at each facility and a more extensive notification process at those facilities that currently perform donor notification over a longer timeframe or with fewer notification attempts. The agency received one letter of comment on the estimated one-time burden on the blood and plasma establishments in complying with the requirements of the rule.

(Comment 23) One comment asserted that the review of the regulation alone would require at least 4 hours of staff time to comprehensively understand the directives. Another comment in the letter asserted that revisions to procedures could not be accomplished in only 4 hours, noting that notification letters and computer software would have to be revised, staff would have to be trained, and there may be a need to purchase new equipment such as printers.

FDA agrees that the estimated time of 4 hours did not adequately account for time spent for revising the establishment's SOP's in addition to reviewing the regulations. Therefore, we are revising the estimated time for review of the regulation and revision of an establishment's SOP's to 8 hours for those establishments that currently maintain donor records and have notification procedures in place similar to those required by this rule. FDA agrees that establishments that make substantial changes to their notification processes (such as the information contained in their notification letters) will require more time. The agency assumes such facilities will require 24 hours of staff time and FDA uses this assumption in its cost models. FDA does not believe this donor notification rule requires a capital investment in new equipment.

The one-time effort to review and modify current SOP's is expected to vary among the 1,041 establishments, depending on the extensiveness of a facility's current protocols for donor notification. For establishments that already keep required donor information and perform the level of notification effort specified by the rule, FDA estimates that it would take approximately 8 hours of staff time to reconcile the regulations against the facility's current standards. A technical specialist who acts as a regulatory reviewer or manager of quality assurance could perform this process. Based on the total average hourly compensation of $25.67 for professional specialty and technical occupations in the health services industry, as reported by the Bureau of Labor Statistics for March 1997, the cost would be approximately $205 per establishment. For establishments that already perform donor notification but provide different information to donors or have established a different notification process than specified in the rule, FDA assumes that approximately 24 hours of staff time would be required to align current SOP's and recordkeeping with the provisions of the rule. The cost in this case would be approximately $616 per establishment. FDA does not have the data to estimate the percentage of facilities that will require a minimal effort versus a more involved review of SOP's; however, it is expected that many facilities have SOP's and recordkeeping standards that are consistent with the rule. Assuming a minimal review is needed at two-thirds of the 1,041 currently operating establishments, and a more extensive review is conducted by the other one-third, the total one-time cost for the blood and plasma industries is estimated to be $356,022 ((2/3 x 1,041 x $205)) + (1/3 x 1,041 x $616)).

The yearly increase in cost is based on the ongoing notification of donors. FDA assumes that all donors determined not to be suitable for donation based on the screening interview can be notified onsite at the time of the determination, and provided with the appropriate information. FDA assumes that this will introduce no new costs for the blood and plasma establishments. The cost of notifying donors deferred on the basis of blood test findings is based on the following numbers: (1) A proportional extrapolation of the number of donors who would test repeatedly reactive for evidence of infection in tests for HIV, HTLV, HBV, or HCV (a prevalence rate of 121.9 per 100,000 for viral markers among prospective donors) (Ref. 2); (2) that approximately 80 percent of donations are made by repeat donors[1] (12.6 million x .80 = 10.08 million blood donations and 12 million x .80 = 9.6 million plasma donations); (3) that repeat donors average two donated units per year[2] (10.08 million/2 = 5.04 million blood donors and 9.6 million/2 = 4.8 million plasma donors); and (4) that the first time donors contribute one unit per year (12.6 million—10.08 million = 2.52 million blood donors and 12 million—9.6 million = 2.4 million plasma donors). As a result, an estimated 9,264 deferred blood donors and 8,777 deferred plasma donors (including first time and repeat donors) would be notified each year, or a total of 18,041 annual notifications.

FDA assumes that all facilities currently make at least one notification attempt for all donors deferred based on

[1] This percentage is based on American National Red Cross estimates based on donations between January 1996 and June 1997.

[2] The estimate of an average of two donations per year for repeat blood donors is based on the Centers for Disease Control's analysis of blood donations prepared for HCV lookback.

test results. However, the percentage of facilities that would attempt notification more than once within an 8-week period is not known. FDA has therefore estimated the economic impact for a scenario in which the cost of compliance is based on the assumption that in one-fourth of the 18,041 notifications or 4,510, two additional notification attempts are needed, a phone call and a letter once the address has been corrected for a transcription error. This estimate is conservative and likely overstates the true frequency. The cost for these two notifications are estimated to be the cost of 0.5 hours of staff time for the phone call or $12.84, and 0.25 hours per staff time and 33 cents for the mailing or $6.75, for a total cost of approximately $19.59. The cost of compliance would be $181,482 [9,264 x $19.59] for the blood industry, and an estimated $171,941 [8,777 x $19.59] for the plasma industry. Because autologous donations constitute approximately 8 percent of all donations and these donations are referred by physicians, the rule requires establishments to send notifications to both the autologous donor and the referring physician. FDA estimates that the blood industry would incur an additional cost of $14,519 [$181,482 x .08], for a total of $196,001.

E. Expected Benefits of the Rule

As described in the preamble to this rule, notification of donors thatthey have been deferred or determined not to be suitable and consequently should not attempt subsequent donations will help prevent unsafe units of blood or blood components from entering the blood supply. Notified donors can then self-defer in the future and help protect the Nation's blood supply. In & FDA's proposed rule on donor testing (64 FR 45340, August 19, 1999), the agency provides an extensive discussion of the benefits of reducing public exposure to the risks of these infectious diseases. FDA refers the reader to this discussion of the significant public health benefits of minimizing patients' risk of being unwittingly exposed to infection with HIV, HTLV, hepatitis B, and hepatitis C.

F. Small Entity Impact

The rule is not expected to have a significant impact on a substantial number of small entities, however, the impact on blood and plasma establishments that qualify as small entities is uncertain. FDA has therefore prepared a regulatory flexibility analysis. The blood and plasma establishments affected by the rule are included under the major standard industrial classification (SIC) code major group 80 for providers of health services.[3] According to section 601 of the Regulatory Flexibility Act of 1980, the term ''small entity'' encompasses the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' According to the Small Business Administration (SBA), a ''small business'' within the blood industry is an enterprise with less than $5 million in annual receipts. A ''small organization'' is a not-for-profit enterprise which is independently owned and operated and is not dominant in the field. A ''small government jurisdiction'' generally means government of cities, counties, town, townships, villages, school districts, or special districts, with a population of less than 50,000.[4]

As noted in the foregoing analysis, the rule is expected to have some cost impact on both plasma and blood collection centers. FDA has record of a total of 60 licensed plasma centers with multiple locations. FDA estimates that the vast majority of the plasma is processed by eight companies and that these companies own 90 percent of the plasma centers. FDA assumes that the other 52 plasma centers not associated with the eight companies may qualify as small business establishments. FDA has estimated that only 10 percent of plasma locations are owned by the 52 small entities. The potential impact on plasma collection facilities will be a function of the number of donors and the viral marker rates at their facility. The net impact on these facilities, however, is expected to be minor. If the estimated additional yearly cost of $171,941 was spread evenly over all locations, then the yearly cost to all 52 small entities would be $17,194 [$171,941 x 0.10], or approximately $331 [$17,941 / 52] per small entity per year.

The impact on blood collection facilities that qualify as small entities is also uncertain, although it is not expected to be significant. The blood collection facilities that are independent and not-for-profit organization may qualify as small entities regardless of the size of their operations. The analysis that follows, however, considers the smaller blood collection facilities, because they are expected to experience the greater cost impact.

According to the 1996 directory of the AABB, 34 regional and community blood centers have annual revenues of less than $5 million; and each collect no more than 30,000 donations per year. Because of the pre-existing practice of donor notification at these facilities, and the relatively small number of donors that FDA estimates will be notified based on blood test findings, the impact on these small facilities is expected to be minor. Based on FDA's calculations, the 34 facilities with 30,000 donations or fewer per year, would identify an estimated 37 deferred donors per year through blood testing (30,000/100,000 x 121.9 = 37). If these facilities currently need to make two additional notification attempts under this rule, there would be an average small facility notification cost of $724 (37 x $19.59) per year. Because the estimated one-time cost for the review and revision of current deferral notification SOP's averages $342 (2/3 x $205 + 1/3 x $616) per establishment, the average annualized cost impact for the smaller collection establishments would be about $1,066 ($724 + $342), or roughly $0.04 per donation, assuming approximately 30,000 donations per year.

The types of professional staff and skills required to perform the required tasks are described in section III.E of this document. FDA is confident that the tasks specified in the rule can be readily performed by the type of staff already employed at affected blood and plasma establishments.

To minimize the impact on small entities while continuing to protect public health, the agency does not require donor notification until after the results of the approved supplemental testing are available.

As an alternative to this rule, FDA considered not requiring donornotification of deferral from future donation due to communicable disease testing or failure to satisfy suitability criteria because it is viewed by many as medical practice. However, the agency has rejected this alternative for the following reason. After a lengthy period of time during which the agency issued recommendations to establishments on notifying donors of deferral, the establishments have provided the deferred donor with inconsistent information and counseling. Notification of donor deferral has become a public health issue because donors who are not fully informed of their deferral status due to communicable disease testing or failure to meet suitability criteria may not take precautions to minimize the transmission of communicable disease to others and may not recognize the importance of not attempting to donate blood or blood components in the future.

[3] A description of SIC major group 80 can be found at: http://www.osha.gov/cgi-bin/sic/sicser4?80.

[4] The SBA criteria for small business, listed by SIC code can be found at: http://www.sba.gov/regulations/siccodes/siccodes.pdf.

In the proposed version of this rule, the agency considered making the notification of reactive autologous donors recommended, but not mandatory, and that these donors not be deferred. In the final rule, the agency is requiring that reactive autologous donors, and their referring physicians, be notified and that these donors be deferred. The agency believes that that notification of autologous donors and their referring physicians will generate many of the same benefits as notification of allogeneic donors.

V. The Paperwork Reduction Act of 1995

This final rule contains information collection requirements that are subject to review by the OMB under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection provisions are shown below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

Title: General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification.

Description: This final rule amends §§ 606.100(b)(20) (Standard Operating Procedures), and 606.160(b)(1)(ix to xi) (Records), and adds new part 630 (Donor Notification), all of which contain new information collection.

A. Standard Operating Procedures (§ 606.100(b)(20))

Section 606.100(b)(20), requires blood and plasma establishments to write, maintain, and follow SOP's for donor deferral, donor notification, including autologous donors, and notification of referring physicians of autologous donors. This provision also requires SOP's for appropriate followup if the initial attempt at notification fails.

B. Records (§ 606.160(b)(1)(ix) to (b)(1)(xi))

Under § 606.160(b)(1)(ix) and (b)(1)(xi) establishments must maintain records of each notification and notification attempts of allogeneic donors, autologous donors, and the referring physicians of autologous donors. Section 606.160(b)(1)(x) requires establishments to record where the donor may be contacted within 8 weeks of donation.

C. Donor Notification (New Part 630)

Section 630.6(a) requires establishments collecting blood or blood components to make reasonable attempts to notify donors, including autologous donors, who are deferred based on the results of tests for evidence of infection due to a communicable disease agent(s) including syphilis; or determined not to be suitable for donation based on failure to satisfy suitability criteria. Section 630.6(b) requires that notification contain the following information: (1) The donor is deferred or determined not to be suitable for donation, and the reason for that decision; (2) the types of blood or blood components the donor should not donate in the future, where appropriate; (3) the establishment must provide the results of the test for evidence of infection due to the communicable disease agent(s) including syphilis that was the basis for the deferral and results of supplemental (additional, more specific) tests, when applicable; and (4) where appropriate, the establishment must provide information concerning medical followup and counseling.

Under § 630.6(d)(1), the establishment must notify the referring physician of an autologous donor when the autologous donor is deferred under new § 610.41. This notification must provide the same information as required for the notification of a donor.

Description of Respondents: Blood and plasma establishments that collect blood, and blood components, including Source Plasma.

As required by section 3506(c)(2)(B) of the PRA, FDA provided an opportunity for public comment on the information collection requirements of the proposed rule (64 FR 45355). In accordance with the PRA, OMB reserved approval of the information collection burden in the proposed rule stating that they will make an assessment in light of public comments received on the proposed rule. Two letters of comment on the information collection burden were submitted to the docket.

(Comment 24) One comment, in response to our notification estimate of a half hour, stated that notification and providing the required information would more likely take at least 1 hour, especially for individuals apparently infected with HIV, HBV, or HCV. The comment also stated that providing followup testing (supplemental) is more likely to take at least half an hour.

FDA agrees with the comment and is revising the estimated hours per response in table 1 of this document to 1.5 hours for notifying a donor with reactive screeningtest results.

(Comment 25) One comment suggested that the burden of the recordkeeping requirements for documenting the attempts to contact the donor is significantly underestimated.

The comment did not provide information supporting the statement that the burden is underestimated. Therefore, we continue to estimate the time for recording the notification of each donor as an average of 3 minutes.

(Comment 26) One comment opined that the estimate of 1.2 percent for donors who are deferred from donating due to failure to satisfy suitability criteria is far below actuality and that the number of donors deferred as a result of health history questions average 13 percent.

We have revised our estimate to reflect that an average of 13 percent of donors annually are determined not to be suitable for donation based on failure to satisfy suitability criteria.

According to FDA's registration data base, there are currently about 1,041 establishments affected by this rule: Approximately 60 licensed plasma establishments with multiple locations that collect Source Plasma, and approximately 981 registered blood and plasma establishments that collect blood and blood components. The number differs from the number of respondents estimated in the proposed rule (2,800) because we incorrectly included in the estimated number all registered establishments, including those that do no collect blood and plasma. Based on estimates provided by AABB and GAO, these establishments collect annually approximately 12.6 million donations of blood and blood components from approximately 8 million donors and approximately 12 million donations of Source Plasma from 1.5 million donors. As part of the 12.6 million donations of blood and blood components, AABB also estimates that approximately 643,000 autologous donations are collected annually. Assuming each autologous donor makes an average of 2 donations, we estimate that there are approximately 321,500 autologous donors.

D. Annual Reporting Burden (Table 1)

Industry estimates that approximately 13 percent of 9.5 million donors (1.2 million donors) who come to donate annually are determined not to be suitable for donation prior to collection because of failure to satisfy suitability criteria. It is the usual and customary business practice of virtually all 1,041 collecting establishments to notify on site and to explain the reason why the

donor is determined not to be suitable for donating. Based on such information as is available to FDA, we estimate that two-thirds of collecting establishments (697) provide on site additional information and counseling to a donor determined not to be suitable for donation as usual and customary business practice. Consequently, we estimate that only one-third or 344 collection establishments would need to provide additional information and counseling on site to 400,000 total donors. Industry representatives estimated that it takes on average approximately 5 minutes to provide appropriate health information to a donor determined not to be suitable for donation.

GAO estimates that another 4.5 percent of 9.5 million donors (427,500 donors) are deferred annually based on test results. We estimate that currently 95 percent of the establishments that collect 98 percent of the blood and blood components notify donors who have reactive test results for HIV, HBV, HCV, HTLV, and syphilis as usual and customary business practice. Consequently, 5 percent (52) of the industry collecting 2 percent (8,550) of the deferred donors would experience new burden related to this requirement. We have adjusted our original estimate of 15 minutes to complete the notification process to 1 hour based on comment from industry. Based on the same comment, we have also adjusted the time estimated for additional counseling of the donor once notification is received from 15 minutes to 30 minutes. The total for notification of each donor is 1.5 hours. As part of usual and customary business practice, collecting establishments notify an autologous donor's referring physician of reactive test results obtained during the donation process. However, we estimate that 5 percent of the 981 blood collection establishments (52) do not notify the referring physicians of the estimated 2 percent of 321,500 autologous donors with reactive test results (6,430). The time for these establishments to notify the referring physician is estimated at 1 hour.

E. Recordkeeping Burden (Table 2)

We estimate that 1,041 establishments will each expend, as a one-time burden, an average of 8 hours to reconcile their SOP's with the requirements (one-time burden of 7 hours to revise and an on-going burden of 1 hour to maintain). All plasma and blood establishments record each donor's address as part of their usual and customary business practice and, therefore, the requirement under § 606.160(b)(1)(x) does not create new or additional burden. Section 606.160(b)(1)(ix) requires that establishments record the notification efforts. We estimate that it will take 3 minutes on average to record the notification status of each of the 1.2 million donors determined not to be suitable to donate and each of the 427,500 donors deferred based on reactive test results for evidence of infection due to communicable disease agents. Section 606.160(b)(1)(xi) requires that records be kept regarding an establishment's efforts to notify the referring physician of a deferred autologous donor. Only the 981 registered blood establishments collect autologous donations and therefore are required to notify referring physicians. We estimate that 4.5 percent of the 321,500 autologous donors (14,468) will be deferred under new § 610.41, and thus result in the notification of their referring physicians.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. ofRespondents	AnnualFrequency perResponse	Total Annual Responses	Hours perResponse	Total Hours
630.6(a)[2]	344	1,163	400,000	0.08	32,000
630.6(a)[3]	52	164	8,550	1.5	12,825
630.6(d)(1)	52	124	6,430	1	6,430
Total					51,255

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Notification of donors determined not to be suitable for donation based on failure to satisfy suitability criteria.
[3] Notification of donors deferred based on reactive test results for evidence of infection due to communicable disease agents.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
606.100(b)(20) (maintenance of SOP's)	1,041	1	1,041	1	1,041
606.160(b)(1)(ix)	1,041	1,563	1,627,500	0.05	81,375
606.160(b)(1)(xi)	981	15	14,468	0.05	723
Total					83,139

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3.—ESTIMATED ONE-TIME RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
606.100(b)(20)	1,041	1	1,041	7	7,287

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Prior to the effective date of this final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions in this final rule. 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 number.

VI. Environmental Impact

The agency has determined under 21 CFR 25.30(j) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VIII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Wallace, E. L., W. H. Churchill, D. M. Surgenor, J. An, G. Cho, S. McGurk, and L. Murphy, ''Collection and Transfusion of Blood and Blood Components in the United States, 1992,'' *Transfusion*, 1995; vol. 35, No. 10, pp. 802 to 812.

2. Glynn, S. A., G. B. Schreiber, M. P. Busch, S. H. Kleinman, A. E. Williams, C. C. Nass, H. E. Ownby, and J. W. Smith, for the Retrovirus Epidemiology Donor Study entitled ''Demographic Characteristics, Unreported Risk Behaviors, and the Prevalence and Incidence of Viral Infections: A Comparison of Aphersis and Whole-Blood Donors,'' *Transfusion*, April 1998, vol. 38, pp. 350 to 358.

Lists of Subjects

21 CFR Part 606

Blood, Labeling, Laboratories, Reporting and recordkeeping requirements.

21 CFR Part 630

Biologics, Blood, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, parts 606 and 630 are amended as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

1. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374; 42 U.S.C. 216, 262, 263a, 264.

2. Section 606.100 is amended by adding paragraph (b)(20) to read as follows:

§ 606.100 Standard operating procedures.

* * * * *

(b) * * *

(20) Procedures for donor deferral as prescribed in § 610.41 of this chapter; and procedures for donor notification and autologous donor referring physician notification, including procedures for the appropriate followup if the initial attempt at notification fails, as prescribed in § 630.6 of this chapter.

* * * * *

3. Section 606.160 is amended by adding paragraphs (b)(1)(ix) to (b)(1)(xi) to read as follows:

§ 606.160 Records.

* * * * *

(b) * * *

(1) * * *

(ix) Records of notification of donors deferred or determined not to be suitable for donation, including appropriate followup if the initial attempt at notification fails, performed under § 630.6 of this chapter.

(x) The donor's address provided at the time of donation where the donor may be contacted within 8 weeks after donation.

(xi) Records of notification of the referring physician of a deferred autologous donor, including appropriate followup if the initial notification attempt fails, performed under § 630.6 of this chapter.

* * * * *

4. Part 630 is added to read as follows:

PART 630—GENERAL REQUIREMENTS FOR BLOOD, BLOOD COMPONENTS, AND BLOOD DERIVATIVES

Sec.
630.6 Donor notification.

Authority: 21 U.S.C. 321, 331, 351, 352, 355, 360, 371; 42 U.S.C. 216, 262, 264.

§ 630.6 Donor notification.

(a) *Notification of donors.* You, an establishment that collects blood or blood components, must make reasonable attempts to notify any donor, including an autologous donor, who has been deferred based on the results of tests for evidence of infection with a communicable disease agent(s) as required by § 610.41 of this chapter; or who has been determined not to be suitable as a donor based on suitability criteria under § 640.3 or § 640.63 of this chapter. You must attempt to obtain the results of supplemental testing required under § 610.40(e) of this chapter prior to notifying a donor of the deferral. If notification occurs prior to receipt of such results, you must also notify a deferred donor of the results of the supplemental testing. You must notify a donor as described in paragraph (b) of this section.

(b) *Content of notification.* You must provide the following information to a donor deferred or determined not to be suitable as a donor as described in paragraph (a) of this section:

(1) That the donor is deferred or determined not to be suitable for donation and the reason for that decision;

(2) Where appropriate, the types of donation of blood or blood components that the donor should not donate in the future;

(3) Where applicable, the results of tests for evidence of infection due to communicable disease agent(s) that were a basis for deferral under § 610.41 of this chapter, including results of supplemental (i.e., additional, more specific) tests as required in § 610.40(e) of this chapter; and,

(4) Where appropriate, information concerning medical followup and counseling.

(c) *Time period for notification.* You must make reasonable attempts to notify the donor within 8 weeks after determining that the donor is deferred or determined not to be suitable for donation as described in paragraph (a) of this section. You must document that you have successfully notified the donor or when you are unsuccessful that you have made reasonable attempts to notify the donor.

(d) *Autologous donors.* (1) You also must provide the following information to the referring physician of an autologous donor who is deferred based on the results of tests for evidence of infection with a communicable disease agent(s) as described in paragraph (a) of this section:

(i) Information that the autologous donor is deferred based on the results of tests for evidence of infection due to communicable disease agent(s), as required under § 610.41 of this chapter, and the reason for that decision;

(ii) Where appropriate, the types of donation of blood or blood components

that the autologous donor should not donate in the future; and

(iii) The results of tests for evidence of infection due to communicable disease agent(s), that were a basis for deferral under § 610.41 of this chapter, including results of supplemental (i.e., additional, more specific) tests as required in § 610.40(e) of this chapter.

(2) You must make reasonable attempts to notify the autologous donor's referring physician within 8 weeks after determining that the autologous donor is deferred as described in paragraph (a) of this section. You must document that you have successfully notified the autologous donor's referring physician or when you are unsuccessful that you have made reasonable attempts to notify the physician.

Dated: June 1, 2001.

Bernard A. Schwetz,

Acting Principal Deputy Commissioner.

[FR Doc. 01–14409 Filed 6–8–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 989

RIN 0701–AA56

Environmental Impact Analysis Process (EIAP); Correction

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule; correction.

SUMMARY: The Department of the Air Force published in the **Federal Register** of March 28, 2001, a document concerning correcting amendments. This document corrects the inadvertent change to correcting amendment 45.

DATES: Effective on July 11, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bush (HQ USAF/ILEB), 1260 Air Force Pentagon, Washington, DC 20330–1260, (703) 604–0553.

SUPPLEMENTARY INFORMATION: In 32 CFR part 989, FR Doc. 01–7671 published on March 28, 2001 (66 FR 16868) make the following correction. On page 16869, correcting amendment 45, Appendix C, paragraph A3.1.3, last sentence, correct ''USAF/ILEVP'' to read ''HQ USAF/ILEVP.''

Dated: May 31, 2001.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–14681 Filed 6–8–01; 8:45 am]

BILLING CODE 5001–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–6995–2]

RIN 2060–AE56

Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: Due to relevant adverse comment, the EPA is withdrawing two provisions from the direct final rule published on April 10, 2001 for Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978, and Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units (66 FR 18546). These provisions deal with the revised definition of ''boiler operating day'' and the data substitution requirement for missing data.

DATES: This rule is effective June 11, 2001. As of June 11, 2001, the EPA withdraws the revised definition of ''boiler operating day'' in 40 CFR § 60.41a and 60.46a(j)(2) published on April 10, 2001 (66 FR 18546). The remaining provisions published on April 10, 2001 will be effective June 11, 2001 as stated in the April 10, 2001 direct final rule. The addition of 40 CFR 60.46a(j)(2), which deletes the data substitution requirement for missing data, is effective June 11, 2001.

ADDRESSES: Docket number A–92–71, containing supporting information used in the development of this notice is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street, SW, Washington, DC 20460, or by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. James Eddinger, Combustion Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541–5426, electronic mail address: eddinger.jim@epa.gov.

SUPPLEMENTARY INFORMATION: Because EPA received relevant adverse comment, we are withdrawing two of the provisions included in the direct final rule for compliance and monitoring requirements for duct burners used in combined cycle systems. We published the direct final rule (66 FR 18546) and a notice of proposed rulemaking (66 FR 18579) intended to amend the emissions monitoring and compliance provisions for duct burners contained in subparts Da and Db on April 10, 2001.

We stated in that **Federal Register** that if we received relevant adverse comment by May 10, 2001 on one or more distinct provisions of the direct final rule, we would publish a timely withdrawal of those distinct provisions in the **Federal Register**. We subsequently received relevant adverse comment on two of the provisions: the revised definition of ''boiler operating day'' in 40 CFR 60.41a and the data substitution requirement contained in 40 CFR 60.46a(j)(2).

The adverse comments stated that the revised definition of ''boiler operating day'' and the inclusion of the 40 CFR part 75 data substitution requirement are independent of the amendments addressing the compliance procedures for duct burners. The commenters stated that these provisions are inconsistent with existing subpart Da procedures and their potential impacts were not analyzed or discussed in the proposal. On reviewing the relevant adverse comments, we agreed with their conclusion that these provisions are inconsistent with existing provisions in subpart Da and independent of the provisions addressing the compliance procedures for duct burners. Section 60.47a(c)(2) states that, although 40 CFR part 75 monitors can be used for subpart Da compliance, 40 CFR part 75 missing data and bias adjustment procedures shall not be used. As for the revised definition of ''boiler operating day,'' § 60.47a(f) requires data to be collected for at least 18 hours in a ''boiler operating day.'' The proposed revised definition of a ''boiler operating day'' is inconsistent with this requirement. Therefore, we are withdrawing the revised definition of ''boiler operating day'' and § 60.46a(j)(2) which contained the requirement for substituting data under 40 CFR part 75.

Based on the adverse comment received, we are amending subpart Da to add a revised § 60.46a(j)(2) which will become effective on June 11, 2001 as

provided in the April 10, 2001 direct final rule (66 FR 18546), as appears at the end of this document. This revised § 60.46a(j)(2) differs from the § 60.46a(j)(2) that is being withdrawn from the direct final rule by the deletion of the following statement:

This includes data substituted according to 40 CFR 75.21(i) for invalid data and 40 CFR 75.30 for missing data or data adjusted for negative bias as required by 40 CFR 75.23(d).

Based on our review of the comments received, we will, therefore, not address the comments on the withdrawn provisions in a subsequent final action on the parallel proposal published at 66 FR 18579.

The provisions for which we did not receive relevant adverse comment, as well as the revised § 60.46a(j)(2), will become effective on June 11, 2001 as provided in the April 10, 2001 direct final rule (66 FR 18546).

Dated: June 5, 2001.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

For reasons set out in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

Subpart Da—[Amended]

2. Section 60.46a is amended by adding paragraph (j)(2) to read as follows:

§ 60.46a Compliance provisions.

* * * * *

(j) * * *

(2) The owner or operator of an affected duct burner may elect to determine compliance by using the continuous emission monitoring system specified under § 60.47a for measuring NO_X and oxygen and meet the requirements of § 60.47a. Data from a CEMS certified (or recertified) according to the provisions of 40 CFR 75.20, meeting the QA and QC requirements of 40 CFR 75.21, and validated according to 40 CFR 75.23 may be used. The sampling site shall be located at the outlet from the steam generating unit. The NO_X emission rate at the outlet from the steam generating unit shall constitute the NO_X emission rate from the duct burner of the combined cycle system.

* * * * *

[FR Doc. 01–14618 Filed 6–8–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 433, 435, 436, and 457

[HCFA–2006–F3]

RIN 0938–AI28

State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Further Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; Further delay of effective date.

SUMMARY: This final rule temporarily delays the effective date of the final rule entitled ''State Child Health; Implementing Regulations for the State Children's Health Insurance Program'' published in the January 11, 2001 **Federal Register** (66 FR 2490). That final rule implements provisions of the Balanced Budget Act of 1997 (BBA) related to the State Children's Health Insurance Program (SCHIP). Specifically, the final rule includes provisions related to State plan requirements and plan administration, coverage and benefits, eligibility and enrollment, enrollee financial responsibility, strategic planning, substitution of coverage, program integrity, certain allowable waivers, and applicant and enrollee protections. It also implements the provisions of sections 4911 and 4912 of the BBA, which amended title XIX of the Social Security Act to expand State options for coverage of children under the Medicaid program. In addition, the final rule makes technical corrections to subparts B and F of 42 CFR part 457.

On February 26, 2001, we initially delayed the effective date of the final rule from April 11, 2001 until June 11, 2001. The temporary 60-day delay in the effective date was necessary to give Department officials the opportunity for further review and consideration of new regulations.

We have decided to further delay the effective date of the final rule because we have determined that a short additional period is required to properly consider and promulgate necessary revisions. To the extent that 5 U.S.C. section 553 applies to this action, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, HCFA's delay of implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical because the time available before the effective date is too short for meaningful comment. Moreover, to the extent that seeking public comment would preclude this delay, it would be contrary to the public interest in the orderly promulgation and implementation of regulations in light of the development of necessary revisions. The immediate delay is necessary to prevent application of inconsistent standards while we issue the necessary revisions.

DATES: The effective date of the final rule amending 42 CFR parts 431, 433, 435, 436 and 457, published in the **Federal Register** on January 11, 2001, at 66 FR 2490 and delayed on February 26, 2001 at 66 FR 11547 until June 11, 2001 is further delayed until June 25, 2001.

FOR FURTHER INFORMATION CONTACT: Regina Fletcher (410) 786–3293.

(Catalog of Federal Domestic Assistance Program No. 93.767, State Children's Health Insurance Program)

Dated: June 7, 2001.

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Approved: June 7, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–14733 Filed 6–8–01; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7763]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood

insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Division Director, Policy and Assessment Division, Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646–3098.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II				
New York: Scriba, town of, Oswego County ...	360663	September 15, 1975, Emerg., September 16, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Region V				
Minnesota: Houston County, unincorporated areas.	270190	April 30, 1974, Emerg., January 6, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Ohio: Mercer County, unincorporated areas ...	390392	November 15, 1977, Emerg., September 6, 1989, Reg. June 6, 2001.	6/6/01	6/6/01
Region VI				
New Mexico:				
Portales, city of, Roosevelt County	350054	October 29, 1974, Emerg., January 20, 1982, Reg. June 6, 2001.	6/6/01	6/6/01
Red River, town of, Taos County	350079	April 18, 1975, Emerg., July 1, 1987, Reg. June 6, 2001.	6/6/01	6/6/01
Region VII				
Iowa:				
Akron, city of, Plymouth County	190223	November 14, 1974, Emerg., August 1, 1986, Reg. June 6, 2001.	6/6/01	6/6/01
Plymouth County, unincorporated areas ..	190899	May 6, 1980, Emerg., September 18, 1985, Reg. June 6, 2001.	6/6/01	6/6/01
Westfield, city of, Plymouth County	190482	December 3, 1998, Emerg., October 20, 1999, Reg. June 6, 2001.	6/6/01	6/6/01

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
New Hampshire: Holderness, town of, Grafton County.	330059	July 22, 1975, Emerg., April 15, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Region II				
New York:				
Oswego, town of, Oswego County	360657	December 16, 1976, Emerg., September 30, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Putnam Valley, town of, Putnam County	361030	July 31, 1975, Emerg., September 4, 1997, Reg. June 20, 2001.	6/20/01	6/20/01
Schuyler, town of, Herkimer County	360318	June 24, 1975, Emerg., July 3, 1985, Reg. June 20, 2001.	6/20/01	6/20/01
Region III				
Pennsylvania:				
Bedminster, township of, Bucks County ..	421049	February 5, 1976, Emerg., December 1, 1983, Reg. June 20, 2001.	6/20/01	6/20/01
Hilltown, township of, Bucks County	420189	October 6, 1972, Emerg., January 30, 1981, Reg. June 20, 2001.	6/20/01	6/20/01
Perkasie, borough of, Bucks County	420198	September 8, 1972, Emerg., March 1, 1977, Reg. June 20, 2001.	6/20/01	6/20/01
Sellersville, borough of, Bucks County	420203	July 9, 1973, Emerg., February 15, 1978, Reg. June 20, 2001.	6/20/01	6/20/01
Region IV				
North Carolina: Warren County, unincorporated areas.	370396	November 29, 1979 Emerg., February 1, 1987, Reg. June 20, 2001.	6/20/01	6/20/01
Region VII				
Kansas:				
El Dorado, city of, Butler County	200039	April 21, 1972, Emerg., August 24, 1976, Reg. June 20, 2001.	6/20/01	6/20/01
Butler County, unincorporated areas	200037	June 23, 1975, Emerg., March 2, 1981, Reg. June 20, 2001.	6/20/01	6/20/01

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: June 1, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–14570 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–P–7602]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Executive Associate Director for Mitigation reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646–3461 or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in BFEs are in accordance with 44 CFR 65.4. *National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Acting Executive Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and record keeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arkansas: Washington	City of Springdale	April 20, 2001, April 27, 2001, *The Morning News of Northwest Arkansas*.	The Honorable Jerre Van Hoose, Mayor, City of Springdale, 201 Spring Street, Springdale, Arkansas 72764.	July 27, 2001	050219
Illinois: Lake	City of Waukegan	March 22, 2001, March 29, 2001, *Chicago Tribute*.	The Honorable Bill Durkin, Mayor, City of Waukegan, 106 North Utica, Waukegan, Illinois 60085.	June 29, 2001	170397
Kansas: Johnson	City of Shawnee	February 8, 2001, February 15, 2001, *Topeka Capital-Journal*.	The Honorable Jim Allen, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, Kansas 66203.	January 18, 2001	200177

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Oklahoma: Oklahoma	City of Edmond	May 17, 2001, May 24, 2001, *The Edmond Sun*.	The Honorable Bob Rudkin, Mayor, City of Edmond, P. O. Box 202, Edmond, Oklahoma 73083.	August 23, 2001	400252
Oklahoma: Pottawatomie	City of Shawnee	April 20, 2001, April 27, 2001, *The Shawnee News-Star*.	The Honorable Chris Harden, Mayor, City of Shawnee, P. O. Box 1448, Shawnee, Oklahoma 74802.	July 27, 2001	400178
Texas: Potter and Randall.	City of Amarillo	February 1, 2001, February 8, 2001, *Amarillo Daily News*.	The Honorable Kel Seliger, Mayor, City of Amarillo, P. O. Box 1971, Amarillo, Texas 79105.	May 10, 2001	480529
Texas: Collin	Unincorporated Areas	January 18, 2001, January 25, 2001, *Plano Star Courier*.	Mr. William J. Roberts, 210 South McDonald, McKinney, Texas 75069.	April 26, 2001	480130
Texas: Denton	City of Denton	March 23, 2001, March 30, 2001, *Denton Record Chronicle*.	The Honorable Euline Brock, Mayor, City of Denton, 215 East McKinney Street, Denton, Texas 76201.	March 9, 2001	480194
Texas: Denton	Unincorporated Areas	March 23, 2001, March 30, 2001, *Denton Record Chronicle*.	The Honorable Kirk Wilson, Denton County Judge, Courthouse-on-the-Square, 110 West Hickory Street, Denton, Texas 76201–0000.	March 9, 2001	480774
Texas: Tarrant	City of Euless	February 22, 2001, March 1, 2001, *Fort Worth Star Telegram*.	The Honorable Mary Lib Saleh, Mayor, City of Euless, 201 North Ector Drive, Euless, Texas 76039.	January 25, 2001	480593
Texas: Dallas and Collin	City of Garland	April 12, 2001, April 19, 2001, *Garland News*.	The Honorable Jim Spence, Mayor, City of Garland, 200 North 5th Street, Garland, Texas 786046–9002.	July 19, 2001	485471
Texas: Tarrant, Dallas and Ellis.	City of Grand Prairie	April 19, 2001, April 26, 2001, *Arlington Morning News*.	The Honorable Charles England, Mayor, City of Grand Prairie, 317 College Street, P. O. Box 534045, Grand Prairie, Texas 75053–4045.	March 29, 2001	485472
Texas: Dallas	City of Irving	January 18, 2001, January 25, 2001, *Irving News*.	The Honorable Joe H. Putnam, Mayor, City of Irving, P. O. Box 152288, Irving, Texas 75060.	April 26, 2001	480180
Texas: Dallas	City of Irving	March 15, 2001, March 22, 2001, *Irving News*.	The Honorable Joe H. Putnam, Mayor, City of Irving, P. O. Box 152288, Irving, Texas 75060.	February 20, 2001	480180
Texas: Montgomery	Unincorporated Areas	March 23, 2001, March 30, 2001, *Conroe Courier*.	The Honorable Alan B. Sadler, Montgomery County Judge, 300 North Thompson Street, Suite 210, Conroe, Texas 77301.	June 29, 2001	480483
Texas: Collin	City of Plano	January 18, 2001, January 25, 2001, *Plano Star Courier*.	The Honorable Jeran Akers, Mayor, City of Plano, P. O. Box 860358, Plano, Texas 75074.	April 26, 2001	480140

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: May 30, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–14572 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Final rule.

SUMMARY: Modified Base (1-percent-annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified BFEs are indicated on the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646–3461 or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of the final determinations of modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Acting Executive Associate Director for Mitigation, has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Executive Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and record keeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Missouri: St. Louis (FEMA Docket) No. 7600.	Unincorporated Areas.	November 1, 2000, November 8, 2000, *St. Louis Post Dispatch*.	The Honorable Buzz Westfall, St. Louis County Executive, 41 South Central Avenue, Clayton, Missouri 63105.	Jan. 31, 2001	290327
Texas: Dallas and Collin (FEMA Docket No. 7600).	City of Garland	October 12, 2000, October 19, 2000, *Garland News*.	The Honorable Jim Spence, Mayor, City of Garland, 200 North 5th Street, Garland, Texas 75046–9002.	Sept. 8, 2000	485471

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Denton and Tarrant (FEMA Docket No. 7600).	Town of Westlake	December 8, 2000, December 15, 2000, *Denton Record Chronicle*.	The Honorable Scott Bradley, Mayor, Town of Westlake, 3 Village Circle, Suite 207, Westlake, Texas 76262.	Mar. 16, 2001	480614

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance''.

Dated: June 4, 2001.

Margaret E. Lawless,

Acting Executive Associate, Director for Mitigation.

[FR Doc. 01–14571 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 001121328–1041-02; I.D. 060501A]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period

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

ACTION: Closure; Quarter 2 commercial black sea bass fishery.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the quarter 2 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in these states north of 35°15.3′ N. lat. for the remainder of the 2001 quarter 2 quota period (through June 30, 2001). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3′ N. lat.

DATES: Effective 0001 hrs local time, June 10, 2001, through 2400 hrs local time, June 30, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, at (978) 281–9226.

SUPPLEMENTARY INFORMATION: Regulations governing the black sea bass fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into four quota periods based upon percentages of the annual quota. The quarter 2 (April through June) commercial quota is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota is described in § 648.140.

The initial total commercial quota for black sea bass for the 2001 calendar year was 3,024,742 lb (1,372,000 kg) (66 FR 12902, March 1, 2001). The quarter 2 period quota, which is equal to 29.26 percent of the annual commercial quota, was 885,040 lb (401,447 kg). The quota allocation was adjusted downward to compensate for 2000 quarter 2 landings in excess of the 2000 quarter 2 quota, consistent with the procedures in § 648.140. The final adjusted quarter 2 quota was 679,519 lb (308,225 kg).

The Regional Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial black sea bass quota for each quota period on the basis of dealer reports, state data, and other available information to determine when the commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the quarter 2 period, north of 35°15.3′ N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 2001 quarter 2 period has been harvested.

The regulations at § 648.4 (b) provide that Federal black sea bass moratorium permit holders agree as a condition of the permit not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the black sea bass is available. The Regional Administrator has determined that the quarter 2 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, June 10, 2001, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., by vessels holding commercial Federal fisheries permits are prohibited through June 30, 2001. The 2001 quarter 3 period for commercial black sea bass harvest will open on July 1, 2001. Effective June 10, 2001, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders who land in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., for the remainder of the quarter 2 period (through June 30, 2001).

The regulations at § 648.4 (b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of black sea bass north of 35°15.3′ N. lat., any vessel owners who hold valid commercial permits for both the black sea bass and the NMFS Southeast Region snapper-grouper fisheries may surrender their black sea bass moratorium permit by certified mail addressed to the Regional Administrator (see table 1 at § 600.502) and fish pursuant to their snapper-grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3′ N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: June 5, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–14624 Filed 6–6–01; 4:13 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 112
Monday, June 11, 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

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO–361–A35; DA–01–03]

Milk in the Upper Midwest Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; Notice of public hearing on proposed rulemaking.

SUMMARY: A public hearing is being held to consider proposals that would prevent the pooling of milk on the Upper Midwest Federal milk marketing order that is already pooled on a State milk marketing order that has marketwide pooling. Additionally, a proposal that would provide for separate pooling provisions for milk from areas outside of the states comprising the Upper Midwest order will also be considered. A proposal to change the advance payment to dairy farmers by milk handlers for milk delivered during the first half of the month will also be considered. Proponents have requested that this issue be handled on an emergency basis.

DATES: The hearing will convene at 9:00 a.m. on Tuesday, June 26, 2001.

ADDRESSES: The hearing will be held at the Radisson Hotel South & Plaza Tower, 7800 Normandale Blvd., Bloomington, Minnesota 55439, (952) 835–7800.

FOR FURTHER INFORMATION CONTACT: Gino Tosi, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Programs, Room 2967, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366, e-mail address *Gino.Tosi@usda.gov.*

Persons requiring a sign language interpreter or other special accommodations should contact Paul Kyburz at (952)–831–5292; e-mail: *paul.kyburz@usda.gov* before the hearing begins.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Radisson Hotel South & Plaza Tower, 7800 Normandale Blvd., Bloomington, Minnesota, 55439, beginning at 9:00 a.m., on Tuesday, June 26, 2001, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to the proposed amendments.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The amendments to the rules proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with 3 copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

PART 1030—[AMENDED]

The authority citation for 7 CFR part 1030 continues to read as follows:

Authority: 7 U.S.C. 601–674.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Submitted by: Associated Milk Producers, Inc. et.al., First District Association, and Lakeshore Federated Dairy Cooperative

Proposal No. 1

1. Amend § 1030.12 by adding a new paragraph (b)(5) to read as follows:

§ 1030.12 Producer

* * * * *

(b) * * *

Notice of Hearing—Upper Midwest Marketing Area—DA–01–03

(5) A dairy farmer whose milk is pooled on a state order with a marketwide pool.

Submitted by: Land O'Lakes, Inc.

Proposal No. 2

Proposes that California milk previously qualified for pooling on the Upper Midwest Order be ''grandfathered'' or exempt from any change in the marketing order that would provide for its exclusion.

Proposal No. 3

Proposes that quota milk from California be excluded from being pooled on the Upper Midwest Order.

Submitted by: Dairy Farmers of America

Proposal No. 4

1. Amend § 1030.13 by designating paragraph (d)(3) as (d)(4); adding a new paragraph (d)(3); and adding a new paragraph (e) to read as follows:

§ 1030.13 Producer Milk

* * * * *

(d) * * *

(3) The quantity of milk diverted to nonpool plants by a pool plant operator as described in § 1030.7(a) or (b) may not exceed 90 percent of each reporting unit of the handler's receipts made pursuant to § 1030.30(a). This percentage is subject to adjustments that may be made pursuant to § 1030.7(g).

(e) Milk from producers physically located outside of the states of Illinois, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin and the Upper Peninsula portion of Michigan shall be grouped by individual state units and each state unit shall be:

(1) Reported on separate report(s) pursuant to § 1030.30; and

(2) At least 10 percent of each reporting unit of the handler shall be delivered to pool plants as described in § 1030.7(a) or (b), and such deliveries shall not be used by the handler in meeting the minimum shipping percentages required pursuant to § 1030.7(c) or (f) or § 1030.13(d); and

(3) The percentages of § 1030.13(e)(2) are subject to any adjustments that may be made pursuant to § 1030.7(g).

Proposal No. 5

Proposes that the rate for advance payments be set at a percentage of the prior month's lowest class price, expected to be between 103 and 108 percent; or the rate for advance payment be set between 93 and 96 percent of the Class I price mover for the month.

Proposed by Dairy Programs, Agricultural Marketing Service:

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator of the Upper Midwest Milk Marketing Area, or from the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decision-making process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture

Office of the Administrator, Agricultural Marketing Service

Office of the General Counsel

Dairy Programs, Agricultural Marketing Service (Washington office) and the Office of the Market Administrator for the Upper Midwest Milk Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Dated: June 5, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–14539 Filed 6–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Chapter V

[No. 2001–41]

RIN 1550–AB50

Request for Comment on Study of Banking Regulations Regarding the Online Delivery of Financial Services

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Study of regulations; request for comment.

SUMMARY: Pursuant to section 729 of the Gramm-Leach-Bliley Act (GLBA), OTS and the other federal banking agencies are studying their regulations on the delivery of financial services. The purpose of the study is to report findings and conclusions to Congress, together with recommendations for appropriate legislative or regulatory action to adapt existing requirements to online banking and lending. To assist in this review, OTS requests comment on a variety of issues relating to the electronic delivery of financial products and services by savings associations (federally-chartered or state-chartered).

DATES: Comments must be received by August 10, 2001.

ADDRESSES: *Mail:* Send comments to Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 2001–41.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention Regulation Comments, Chief Counsel's Office, Docket No. 2001–41.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention Docket No. 2001–41.

E-Mail: Send e-mails to *regs.comments@ots.treas.gov*, Attention Docket No. 2001–41, and include your name and telephone number.

Public Inspection: Comments and the related index will be posted on the OTS Internet Site at *www.ots.treas.gov*. In addition, you may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755. (Prior notice identifying the materials you will be requesting will assist us in serving you.) Appointments will be scheduled on business days

between 10:00 a.m. and 4:00 p.m. In most cases, appointments will be available the next business day following the date a request is received.

FOR FURTHER INFORMATION CONTACT: Mary Jo Johnson, Project Manager, Supervision Policy, (202) 906–5739; Richard Bennett, Counsel (Banking and Finance), (202) 906–7409; or Paul J. Robin, Assistant Chief Counsel, (202) 906–6648; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

Section 729 of GLBA,[1] titled ''Study and Report on Adapting Existing Legislative Requirements to Online Banking and Lending,'' requires OTS, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System, to conduct a study of banking regulations regarding the online delivery of financial services.[2] Section 729 further requires these Federal banking agencies to report their recommendations on adapting existing legislative or regulatory requirements to online banking and lending.

In accordance with section 729, OTS is reviewing its regulations on the delivery of financial services to assess their suitability for transactions conducted through electronic technologies such as the Internet. The purpose of this Request for Comment is to invite public comment on a variety of issues regarding savings association involvement in electronic banking. OTS will use these comments to help it determine whether it should revise any of its regulations to facilitate online banking and lending. OTS also requests comment on how particular statutory provisions affect the online delivery of financial products or services and whether OTS should propose any legislative changes.

II. OTS's Regulatory Approach to New Technologies

OTS recognizes that technological developments are dramatically altering the ways in which savings associations conduct their business. Telecommunication advances offer savings associations faster and more efficient communication and data transmission. Improvements in computer hardware and software are opening up new applications. The Internet has greatly expanded the market available to financial institutions. These rapid developments in technology are causing savings associations to reevaluate existing delivery channels and business practices, develop new products and services, expand market reach, and serve existing customers more efficiently.

The explosive growth of the Internet also is prompting savings associations to reconsider business strategies and adopt alternative distribution and marketing systems. The rapid establishment of transactional World Wide Web (web) sites by savings associations and the continued operation of some Internet-only savings associations without a conventional brick-and-mortar physical presence present new opportunities and challenges for savings associations. Recent estimates suggest that more than 2,100 financial institutions in the United States have established transactional web sites. To date, approximately 350 savings associations have filed notices with OTS indicating their intent to establish a transactional web site.

Through the end of the 1990s, OTS periodically revised its regulations to better enable savings associations to use new technologies for electronic banking and lending. In 1996, OTS revised its lending and investment regulations to eliminate obsolete loan documentation requirements. In 1997, OTS replaced specific requirements to use written agreements and receipts for deposit accounts with a more general recordkeeping requirement. The purpose of these changes was to provide sufficient flexibility for savings associations to participate in telephone and electronic banking and take better advantage of technological and marketplace advances.[3]

In 1998, OTS streamlined and updated its regulations relating to electronic operations to make it easier for Federal savings associations to develop new ways of delivering products and services through the prudent and innovative use of emerging technology.[4] The revised rule permits Federal savings associations to use, or participate with others to use, electronic means or facilities to perform any function, or provide any product or service, as part of an authorized activity. The rule also requires each savings association (federally-chartered or state-chartered) to notify OTS thirty days before it establishes a transactional web site. It provides that savings associations that present supervisory or compliance concerns may be subject to additional procedural requirements.

In crafting the Electronic Operations rule, OTS was guided by two broad principles:

- The public and insured depository institutions are best served if statutory and regulatory restrictions are kept to a minimum. The premature imposition of restrictive operational standards could impede the development of improved financial services.
- Federal savings associations should be permitted to compete effectively with other regulated financial institutions and unregulated firms offering financial and related services.

In promulgating the rule, OTS emphasized the importance of enabling regulations in this area. At the same time, OTS designed its regulations to help ensure that it would have sufficient information to understand developing technologies, to provide appropriate guidance on these technologies, and to supervise electronic operations effectively. OTS designed the final rule to provide both the industry and the agency with the appropriate amount of flexibility to adapt to changing conditions.

The preamble to the final rule noted that the agency had issued, and would continue to issue, guidance as electronic operations evolve. This guidance has taken the form of letters to chief executive officers of savings associations, interagency examiner guidelines, revisions to the Thrift Activities Handbook, conditions on the approval of applications, and responses to requests for legal interpretations.[5]

[1] 12 U.S.C. 4801 note.

[2] The OCC issued an advance notice of proposed rulemaking and requested comment on a wide range of electronic banking issues to determine whether the OCC's regulations should be changed to facilitate national banks' use of new technologies, citing section 729. *See* 65 FR 4895, 4896 n.7 (February 2, 2000).

[3] *See Lending and Investment; Proposed Rule*, 61 FR 1162, 1172 (January 17, 1996), and *Deposits and Electronic Banking; Proposed Rule and Advance Notice of Proposed Rulemaking*, 62 FR 15,626, 15,629 (April 2, 1997).

[4] *See Electronic Operations; Final Rule*, 63 FR 65673 (November 30, 1998).

[5] *See, e.g.*, Memorandum from Richard M. Riccobono, Deputy Director, for Chief Executive Officers (November 3, 1998) (Policy Statement on Privacy and Accuracy of Personal Customer Information); Memorandum from Richard M. Riccobono, Deputy Director, for Chief Executive Officers (July 23, 1998) (Interagency Guidance on Electronic Financial Services and Consumer Compliance); Memorandum from John Downey, Executive Director, Supervision, for Chief Executive Officers (June 23, 1997) (Statement on Retail On-Line Personal Computer Banking); Thrift Activities Regulatory Handbook, Section 341, Information Technology (October 1997) (Regulatory Bulletin 32–6, October 15, 1997); Federal Financial Institutions Examinations Council (FFIEC) Information Systems Examination Handbook (1996); OTS Order No. 95–88 (May 8, 1995) (application approval of Internet bank); OTS Op. Chief Counsel (October 1, 1998) (authority of federal savings associations to provide payroll processing services); OTS Op. Chief Counsel

Continued

Since the publication of the final rule, OTS has continued to provide additional guidance in this area and post it on its web site at *www.ots.treas.gov*.[6]

III. Issues for Comment

OTS recognizes that using electronic technology to deliver financial products and services poses distinct challenges to financial institutions and their customers. Much of the legislative and regulatory framework that governs banking was developed based on social, cultural, and technological practices that existed before the advent of widespread computer-based communications. The prospect of conducting banking transactions over the Internet forces the federal banking agencies to reconsider the existing legislative and regulatory framework that governs banking businesses.

OTS invites comment on how particular statutes, regulations, or supervisory policies specifically affect financial institutions and their customers' uses of new technologies. The following discussion identifies topics that OTS believes are appropriate for the design of the study and report required under section 729. OTS invites commenters to respond to the questions presented and to offer comments or suggestions on any other issues related to financial products or services delivered through electronic technologies that we do not specifically mention here.

A. How May OTS Facilitate the Use of Technology in Financial Operations Consistent With Safety and Soundness?

1. Mitigating Burdens

Savings associations have evolved in their use of technology, not only to provide financial services more efficiently, but also to offer new financial services and reach nationwide markets. Are there any specific OTS regulations that unreasonably interfere with the use of online technologies? Are there any supervisory policies that impose unreasonable burdens on a financial institution's design or adaptation of online technologies?

2. Addressing Risks

Electronic banking activities expose savings associations to new combinations of risks from different sources. OTS's Electronic Operations rule addresses some of those risks by requiring savings associations to inform OTS before establishing transactional web sites and follow any additional procedures the OTS regional office may impose in writing. Further, through the issuance of supervisory guidelines such as the interagency Standards for Safeguarding Customer Information,[7] OTS is working to identify and educate savings associations about the risks electronic banking presents and to ensure that its policies appropriately address these risks.

Do OTS regulations adequately address the risks presented by current or anticipated electronic banking activities? Do any OTS regulations impose unnecessary burdens? Are there any regulations or other supervisory policies regarding risk management that OTS should clarify or amend to address any particular risks associated with methods of online banking?

3. Consumer Acceptance and Protection

Electronic banking provides consumers with convenient access to a wide variety of financial services. Studies indicate that a significant percentage of households in the United States will do their banking online as a growing number of consumers conduct their banking and other financial transactions through automated teller machines and over the Internet. Are there specific areas in which regulatory changes are needed to enhance consumer acceptance of, confidence in, access to, or protections in using electronic banking?

B. How May OTS Enhance the Electronic Operational Flexibility of Savings Associations, Consistent With Safety and Soundness?

1. Internet Link Arrangements

The rapid growth of electronic commerce has resulted in many marketing arrangements that provide customers with access to providers of both financial and non-financial retail products or services through a hypertext link on the savings association's web site. The link transfers the customer to another entity's web site. Under some marketing arrangements, the savings association's name remains apparent on the linked site even though the products or services are sold by a non-thrift third party. In other situations, once this transfer occurs, the non-thrift's name is the dominant brand. The non-thrift web site may include a link back to the savings association's web site to provide its customers with access to savings association services while minimizing the savings association's brand on its site.

Does the current situation create customer confusion as to which products savings associations actually offer (and which are FDIC-insured) that impairs the development of electronic banking? Should OTS create a regulation or other supervisory guidance setting forth standards for savings association identification in connection with the use of hypertext links? Are there technology solutions that can be used to address these issues?

2. Transactions

Savings associations may receive deposits, pay withdrawals, and lend in a variety of ways that are not subject to geographical restrictions (or the need to file branch applications). For example, savings associations may arrange to have their customers use ATMs established by third parties in order to conduct transactions with the savings association. OTS regulations permit savings associations to transact business with their customers through electronic and other means not involving face-to-face contact.

Are OTS regulations flexible enough to permit savings associations operating on the Internet to serve the transaction related needs of their retail, as well as their commercial, customers? For example, do any OTS regulations impede the development or use of technologies that would enable customers efficiently and expeditiously to deposit cash or checks in, or borrow money from, savings associations operating on the Internet?

3. Location Considerations

Internet banking raises legal issues with respect to how OTS should construe references in existing laws and regulations, including those related to filing requirements and management interlocks, to the ''location'' of a savings association. Should OTS address how ''location'' applies in the context of activities conducted via the Internet? Specifically, is the determination of ''location'' for purposes of any statute or regulation an impediment to savings associations conducting all or part of their operations on the Internet? If so, should we further clarify our regulations or suggest statutory changes on this issue?

(July 1, 1998) (preemption of state ATM restrictions); OTS Op. Chief Counsel (September 19, 1997) (establishment of automated loan machines).

[6] *See, e.g.*, Memorandum from Richard M. Riccobono, Deputy Director, for Chief Executive Officers (June 10, 1999) (Transactional Web Sites); OTS Op. Chief Counsel (December 7, 1999) (San Francisco ATM fee ordinance); OTS Op. Chief Counsel (November 22, 1999) (preemption of local ATM fee restrictions); OTS Op. Chief Counsel (January 15, 1999) (New York State ATM Safety Act); OTS Mem. Chief Counsel (December 22, 1998) (Massachusetts Electronic Branch Restrictions).

[7] *See* 66 FR 8616 (February 1, 2001) (to be codified at 12 CFR part 570, Appendix B).

4. Appraisals

Written appraisals must support certain loans.[8] Does the requirement for written appraisals impair or impede online lending operations? If so, what modifications to the existing regulation would facilitate the use of appraisals in electronic form? What types of controls would be appropriate to assure record authenticity and integrity in connection with the filing of electronic appraisals (*e.g.*, authentication of an electronic appraisal, certification of the appraiser)?

5. Electronic Signatures

The Electronic Signatures in Global and National Commerce Act (E-Sign Act)[9] provides that certain contracts and signatures may not be denied validity solely because they are in electronic form. The E-Sign Act also provides that certain records may be maintained in electronic form, subject to certain requirements. OTS recognizes that the enactment of the E-Sign Act has resolved several important legal and regulatory issues regarding the uses of electronic media in commercial transactions. Nevertheless, the E-Sign Act has left some legal issues unresolved and, indeed, may have created new ones, particularly for online banking.

What issues are savings associations facing as a result of the E-Sign Act? Would it facilitate implementation of the E-Sign Act if OTS were to issue regulations or other supervisory guidance? If so, which aspects of the E-Sign Act should OTS address? Are there any written forms or notices required by OTS's regulations or other supervisory policies that could be obtained or transmitted over the Internet in a manner that would facilitate the online delivery of financial products or services? How do particular provisions of the E-Sign Act, or any other law, affect financial institutions and their customers' ability to use (or ease of using) new technologies?

6. Differing Legal Requirements

OTS recognizes that a variety of federal, state, and foreign laws regulate the use of electronic technologies. Are there areas where conducting electronic banking activities could particularly benefit from a single set of standards that can be applied uniformly on a nationwide basis? Are there any inconsistencies between Federal and State laws or regulations that impede the electronic provision or use of financial products or services? Do certain provisions of Federal law that apply to online banking and lending practices make compliance with provisions of State law (or laws enforced by foreign states) more costly?

Dated: June 4, 2001.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 01–14562 Filed 6–8–01; 8:45 am]

BILLING CODE 6720–01–P

[8] 12 CFR part 564.

[9] 15 U.S.C. 7001 *et seq.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–34–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes revising an existing airworthiness directive (AD) for Eurocopter France (ECF) Model SA–365N1, AS–365N2, and SA–366G1 helicopters. That AD currently requires inspecting each tail rotor blade for bonding separation, measuring the clearance between the tip of each tail rotor blade and the circumference of the air duct, and replacing the blade if necessary. This action would contain the same requirements but would allow the pilot to perform the daily visual check and would contain a damage allowance for certain blades. This proposal is prompted by FAA determination that the pilot can check for a cracked, blistered, or wrinkled blade and that some debonding of the blade is acceptable. The actions specified by the proposed AD are intended to allow a pilot check, to prevent unacceptable damage to a tail rotor blade, and to prevent loss of tail rotor control and subsequent loss of control of the helicopter.

DATES: Comments must be received by August 10. 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–34–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–34–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–34–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On May 9, 2000, the FAA issued AD 2000–10–08, Amendment No. 39–11732 (65 FR 31256) to require inspecting each tail rotor blade for bonding separation, measuring the clearance between the tip of each tail rotor blade and the circumference of the air duct, and replacing a blade if necessary. That action was prompted by an inflight incident in which the tail rotor blades were significantly damaged due to bonding separation. That condition, if

not corrected, could result in loss of tail rotor control and subsequent loss of control of the helicopter.

Since the issuance of that AD, the FAA has reevaluated the requirements due to reports from operators that the AD has placed an unnecessary burden on them and that a pilot should be allowed to perform the check. ECF has issued Service Bulletins 05.09 and 05.00.17, both dated December 18, 1998; and based on these service bulletins, the Direction Generale De L'Aviation Civile (DGAC) (France) has issued AD's 88–152–010(A)R5 and 88–153–023(A)R5, both dated December 30, 1998. The FAA has reviewed these documents and determined that the pilot may perform the check and that some debonding is acceptable.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

An owner/operator (pilot) may perform the visual check required by this AD and enter compliance with the visual check provisions in paragraph (a) of this AD in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). This AD allows a pilot to perform the check because it involves only a visual check of the tail rotor blades for a crack, wrinkling, or a blister and can be performed equally well by a pilot or a mechanic.

Since we have identified an unsafe condition that is likely to exist or develop on other ECF Model SA–365N1, AS–365N2, and SA–366G1 helicopters of the same type design, the proposed AD would contain the same requirements as the existing AD. However, the proposed AD would revise AD 2000–10–08 to allow a ''visual'' check of each tail rotor blade for a crack, wrinkling, or a blister within 10 hours time-in-service (TIS) and thereafter before the first flight of each day. The proposed AD would also allow some debonding in blades, part number 365A12–0020–02 and 365A12–0020–03.

The FAA estimates that 136 helicopters of U.S. registry would be affected by this proposed AD. If a tapping inspection is required, it would take approximately 1 work hour per helicopter to conduct, and that the average labor rate is $60 per work hour. If necessary, replacing a blade would take approximately 4 hours and required parts would cost approximately $1,000 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $176,800, assuming a blade must be replaced on each affected helicopter.

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

For the reasons discussed above, I certify that this proposed action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–11732 (65 FR 31256) and by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 99–SW–34–AD. Revises AD 2000–10–08, Amendment 39–11732, Docket No. 99–SW–34–AD.

Applicability: Model SA–365N1, AS–365N2, and SA–366G1 helicopters, with a tail rotor blade, part number (P/N) 365A33–2131, 365A12–0010, or 365A12–0020, all dash numbers, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to a tail rotor blade (blade), loss of tail rotor control, and subsequent loss of control of the helicopter:

(a) Within 10 hours time-in-service (TIS) and thereafter before the first flight of each day, visually check each blade (see Figure 1) for a crack, blister, or wrinkling. An owner/operator (pilot), holding at least a private pilot certificate, may perform the visual check and must enter compliance into the aircraft maintenance records in accordance with 14 CFR sections 43.11 and 91.417(a)(2)(v)).

(b) If a crack, blister, or wrinkling is found as a result of the visual check, accomplish the following before further flight (see Figure 1):

(1) Zone A: If a blister is detected on the blade suction face, conduct a tapping test inspection on the whole blade for bonding separation.

(i) For blades, P/N 365A33–2131-all dash numbers, 365A12–0010-all dash numbers, and 365A12–0020–00, and –01, if bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(ii) For blades, P/N 365A12–0020–02, and –03, if bonding separation exceeds 900 mm^2 in a 30 x 30 mm square or if there is a crack, replace the blade with an airworthy blade before further flight.

(2) Zone B: If a crack, wrinkling, or a blister is found, replace the blade with an airworthy blade before further flight.

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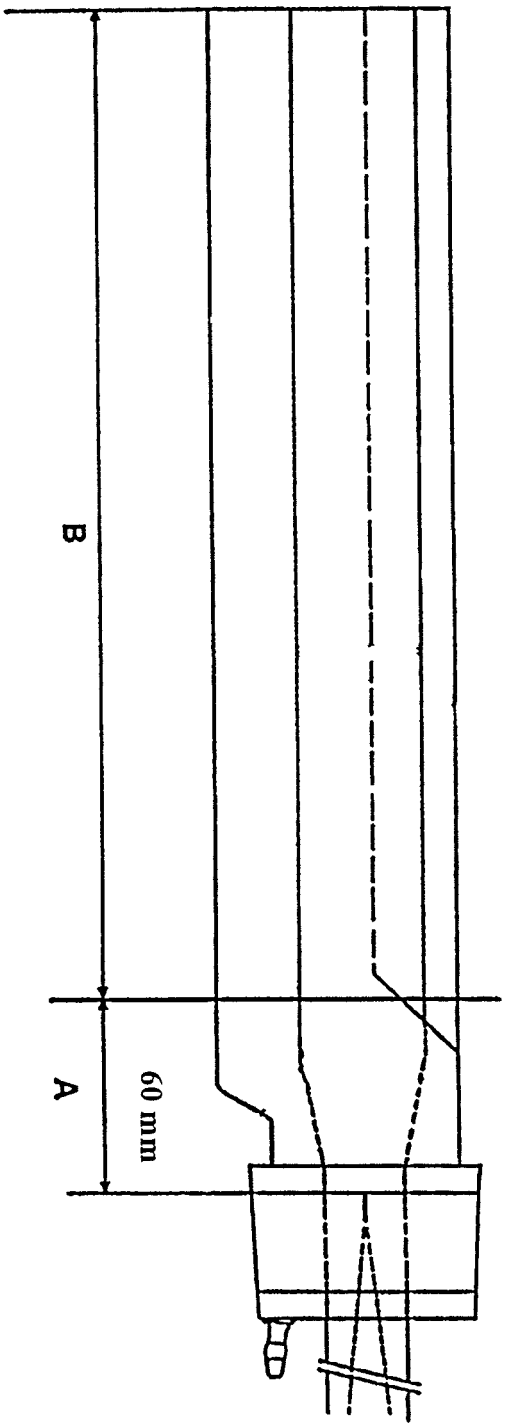

FIGURE 1

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(c) Within 10 hours TIS, conduct a tapping test inspection on each blade. If there is bonding separation that exceeds the criteria in paragraph b(1) of this AD, replace the blade with an airworthy blade before further flight.

Note 2: Revisions 5 of Eurocopter France Service Bulletins 05.09 and 05.00.17, both dated December 18, 1998, pertain to the subject of this AD.

(1) Thereafter, at intervals not to exceed 25 hours TIS or every 50 cycles (each takeoff and landing equals 1 cycle), whichever occurs first, conduct a tapping test inspection for bonding separation on all blades with a serial number (S/N) less than 18912, and blades, P/N 365A12–0020–00 or 365A12–0020–01, with a S/N equal to or greater than 18912. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(2) Thereafter, at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, conduct a tapping test inspection for bonding separation on blades, P/N 365A12–0020–02 or 365A12–0020–03. For Zone A, if bonding separation exceeds the criteria specified in paragraph (b)(1)(ii) of this AD or if a crack is found, replace the blade with an airworthy blade before further flight. For Zone B, if a crack, wrinkling, or a blister is found, replace the blade with an airworthy blade before further flight.

(d) Within 10 hours TIS, and thereafter at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, measure the blade-to-air duct clearance. If the clearance is less than 3 mm, replace the blade with an airworthy blade before further flight.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

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

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile AD's 88–152–010(A)R5 and 88–153–023(A)R5, both dated December 30, 1998.

Issued in Fort Worth, Texas, on May 31, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–14536 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–298–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes. This proposal would require a one-time inspection to detect the presence of filler plates of the engine support fittings, and corrective action, if necessary. This action is necessary to detect and correct fatigue and stress corrosion in the U-shaped upper and lower legs of the engine support fittings, which could result in reduced structural integrity of the engine support structure. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–298–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9–anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–298–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–NM–298–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket 2000–NM–298–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all

Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes. The RLD advises that it received a report of discrepancies found by an operator during a scheduled inspection of the engine support fittings in accordance with the structural integrity program (SIP). The main purpose of the relevant SIP inspection is to detect fatigue and stress corrosion cracks. During the inspection, filler (radius) plates were found in the U-shaped upper and lower legs of the engine support fittings on three airplanes. The filler plates could be misinterpreted as part of the fitting and could hamper the accomplishment of the SIP inspections and allow cracks to go undetected. These conditions, if not corrected, could result in fatigue and stress corrosion in the U-shaped upper and lower legs of the engine support fittings, and consequent reduced structural integrity of the engine support structure.

Explanation of Relevant Service Information

Fokker Services B.V. has issued Service Bulletin F28/53–149, dated November 15, 1999, which describes procedures for a one-time general visual inspection to detect the presence of filler plates of the engine support fittings. If filler plates are found, corrective actions include, among other things, removing the filler plates, performing a one-time nondestructive test inspection to detect cracks of the support fittings, and repairing cracks. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive 1999–153, dated November 30, 1999, to ensure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed AD and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA or the RLD. In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the RLD would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 22 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,640, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker Services B.V.: Docket 2000–NM–298–AD.

Applicability: All Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue and stress corrosion in the U-shaped upper and lower legs of the engine support fittings, which

could result in reduced structural integrity of the engine support structure, accomplish the following:

Inspection

(a) Within 12 months after the effective date of this AD: Except as required by paragraph (b) of this AD, perform a general visual inspection to detect the presence of filler plates of the engine support fittings, and accomplish all applicable corrective actions (including removing any filler plates, inspecting the support fitting to detect cracks and other discrepancies by using a nondestructive test method, and repairing discrepancies); in accordance with Fokker Service Bulletin F28/53–149, dated November 15, 1999.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(b) If the service bulletin specifies to contact Fokker Services for appropriate action: Prior to further flight repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA Transport Airplane Directorate; or the Rijksluchtvaartdienst (RLD) (or its delegated agent).

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Dutch airworthiness directive 1999–153, dated November 30, 1999.

Issued in Renton, Washington, on June 4, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14535 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–145–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that currently requires a one-time inspection to identify the part numbers of two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment. For airplanes on which a dimmer control having an incorrect part number is installed, that AD also requires replacing the dimmer control with a new part; modifying and reinstalling the existing dimmer control; or reinstalling a dimmer control following modification of the part by the part manufacturer. That AD was prompted by reports of smoke emitting from the overhead panels in the cockpit area. The actions specified by that AD are intended to prevent an electrical failure in the overhead dimmer control due to overheating of a printed circuit board capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment. This action would revise the term ''serial numbers'' in the applicability statement to ''fuselage numbers.''

DATES: Comments must be received by July 26, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–145–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments

submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–145–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On November 9, 1998, the FAA issued AD 98–24–02, amendment 39–10889 (63 FR 63402, November 13, 1998), applicable to certain McDonnell Douglas Model MD–11 series airplanes, to require a one-time inspection to identify the part numbers of two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment. For airplanes on which a dimmer control having an incorrect part number is installed, that AD also requires replacing the dimmer control with a new part; modifying and reinstalling the existing dimmer control; or reinstalling a dimmer control following modification of the part by the part manufacturer. That action was prompted by reports of smoke emitting from the overhead panels in the cockpit area. The requirements of that AD are intended to prevent an electrical failure in the overhead dimmer control due to overheating of a printed circuit board capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment.

Actions Since Issuance of Previous Rule

Since the issuance of AD 98–24–02, the FAA has recognized that it inadvertently used the term ''serial numbers'' in the applicability statement of that AD rather than ''fuselage numbers,'' as identified in the effectivity of McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995 (which was referenced in AD 98–24–02 as the appropriate source of service information).

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would revise AD 98–24–02 to reference the term ''fuselage numbers'' in the applicability statement, rather than serial numbers.

Cost Impact

There are approximately 174 Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 65 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,900, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10889 (63 FR 63402, November 13, 1998), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2001–NM–145–AD. Revises AD 98–24–02, Amendment 39–10889.

Applicability: Model MD–11 series airplanes, fuselage numbers 447 through 597 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent an electrical failure in the dimmer control for the overhead instrument panel light and circuit breaker lightplate due to overheating of a printed circuit board (PCB) capacitor in the dimmer control, which could result in rupture of the capacitor and smoke in the flight compartment, accomplish the following:

Inspection and Corrective Action, If Necessary

(a) Within 30 days after November 30, 1998 (the effective date of AD 98–24–02, amendment 39–10889), perform a one-time visual inspection of the two dimmer controls for the overhead instrument panel light and circuit breaker lightplate located in the flight compartment to identify the part numbers of the dimmer controls.

(1) If all dimmer controls are identified as part number (P/N) 263–2, no further action is required by this AD.

(2) If any dimmer control is identified as P/N 263–1, within 30 days after accomplishing the inspection specified by paragraph (a) of this AD, accomplish the actions required by paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD, in accordance with McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995.

(i) Replace any dimmer control, P/N 263–1, with a new dimmer control, P/N 263–2. Or

(ii) Modify any dimmer control, P/N 263–1, and reinstall the modified and reidentified dimmer control in the flight compartment. Or

(iii) Remove any dimmer control, P/N 263–1; return it for modification and reidentification to Olin Aerospace Company, 11441 Willows Road NE, Redmond, Washington, 98073–9745; and reinstall the modified and reidentified dimmer control in the flight compartment.

Spares

(b) As of November 30, 1998, no person shall install on any McDonnell Douglas Model MD–11 series airplane, a dimmer control, P/N 263–1, unless that dimmer control has been modified and reidentified to P/N 263–2 in accordance with McDonnell Douglas Service Bulletin MD11–33–045, dated June 14, 1995.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Issued in Renton, Washington, on June 4, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14534 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–17]

Establishment of Class E Airspace; Sharon, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Shenago-UMPC Horizon Hospital Heliport, Sharon, PA. Development of an RNAV Standard Instrument Approach (SIAP), Helicopter RNAV 262 approach for the Shenango-UMPC Horizon Hospital Heliport has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before July 11, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 01–AEA17, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–AEA–17''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket closing both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Sharon, PA. An RNAV Approach, Helicopter RNAV 262, has been developed for Shenango-UMPC Horizon Hospital Heliport, Sharon, PA. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5, Sharon, PA (NEW)

Shenango-UMP Horizon Hospital Heliport
(Lat. 41°12′19″ N/long. 80°28′05″ W)
Point in Space
(Lat. 41°13′28″ N/long. 80°24′29″ W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Shenango-UMPC Horizon Hospital Heliport.

* * * * *

Issued in Jamaica, New York on May 29, 2001.

F. D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–14655 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–105946–00]

RIN 1545–AY31

Mid-Contract Change in Taxpayer; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulation relating to mid-contract changes in taxpayer.

DATES: The public hearing originally scheduled for Wednesday, June 13, 2001, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor of the Regulations Unit, Assistant Chief Counsel, (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on February 16, 2001 (66 FR 10643), announced that a public hearing was scheduled for June 13, 2001 at 10 a.m., in room 6718 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 460 of the Internal Revenue Code. The public comment period for these regulations expired on May 30, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of June 7, 2001, no one has requested to speak. Therefore, the public hearing scheduled for June 13, 2001, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 01–14759 Filed 6–7–01; 2:28 pm]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–133–1–7493; FRL–6995–1]

Proposed Approval and Promulgation of Implementation Plans; Texas; Lawn Service Equipment Operating Restrictions; and Requirements for Motor Vehicle Idling for the Houston/Galveston (HG) Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve revisions to the Texas State Implementation Plan. This proposal covers two separate actions. We are proposing approval of: A rule that would implement an operating-use restriction program requiring that the handheld and non-handheld spark-ignition engines, rated at 25 hp and below, be restricted from use by commercial operators between the hours of 6:00 a.m. and noon, April 1 through October 31, in the counties Brazoria, Fort Bend, Galveston, Harris, and Montgomery; and, a rule to implement idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles in the HG area counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. These new rules will contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone standard in the HG area. The EPA is proposing approval of these revisions to the Texas SIP to regulate emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) in accordance with the requirements of the Federal Clean Air Act (the Act).

DATES: Written comments must be received on or before July 11, 2001.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733. Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Steven Pratt, P.E., Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–2140.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refers to EPA.

This document concerns Control of Air Pollution of NO_X and VOCs for on-road and non-road equipment and vehicle sources in the HG area and the control measures for attainment demonstration purposes. For further information, please see the Technical Support Document (TSD) prepared for this action.

What Action Are We Taking Today?

On December 20, 2000, the Governor of Texas submitted to EPA these two rule revisions (an operating-use restriction program for handheld and non-handheld spark-ignition engines, rated at 25 hp and below, used by commercial operators; and, idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles) to the 30 TAC, Chapter 114, ''Control of Air Pollution From Motor Vehicles,'' as a revision to the SIP.

These new rules will contribute to attainment of the ozone standard in the HG area. The EPA is proposing to

approve these revisions to the Texas SIP to regulate emissions of NO_X and VOCs in accordance with the requirements of the Federal Clean Air Act (the Act). For more information on the SIP revision, please refer to our TSD and the State's December 20, 2000 SIP revision.

What Are the Requirements of the December 20, 2000, Texas SIP Revision for the Operation of Lawn Service Equipment?

The purpose of this rule is to implement an operating-use restriction program requiring that the handheld and non-handheld spark-ignition engines, rated at 25 hp and below, be restricted from use by commercial operators between the hours of 6 a.m. and noon, April 1 through October 31. Spark-ignition lawn and garden service handheld equipment includes, but is not limited to, trimmers, edgers, chain saws, leaf blowers/vacuums, and shredders. Spark-ignition lawn and garden service non-handheld lawn and garden equipment covered by the rules includes such devices as walk-behind lawnmowers, lawn tractors, tillers, and small generators. The engines are both two cycle and four cycle engines, generally unable to use automotive technology, such as closed-loop engine control and three-way catalysts, to reduce emissions.

As a result of this restriction, production of ozone precursors will be stalled until later in the day when optimum ozone formation conditions no longer exist, ultimately reducing the peak level of ozone produced. It is estimated that this measure will achieve a minimum of 0.23 tons per day (tpd) delay of NO_X until after noon. There will also be a 12.4 tpd delay in VOC emissions until after noon. Because the emission of NO_X and VOC, both precursors to the formation of ozone, will be delayed until after noon, this delay will lead to a reduction in ozone that is equivalent to that which would result from approximately 4.6 tpd of NO_X reduction.

The Texas regulation allows operators to submit an alternate emissions reduction plan by May 31, 2003. The alternate plan would allow operation during the restricted hours, provided the plan achieves reductions of NO_X and VOCs that would result in ozone benefits equivalent to the underlying regulation.

The regulation exempts from the restriction use at a domestic residence by the owner of, or a resident at, that domestic residence, use by a non-commercial operator, or any equipment used exclusively for emergency operations to protect human health and safety or the environment, including equipment being used in the repair of facilities, devices, systems, or infrastructure that have failed, or are in danger of failing, in order to prevent immediate harm to public health, safety, or the environment.

The affected area would include the following counties within the HG nonattainment area: Brazoria, Fort Bend, Galveston, Harris, and Montgomery. This control strategy is a necessary measure to consider for contributing to a successful attainment demonstration with the NAAQS for ozone.

What Are the Requirements of the December 20, 2000, Texas SIP Revision for Restricting Motor Vehicle Idling?

The purpose of this rule is to establish idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles in the HG area. The rule defines heavy-duty motor vehicles as those motor vehicles that have a gross vehicle weight rating (GVWR) of greater than 14,000 pounds. To comply with the motor vehicle idling regulations, no person in the affected counties may cause, suffer, allow, or permit the primary propulsion engine of a heavy-duty motor vehicle to idle for more than five consecutive minutes when the vehicle is not in motion during the time period April 1 through October 31.

These idling limits will lower NO_X emissions and other pollutants from fuel combustion. Because NO_X is a precursor to ground-level ozone formation, reduced emissions of NO_X will result in ground-level ozone reductions. It is estimated that this measure will achieve a minimum of 0.48 tpd of NO_X equivalent reductions.

The Texas regulation allows the following exemptions: covered vehicles that are forced to remain motionless because of traffic conditions over which the operator has no control; vehicles being used as an emergency or law enforcement motor vehicle; when the engine of a covered motor vehicle is being operated for maintenance or diagnostic purposes; when the engine of a covered motor vehicle is being operated solely to defrost a windshield; when the covered vehicle is being operated to provide a power source necessary for mechanical operation other than propulsion, passenger compartment heating, or air conditioning; where the primary propulsion engine of a covered vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses, in which case idling up to a maximum of 30 minutes is allowed; where the primary propulsion engine of a covered vehicle is being used for transit operations, in which case idling up to a maximum of 30 minutes is allowed; and where the primary propulsion engine of a vehicle is being used in airport ground support equipment. The exemption for ground service equipment is intended to cover all equipment that is used to service aircraft during passenger and/or cargo loading and unloading, maintenance, and other ground-based operations.

The affected area would include the following counties within the HG nonattainment area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. This control strategy is a necessary measure to consider for contributing to a successful attainment demonstration with the NAAQS for ozone.

The TNRCC has proposed revisions to the idling restriction rule. The changes clarify that the operator of a rented or leased vehicle is responsible for compliance with the requirements in situations where the operator of a leased or rented vehicle is not employed by the owner of the vehicle. Our preliminary review indicates that the changes do not weaken the rule, but merely clarify enforcement provisions. Should a SIP revision be submitted incorporating these changes, the EPA may publish a revision to this rule.

Proposed Action

We are proposing approval of two rules: Lawn Service Equipment Operating Restrictions; and, Requirements for Motor Vehicle Idling for the HG Ozone Nonattainment Area.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a

substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Motor vehicle pollution, Volatile organic compounds, Nitrogen oxides, Ozone, Reporting and record-keeping

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

Dated: May 29, 2001.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 01–14477 Filed 6–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–144–3–7502; FRL–6995–4]

Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing full approval of revisions to the Vehicle Inspection and Maintenance (I/M) Program for the Houston-Galveston ozone nonattainment area (HGA) adopted by the State of Texas. The revision replaces the two-speed idle test in Harris County with ASM–2, and expands the upgraded I/M program to cover the entire HGA nonattainment area. The I/M SIP revision is part of the HGA Attainment Demonstration.

DATES: Comments must be received on or before July 11, 2001.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711–3087.

Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214)665–7367.

SUPPLEMENTARY INFORMATION:

What Is the Status of the Current I/M Program in Texas?

A low-enhanced vehicle I/M program called the Texas Motorist Choice (TMC) Program is operating in the Dallas-Fort Worth, Houston, and El Paso ozone nonattainment areas. The program consists of a 2-speed idle test and gas cap test in Dallas, Tarrant, Harris, and El Paso counties, the core counties of the program. In addition, the program has a remote sensing component to identify gross polluters that commute into the core counties from Denton and Collin Counties in the Dallas-Fort Worth area, and from seven surrounding nonattainment counties in the Houston area. An interim conditional approval for this program was proposed on October 3, 1996 (61 FR 51651). An interim final conditional approval was published on July 11, 1997 (62 FR 37138). The conditions were removed from the interim approval on April 23, 1999 (64 FR 19910).

The State submitted an approvable 18-month demonstration on February 8, 1999, as required by the National Highway System Designation Act of 1995 (NHSDA), Public Law 104–59, section 348(c)(1). The program was not fully approved at that time because one provision of the interim approval required that the State provide evidence that the remote sensing program be effective in identifying the shortfall in number of vehicles needed to make up for the lack of a tailpipe testing program in all the nonattainment counties. The State began the remote sensing program in October 1998. Because the State submitted this I/M SIP revision in which it expands geographic coverage, the requirement to cover the shortfall with remote sensing (the final barrier to final full approval) is eliminated when the new I/M tests start in each county in the HGA.

Why Is the State Submitting This SIP Revision to the I/M Program?

This I/M SIP revision was submitted as part of the HGA attainment demonstration. Modeling has shown that oxides of nitrogen (NO_X) reductions are essential to reaching attainment in the HGA area. As a result, the Texas Motorist Choice I/M program has been revised to include measurement for NO_X emissions and to provide additional NO_X emission reductions by expanding coverage of the program to all eight counties within the nonattainment area (Harris, Galveston, Brazoria, Fort Bend, Montgomery, Liberty, Waller, and Chambers).

What Did the State Submit?

The I/M SIP revision was submitted under a Governor's letter dated December 20, 2001. The State plans to replace the 2-speed idle test in the HGA area with the ASM–2 test and expand

the testing area to include all eight nonattainment counties (Harris, Galveston, Brazoria, Fort Bend, Montgomery, Liberty, Waller, and Chambers). The SIP revision contains a narrative, rules, modeling, and supporting documentation as outlined in the requirements of the Federal I/M rules.

What Is an ASM–2 Test?

Acceleration Simulation Mode, known as ASM, operates the vehicle at a steady load and steady speed on a treadmill-type device called a dynamometer. The test more accurately simulates real world driving conditions than the current two-speed idle test. ASM–2 means that the test is performed in both approved testing modes, i.e., operating the vehicle at 50% load at 15 MPH (ASM5015) and then operating the vehicle at 25% load at 25 MPH (ASM2525). The test measures exhaust concentrations for hydrocarbons, carbon monoxide, and NO_X. Pass/fail standards are based on the chassis model year and engine displacement.

EPA's Analysis of Texas's I/M Program

The EPA reviewed the State's proposal against the requirements contained in the Act and Federal I/M rules (40 CFR part 51, subpart S). The submittal was also reviewed for administrative completeness under criteria contained in Federal rules (40 CFR part 51, appendix V).

The following analysis addresses how the State submittal fulfills the requirements of the Act and the Federal I/M rules. Only the sections of the rule for which the State has made changes are discussed. All other sections of the I/M SIP remain the same as previously approved on an interim basis.

Legal authority for the State to implement the I/M program continues to be granted by Chapter 382 of the Texas Health and Safety Code, and Transportation Code sections 502 and 548.

Section 51.350 Applicability

EPA's regulations establish the minimum geographic scope for nonattainment I/M programs based on nonattainment classification and area population. As stated previously, the Texas Motorist Choice program currently approved in the SIP does not include tailpipe testing throughout the urbanized nonattainment areas. The vehicle shortfall is covered through a remote sensing program.

Beginning May 1, 2002, On-Board Diagnostic (OBD) testing was added to the low-enhanced, two-speed idle test currently implemented in Harris County. The shortfall in vehicle coverage for the HGA nonattainment area continues to be made up by remote sensing within Harris County to identify gross polluting vehicles commuting in from the seven surrounding nonattainment counties. In prior actions on the Texas I/M SIP, we said the remote sensing program must prove to be effective in identifying and obtaining repairs on the same number of vehicles that would be brought in if the program covered the entire urbanized area. Otherwise, the Texas I/M core program areas (Harris County, Dallas, and Tarrant Counties) must be expanded to include the entire urbanized area. (See 61 FR 51659 and 62 FR 37141.) The DFW I/M core area is expanded in a SIP revision dated April 25, 2000. The HGA I/M core area is being expanded to include the entire eight county nonattainment area.

Beginning May 1, 2002, the State commits to begin vehicle testing in Harris County utilizing ASM–2 or a vehicle emissions testing program that meets SIP emissions reduction requirements and which is approved by EPA. This will be in addition to OBD testing.

Beginning May 1, 2003, the State will expand the I/M program to include the nonattainment counties of Galveston, Brazoria, Fort Bend, and Montgomery. These additional counties will transition from performing just safety inspections plus gas cap pressure testing to also doing OBD and ASM–2 (or other EPA approved) testing as described above.

Beginning May 1, 2004, the State will expand the I/M program to include the nonattainment counties of Chambers, Liberty, and Waller. These additional counties will transition from doing just safety inspections plus gas cap pressure testing, to also doing OBD and ASM–2 (or other EPA approved) testing as described above.

As an alternative option for Chambers, Liberty, and Waller Counties, the State rule allows any or all of these counties to opt-out of I/M and substitute an alternative air control strategy. The county or counties as a group will be required to submit a resolution to the State. If acceptable, the State will submit a SIP revision containing the resolution to EPA for approval. The alternative strategy would be based on modeled reductions of VOC and NO_X equivalent to the reductions that are modeled for the I/M program. If this alternative approach is used, the State commits to continue monitoring vehicles with remote sensing from non-I/M counties that opted out.

EPA finds this to be an acceptable approach as long as the implemented I/M program covers the urbanized area within the HGA Metropolitan Statistical Area and does not rely on the remote sensing program for vehicle coverage.

The State submittal meets the requirements of § 51.350 of the Federal I/M regulation for approval.

Section 51.351–352 Low Enhanced I/M Performance Standard

The State submitted a modeling demonstration using the EPA computer model MOBILE5a__H and localized parameters showing that the low enhanced performance standard can be met for Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NO_X) in the HGA area with the ASM–2 test in combination with other I/M components proposed by the State. The low enhanced performance standard is established in 40 CFR 51.351(g). The State modeled with a test and repair program that assumes a 100 percent credit for network effectiveness, although the compliance rate is estimated at 96 percent. The State submitted an approvable 18-month demonstration on February 8, 1999, as required by the NHSDA that validated the program credit claimed.

The State submittal meets the performance standard requirement of the Federal I/M regulation for approval.

Section 51.354 Adequate Tools and Resources

Section 382.037(e) and (k), of the Texas Health and Safety Code, authorizes the program to charge an emission inspection fee. The SIP narrative also describes the budget, staffing support, and equipment that will be added to the existing personnel and budget needed to implement the program.

The State submittal meets the adequate tools and resources requirements of the Federal I/M regulations for approval.

Section 51.357 Test Procedures and Standards

Vehicles tested in all area programs are also subject to an antitampering check and a gas cap pressure test. Vehicles that are model year 1996 and newer will receive an OBD check. In the HGA I/M program area, vehicles that are model year 1995 and older will be subject to an ASM–2 loaded mode tailpipe test. The State already committed to implementing OBD testing on all 1996 and newer vehicles beginning January 1, 2001, in a SIP revision that was approved April 23, 1999 (64 FR 19910).

The State submittal meets this requirement for test procedures and standards of the Federal I/M rule.

Section 51.358 Test Equipment

The revised I/M SIP describes the ASM–2 test equipment that will be used in the HGA I/M program area. Specifications are included. The equipment will meet EPA specifications as contained in ''Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications'', (EPA420–P–00–004) July, 2000.

The OBD testing equipment will meet all Federal requirements contained in 40 CFR 85.2207–2231 and Society of Engineers practices in J2962, J1978, and J1979. The OBD equipment will be tethered to the emissions analyzer which will automatically record the data into a central data collection system.

The State submittal meets the requirement for test equipment of the Federal I/M rule.

Section 51.371 On-Road Testing

Vehicles commuting into Harris County from the surrounding nonattainment counties will continue to be monitored via remote sensing through April 30, 2003. Starting May 1, 2003, all subject vehicles in Galveston, Brazoria, Fort Bend, and Montgomery County will receive a tailpipe emissions test and/or OBD test, as described in this proposal and the revised SIP. Vehicles in Waller, Liberty, and Chambers counties will continue to be monitored via remote sensing until April 30, 2004. Starting May 1, 2004, all subject vehicles in Waller, Liberty, and Chambers County will receive a tailpipe emissions test and/or OBD test, as described in this proposal and the revised SIP.

In addition, the State will comply with the on-road testing requirements by continuing to use remote sensing to evaluate the on-road emissions performance of at least 20,000 vehicles (or 0.5 percent of the fleet) subject to emissions testing in all I/M program areas. All probable high-emitting vehicles which are registered within these counties are identified for compliance follow-up.

The State submittal meets the requirement for on-road testing of the Federal I/M rule.

Section 51.373 Implementation Deadlines

The Texas Motorist Choice Program met the November 15, 1997, start date requirement of the NHSDA. The Texas Motorist Choice Program started in July 1996 in Dallas and Tarrant Counties and in January 1997 in Harris and El Paso Counties. It has been operating continuously since that time.

The revised I/M SIP commits to a schedule for start-up of ASM–2 testing activities and OBD testing. All other aspects of this regulation remain the same as previously approved on an interim basis.

The State submittal meets the compliance with implementation plan submission requirements of the Federal I/M regulations for approval.

Notice of Proposed Rulemaking

Our review of this submittal indicates that the proposed SIP revision meets the minimum requirements of the Act and Federal I/M rules. Based upon the discussion contained in the previous analysis sections and in the Technical Support Document accompanying this notice, we find that the State's submittal represents an acceptable approach to the I/M requirements and meets the requirements for approval. Therefore, we are proposing approval of the I/M SIP revision for HGA.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this proposed rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 31, 2001.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 01–14621 Filed 6–8–01; 8:45 am]

BILLING CODE 6560–50–U

Notices

Federal Register
Vol. 66, No. 112
Monday, June 11, 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 COMMERCE

International Trade Administration

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

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

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

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213 (1999) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

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

	Period
Antidumping Duty Proceedings	
Belgium: Sugar, A–423–077	6/1/00–5/31/01
France: Sugar, A–427–078	6/1/00–5/31/01
Germany: Sugar, A–428–082	6/1/00–5/31/01
Japan:	
Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Over 4½ Inches), A–588–850	12/14/99–5/31/01
Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Less Than or Equal to 4½ Inches), A–588–851	12/14/99–5/31/01
Structural Steel Beams, A–588–852	2/11/00–5/31/01
Certain Hot-Rolled Carbon Steel Flat Products, A–588–846	6/1/00–5/31/01
Engineered Process Gas Turbo-Compressor Systems, A–588–840	6/1/00–5/31/01
Forklift Trucks, A–588–703	6/1/00–5/31/01
Grain-Oriented Electrical Steel, A–588–831	6/1/00–5/31/01
South Africa: Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Less Than or Equal to 4½ Inches), A–791–808	12/14/99–5/31/01
Taiwan:	
Carbon Steel Plate, A–583–080	6/1/00–5/31/01
Taiwan:	
Stainless Steel Butt-Weld Pipe Fittings, A–583–816	6/1/00–5/31/01
Taiwan:	
Certain Helical Spring Lock Washers, A–583–820	6/1/00–5/31/01
The People's Republic of China: Apple Juice Concentrate, Non-Frozen, A–570–855	11/23/99–5/31/01
Furfuryl Alcohol, A–570–835	6/1/00–5/31/01
Silicon Metal, A–570–806	6/1/00–5/31/01
Sparklers, A–570–804	6/1/00–5/31/01
Tapered Roller Bearings, A–570–601	6/1/00–5/31/01
Countervailing Duty Proceedings	
Italy: Grain-Oriented Electrical Steel, C–475–812	1/1/00–12/31/00
Suspension Agreements	
None.	

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

specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

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

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

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

Dated: June 4, 2001.

Holly A. Kuga,

Senior Office Director, AD/CVD Enforcement, Group II, Office 4.

[FR Doc. 01–14648 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Notice of Extension of Time Limit for Preliminary Results of Administrative Antidumping Review: Freshwater Crawfish Tail Meat From the People's Republic of China

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Doug Campau or Maureen Flannery, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington DC 20230; telephone: (202) 482–1395 or (202) 482–3020, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On September 29, 2000, in accordance with 19 CFR 351.213(b)(1), the Crawfish Processors Alliance, the Louisiana Department of Agriculture & Forestry and Bob Odom, Commissioner (petitioners), submitted a timely request to the Department for administrative review of eighty-nine entities. On October 30, 2000, the Department published a notice of initiation of administrative review of the antidumping duty order on Freshwater Crawfish Tail Meat from the People's Republic of China, covering the period of September 1, 1999 through August 31, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reveiws, Requests for Revocation in Part and Deferral of Administrative Reviews,* 65 FR 64662 (October 30, 2000). On November 13, 2000 and January 29, 2001, the petitioners withdrew their request for review of a number of entities for which reviews were initiated. Even with these withdrawals, thirteen companies have submitted section A questionnaire responses.

Extension of Time Limit for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of the preliminary results of a review if it determines that it is not practicable to complete the preliminary results within the statutory time limit of 245 days from the date on which the review was initiated. The Department has determined that it is not practicable to complete the preliminary results of this review within the statutory time limit. The Department must review the thirteen responding companies, as well as all suppliers and affiliated importers. Many of the respondent companies have multiple suppliers and importers. Given the number of entities involved, it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act and section 351.213(h)(1) of the Department's regulations.

Therefore, in accordance with these sections, the Department is extending the time limits for the preliminary results by 120 days, to September 30, 2001.

Dated: June 1, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–14645 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Final Results of First New Shipper Review and First Antidumping Duty Administrative Review: Certain Preserved Mushrooms From the People's Republic of China

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

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

SUMMARY: On November 7, 2000, the Department of Commerce published the preliminary results of the first new shipper review and first administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China with respect to China Processed Food Import & Export Co., Gerber Food (Yunnan) Co., Ltd., and Raoping Xingyu Foods Co., Ltd. (new shipper). The period of review is August 5, 1998, through January 31, 2000.

We received case briefs from the petitioners,[1] Gerber Food (Yunnan) Co., Ltd., and Raoping Xingyu Foods Co., Ltd., and rebuttal briefs from these three parties and China Processed Food Import & Export Co. Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results

[1] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushroom Farms, Inc., Toughkenamon, PA; Monterey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Reviews.''

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Katherine Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On November 7, 2000, the Department published the preliminary results of the new shipper review of Raoping Xingyu Foods, Ltd. (Raoping), and the preliminary results of the administrative review of China Processed Food Import & Export Co. (China Processed) and Gerber Food (Yunnan) Co. (Gerber) with respect to the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC) (65 FR 66703). We invited interested parties to comment on the preliminary results of these reviews. On April 6, 2001, we received comments from the petitioners, Gerber, and Raoping. The petitioners, China Processed, Gerber, and Raoping submitted rebuttal comments on April 13, 2001. The Department has now completed these reviews, in accordance with section 751 of the Act and 19 CFR 351.213 and 351.214.

Scope of the Order

The products covered by the order are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the order are the species *Agaricus bisporus* and *Agaricus bitorquis*. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of the order are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of the order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms''; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.[2]

The merchandise subject to the order is currently classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these administrative reviews are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated May 31, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file the Central Records Unit in Room B–099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the ''Margin Calculations'' section of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average margin percentages exist for the period August 5, 1998, through January 31, 2000:

Exporter/manufacturer	Margin percentage
Raoping Xingyu Foods Co., Ltd	47.61
China Processed Food Import & Export Co	0.00
Gerber Food (Yunnan) Co	111.04

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific ad valorem duty assessment rates. We will direct the Customs Service to assess the resulting percentage margins against the entered Customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period (*see* 19 CFR 351.212(a)). Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent). For entries from the PRC non-market economy (NME) entity companies (*i.e.*, PRC exporters which are not entitled to separate rates), the Customs Service shall assess ad valorem duties at the PRC-wide rate. Because the PRC-wide entity was not reviewed during this period of review (POR), the PRC-wide rate remains that established in the less-than-fair-value investigation.

Cash Deposit Requirements

The following deposit rates shall be required for merchandise subject to the order entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative and new shipper reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for each reviewed company will be the rate indicated above; (2) the cash

[2] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See ''Recommendation Memorandum—Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 19, 2000.

deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding but of whom a review was not requested for this POR will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity (*i.e.*, all other exporters which have not been reviewed) will continue to be 198.63 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review for these companies.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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 notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These administrative reviews and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.214.

Dated: May 31, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum:

Comment 1: India versus Indonesia as Surrogate Country
Comment 2: Fresh Mushroom Valuation
Comment 3: Factory Overhead, SG&A, and Profit Ratios
Comment 4: Classification of Personnel Expenses
Comment 5: Valuation of Tin Plate
Comment 6: Valuation of Steam Coal
Comment 7: Valuation of Cans Consumed by Raoping
Comment 8: Adjustment for Brined Mushrooms Valuation
Comment 9: Spawn Valuation Calculation
Comment 10: *Bona Fides* of China Processed's U.S. Sale
Comment 11: Use of China Processed's Factor Data
Comment 12: Raoping's Labor Consumption Figure

[FR Doc. 01–14644 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–805]

Suspension Agreement on Silicomanganese From Ukraine; Final Results of Administrative Review

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

ACTION: Notice of final results of the administrative review of the suspension agreement on silicomanganese from Ukraine.

SUMMARY: In response to a request from Eramet Marietta Inc. (petitioner), the Department of Commerce (''the Department'') is conducting an administrative review of the suspension agreement on silicomanganese from Ukraine (''the Agreement'') for the period November 1, 1998 through October 31, 1999, to review the current status of, and compliance with, the Agreement. For the reasons stated in this notice, the Department determines that the Government of Ukraine (''the GOU'') is not in compliance with the Agreement. The final results are listed in the section titled ''Final Results of Review,'' *infra.*

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Jean Kemp or Stephen Bailey, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482–4037 or (202) 482–1102, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On October 31, 1994, the Department signed an agreement with the GOU which suspended the antidumping investigation on silicomanganese from Ukraine. See *Silicomanganese from Ukraine; Suspension of Investigation* 59 FR 60951 (November 29, 1994). In accordance with section 734(g) of the Act, on December 6, 1994, the Department published its final determination of sales at less than fair value in this case. *See Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese From Ukraine,* 59 FR 62711(December 6, 1994).

On November 30, 1999, petitioner submitted a request for an administrative review pursuant to the notice of *Antidumping and Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 64 FR 62167 (November 16, 1999). On December 28, 1999, the Department initiated a review of the Agreement. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 64 FR 72644, (''*Initiation Notice'').* On December 5, 2000, the Department of Commerce (''the Department'') published the preliminary results of its administrative review of the Suspension Agreement on Silicomanganese from Ukraine (65 FR 75921) (''*Preliminary Results*''). The Department is conducting this review in accordance with section 751(a)(1) of the Act.

On November 2, 1999, the Department initiated (*Notice of Inititation of Five-Year ''Sunset'' Reviews,* 64 FR 59160) and the International Trade Commission (''ITC'') instituted (*Silicon Metal From Argentina, Brazil, and China and Silicomanganese From Brazil, China, and Ukraine,* 64 FR 59204, 59209) a sunset review of the suspended antidumping duty investigation on silicomanganese from Ukraine, pursuant to section 751(c) of the Act. As a result of its review, on September 27, 2000, the Department determined (*Final Results of Full Sunset Review: Silicomanganese from Ukraine,* 65 FR 58045) that termination of the agreement on silicomanganese from Ukraine would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail were the agreement terminated. On February 5, 2001, the ITC determined (*Silicomanganese from Brazil, China, and Ukraine Investigations Nos. 731–TA–671–673 (Review),* 66 FR 8981; ITC Publication # 3386) that termination of

the suspended investigation on silicomanganese from Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Therefore, on February 16, 2001, the Department published, (*Continuation of Antidumping Duty Orders on Silicon Metal From Brazil and China and on Silicomanganese From Brazil and China, and Continuation of Suspended Antidumping Duty Investigation on Silicomanganese From Ukraine,* 66 FR 10669) notice of continuation of the suspended investigation on silicomanganese from Ukraine, pursuant to section 751(c) and 752 of the Act.

Scope of Review

The merchandise covered by this agreement is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally containing much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. All compositions, forms and sizes of silicomanganese are included within the scope of this agreement, including silicomanganese slag, fines and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. This agreement covers all silicomanganese, regardless of its tariff classification. Most silicomanganese is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (''HTS''). Some silicomanganese may also currently be classifiable under HTS subheading 7202.99.5040. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Period of Review

The period of review (''POR'') is November 1, 1998 through October 31, 1999.

Analysis of Comments Received

All issues raised in the case brief to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated June, 4, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based upon our analysis of the comments received, there have been no changes since issuing the preliminary results.

Final Results of Review

Section 751(a)(1)(C) of the Act specifies that the Department shall ''review the current status of, and compliance with, any agreement by reason of which an investigation was suspended* * *.'' In this case the Department and the GOU signed the Agreement suspending the antidumping duty investigation on silicomanganese from Ukraine on October 31, 1994.

As discussed in the Preliminary Results, in order to effectively restrict the volume of exports of silicomanganese from Ukraine to the United States, the Agreement provides for the implementation by the GOU of certain provisions (Article VII). Moreover, Article IX of the Agreement (Monitoring) requires the GOU to ''provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of {the} Agreement.'' One of the tools the Department uses to monitor the Agreement is sales reports filed by the GOU. Specifically, the GOU is required to collect and provide to the Department sales data on silicomanganese from Ukraine to the United States, in the home market, and to countries other than the United States in the format specified in Appendix B. Although the Agreement specifies that these sales reports are to be submitted to the Department on a semi-annual basis, subsequent to the signing of the Agreement the GOU agreed to submit the sales reports on a quarterly basis. *See* Paris Minutes, Memorandum of Consultations Regarding Administration of the Silicomanganese Suspension Agreement, (May 28, 1998), attached as exhibit 1 to petitioner's October 6, 2000 letter.

For this administrative review, we find that the GOU failed to provide the Department with sales reports required by the Agreement. The GOU failed to submit a sales report due December 1, 1999. The GOU also denied the Department's request that sales reports, placed on the administrative record of the Agreement on December 1, 1998, March 1, 1999, May 31, 1999 and September 10, 1999, also be placed onto the administrative record of this review. The GOU expressed concern that the previously submitted sales reports, if submitted in this review, would be released to the general public. In a public letter dated February 14, 2001, the GOU pointed out that disclosure of ''economic activity'' and ''commercial secrets'' would cause damage to Ukrainian silicomanganese producers Nikopol Ferroalloys (''Nikopol'') and Zaporizhzhya Ferroalloys (''Zaporizhzhya''). The Department replied to this letter on February 16, 2001, pointing out that the information contained in the reports would be protected by administrative protective order (APO) and would not be available to the general public as part of this administrative review.

As discussed above, these sales reports are important in order to determine whether or not the GOU has effectively restricted the volume of exports of silicomanganese from Ukraine to the United States. Despite the Department's letter of February 16, 2001, the GOU has not responded to the Department's request to allow these reports to be placed on the administrative record of this proceeding. Moreover, the GOU has never submitted the sales report required on December 1, 1999. As a result, the Department does not believe the GOU has acted to the best of its ability to cooperate in this administrative review.

Section 776 (b) of the Act provides that, in selecting from the facts available, adverse inferences may be used when an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. Because the GOU, as discussed above, has not acted to the best of its ability in this administrative review, the Department finds, as adverse facts available, that the GOU is not in compliance with the Agreement. Moreover, we note that the GOU has continued its pattern of non-compliance beyond this POR, by failing to file any required quarterly sales reports since,

and including, the report required on December 1, 1999.

In the preliminary results of this administrative review, the Department stated, ''If the Department makes a final determination of non-compliance, it will then be necessary to determine whether this non-compliance rises to the level of a violation as defined in Article XII of the Agreement.'' The Department finds non-compliance on the part of the GOU for its failure to submit the December 1, 1999 sales report and its failure to place sales reports, placed on the administrative record of the Agreement, onto the administrative record of this review. In addition, the Department views the GOU's failure to provide sales reports for any of the reporting periods after December 1999 as a continuing pattern of uncooperative behavior. Article XII of the Agreement requires that prior to making a determination of an alleged violation, the Department will engage in emergency consultations with the GOU. Therefore, the Department has requested emergency consultations with the GOU, consistent with Article XII of the Agreement. If, pursuant to these consultations, the Department finds that the GOU's non-compliance constitutes a violation pursuant to section 351.209 of the Department's regulations, the Department will terminate the Agreement and issue an antidumping duty order.

This notice is published in accordance with sections 751(a) and 777(i) of the Act.

Dated: June 4, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix—List of Issues

1. Whether the GOU has failed to comply with the information reporting requirements of the Agreement.
2. Whether the GOU has failed to establish and maintain the required regimes necessary to implement the price and volume restrictions of the Agreement.
3. Whether the GOU's failures to comply with the Agreement constitute violations of the Agreement.
4. Whether the GOU has effectively given notice of termination of the Agreement, requiring the Department to issue an order and take the other steps required when an Agreement has been violated.

[FR Doc. 01–14650 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on stainless steel bar from India. This review covers sales of stainless steel bar to the United States by Panchmahal Steel Limited. We have determined that sales have been made below normal value during the review period of February 1, 1999, through January 31, 2000.

We gave interested parties an opportunity to comment on the preliminary results. Based upon our analysis of the comments received, we have not made any changes in the margin calculation presented in the preliminary results of review. The final weighted-average dumping margin for the company under review is listed below in the section entitled, ''Final Results of Review.''

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Blanche Ziv or Annika O'Hara, Office 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4207 or (202) 482–3798, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On February 5, 2001, the Department published *Stainless Steel Bar From India; Preliminary Results of Antidumping Administrative Review and Partial Rescission of Administrative Review*, 66 FR 8939 (February 5, 2001) (''*Preliminary Results*''), and invited parties to comment on these results. Since the *Preliminary Results*, the following events have occurred.

On March 7, 2001, the respondent, Panchmahal Steel Limited (''Panchmahal'') submitted a case brief. The petitioners [1] submitted a rebuttal brief on March 19, 2001.

On April 26, 2001, the Department issued a memorandum addressing certain allegations regarding our verification in the respondent's case brief (*see* ''*Panchmahal Steel Limited's Verification Allegations*,'' (April 26, 2001) from Blanche Ziv to Susan Kuhbach which is on file in the Central Records Unit (''CRU'') in Room B–099 of the Department) (''*Verification Allegations Memo*''). We invited parties to comment on the information presented in the memorandum. We received no comments.

The Department has conducted this administrative review in accordance with section 751 of the Act. The period of review (''POR'') is February 1, 1999, through January 31, 2000.

Scope of the Order

Imports covered by the order are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length,

[1] A1 Tech Specialty Steel Corp., Carpenter Technology Corp., Crucible Specialty Metals division, Crucible Materials Corp., Electroalloy Corp., Republic Engineered Steels, Slater Steels Corp., Talley Metals Technology, Inc. and the United Steelworkers of America (AFL–CIO/CLC).

which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to the order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Use of Facts Otherwise Available

Section 776(a) of the Act provides that the Department shall apply ''facts otherwise available'' if, *inter alia*, a respondent:

(1) withholds information that has been requested;

(2) fails to provide information within the deadlines established, or in the form or manner requested by the Department, subject to subsections (c)(1) and (e) of Section 782;

(3) significantly impedes a proceeding; or

(4) provides information that cannot be verified.

Section 782(e) of the Act provides further that the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination but does not meet all the applicable requirements established by the Department if—

(1) the information is submitted by the deadline established for its submission;

(2) the information can be verified;

(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination;

(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and

(5) the information can be used without undue difficulties.

Thus, if any one of these criteria is not met, the Department may decline to consider the information at issue in making its determination.

We continue to find that the use of facts available is necessary in this review for the reasons stated in the *Preliminary Results* (66 FR 8940), in the January 29, 2001 memorandum, ''*Application of Adverse Facts Available for Panchmahal Steel Ltd.*'' from Team to Susan Kuhbach which is on file in the CRU (''*Application of Adverse Facts Available Memo*''), and in the accompanying memorandum, ''*Issues and Decision Memo for the Final Results of the Administrative Review of Stainless Steel Bar from India*'' from Richard W. Moreland to Faryar Shirzad (''*Decision Memorandum*'').

As noted in the *Preliminary Results*, (1) Panchamahal failed to report certain home market sales; (2) Panchmahal's failure to prepare for verification impeded the verification process and resulted in many items not being verified; and (3) Absence of company officials impeded the Department's ability to conduct a complete sales and cost of production verification.

For the reasons stated above, we find that Panchmahal's sales and cost information is substantially unverified and cannot serve as a reliable basis for calculating export price or normal value. Therefore, in accordance with section 776(a)(2) of the Act, we find that the use of facts otherwise available is warranted because Panchmahal withheld information requested by the Department, Panchmahal significantly impeded this proceeding, and Panchmahal's reported sales and cost information was unverifiable. Furthermore, for the reasons stated in the *Preliminary Results* (66 FR 8940, 8941), we also find that Panchmahal's sales and costs information does not meet the standards for consideration of information outlined in section 782(e) of the Act.

In determining the appropriate facts available to assign to Panchmahal, in accordance with section 776(b) of the Act, we find that Panchmahal failed to cooperate by not acting to the best of its ability to comply with requests for information throughout this administrative review (see Application of Adverse Facts Available Memo). Therefore, we determine that an adverse inference is warranted in selecting facts otherwise available.

As adverse facts available, we have assigned a margin of 19.54 percent to Panchmahal. This margin was calculated for Ferro Alloys Corporation Limited (''Facor'') during the 1998–1999 administrative review and represents the highest calculated weighted-average margin determined for any firm during any segment of this proceeding (*see Stainless Steel Bar from India; Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review*, 65 FR 48965, 48968 (August 10, 2000) (''*Final 1998–1999 Review*'')).

Information from prior segments of the proceeding constitutes secondary information and section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action provides that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see The Statement of Administrative Action*, H. Doc. No. 103–316, Vol. 1 at 870 (1994) (''*SAA*'')).

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see, e.g.*, *Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin)).

The highest calculated margin in the history of this proceeding is 19.54 percent (*see Final 1998–1999 Review*). In this review, there are no circumstances indicating that this margin is inappropriate as facts available. There are no calculated margins for any other respondents in this administrative review. Therefore, for the reasons stated above, we find that the 19.54 percent rate is corroborated to the greatest extent practicable in accordance with section 776(c) of the Act.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Decision Memorandum*, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of

which are in the *Decision Memorandum*, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Final Results of the Review

We determine the following weighted-average dumping margin exists for the period February 1, 1999, through January 31, 2000:

Manufacturer/exporter	Margin (percent)
Panchmahal Steel Limited	19.54

Assessment Rates

The Department will issue appraisement instructions directly to the Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise.

Cash Deposit Rates

The following deposit requirements will be required on all shipments of stainless steel bar from India entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate indicated above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 12.45 percent, the ''all others'' rate established in the less-than-fair-value investigation (*see Stainless Steel Bar from India; Final Determination of Sales at Less Than Fair Value,* 59 FR 66915 (December 28, 1994)).

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

Notification to Importers

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

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: June 6, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Comment 1: Home Market Sales of Bright Bar
Comment 2: Preparation and Availability of Information
Comment 3: Availability of Company Staff During Verification
Comment 4: Timing of Verification
Comment 5: Use of Adverse Facts Available
Comment 6: Other Factual Allegations

[FR Doc. 01–14649 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–829]

Stainless Steel Wire Rod From the Republic of Korea: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Alexander Amdur or Karine Gziryan at (202) 482–5346 and (202) 482–4081, respectively, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On November 30, 2000, the Department published a notice of initiation of administrative review of the antidumping duty order on stainless steel wire rod from the Republic of Korea, covering the period September 1, 1999, through August 31, 2000 (65 FR 71299). The preliminary results are currently due no later than June 2, 2001.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore the Department is extending the time limit for completion of the preliminary results until no later

than September 30, 2001. *See* Decision Memorandum from Holly A. Kuga to Bernard T. Carreau dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: May 22, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration, Group II.

[FR Doc. 01–14647 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–828]

Welded Large Diameter Line Pipe From Mexico: Postponement of Preliminary Determination of Antidumping Duty Investigation

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

ACTION: Notice of postponement of preliminary determination of antidumping duty investigation.

EFFECTIVE DATE: May 25, 2001.

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

Statutory Time Limits

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to issue the preliminary determination of an antidumping duty investigation within 140 days after the date of initiation. However, if the case is extraordinarily complicated and additional time is necessary to make the preliminary determination, and the parties concerned are cooperating in the investigation, section 733(c)(1)(B) of the Act allows the Department to extend the time limit for the preliminary determination until not later than 190 days after the date of initiation.

Background

On January 30, 2001, the Department initiated the above-referenced investigation. *See Notice of Initiation of Antidumping Duty Investigations: Welded Large Diameter Line Pipe from Mexico and Japan,* 66 FR 11266 (February 23, 2001). The preliminary determinations are currently due no later than June 19, 2001.

Extension of Preliminary Determination

The Department has now concluded, consistent with section 733(c)(1)(B) of the Act, that this investigation is extraordinarily complicated, and that additional time is necessary to issue the preliminary determination due to the complexity of certain issues raised in these cases, including the complexity of the transactions to be investigated and adjustments to be considered and the novelty of the issues presented. Specifically, the Department must investigate complicated matters of affiliation between the respondent and another producer. Simultaneously, it must analyze and respond to petitioners' recent allegation of sales-below-cost.

Therefore, in light of the fact that the parties to this proceeding have been cooperating, pursuant to section 733(c)(1) of the Act, and that additional time is necessary to make this preliminary determination in accordance with section 733(c)(1)(B)(ii) of the Act, the Department is postponing the deadline for issuing this determination until August 8, 2001.

Dated: June 4, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–14646 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–011. *Applicant:* The Burnham Institute, 10901 North Torrey Pines Road, Building #7, La Jolla, CA 92037. *Instrument:* Brain Slice Physiology Setup. *Manufacturer:* Luigs and Neumann, Germany. *Intended Use:* The instrument is intended to be used to prepare acute slices of the rat and mouse brain. These slices will then be visualized under the microscope, microelectrodes will be inserted into single, optically identified nerve cells and stimulation electrodes placed in other identified regions of the brain slice. The main research objective is to understand neuronal information acquisition, processing and storage in the mammalian brain under physiological and pathological conditions. A main focus will be on brain structures involved in sensory perception, memory storage and motor control. In addition, the instrument will be used for guided research training for graduate and undergraduate students in the course BISP 199. Application accepted by Commissioner of Customs: May 4, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–14651 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Termination of Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of consent motion to terminate the panel review of the final antidumping duty administrative review made by the International Trade Administration, respecting cut-to-length carbon steel plate from Canada (Secretariat File No. USA–CDA–00–1904–01).

SUMMARY: Pursuant to the Notice of Consent Motion to Terminate the Panel Review by the complainants, the panel review is terminated as of May 11, 2001. No panel has been appointed to this panel review. Pursuant to Rule 71(2) of the *Rules of Procedure for Article 1904 Binational Panel Review,* this panel review is terminated.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was requested and terminated pursuant to these Rules.

Dated: May 29, 2001.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 01–14540 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Termination of Panel Review.

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of consent motion to terminate the panel review of the final antidumping duty administrative review made by the International Trade Administration, respecting cut-to-length carbon steel plate from Canada (Secretariat File No. USA–CDA–01–1904–01).

SUMMARY: Pursuant to the Notice of Consent Motion to Terminate the Panel Review by the complainants, the panel review is terminated as of May 11, 2001. No panel has been appointed to this panel review. Pursuant to Rule 71(2) of the *Rules of Procedure for Article 1904 Binational Panel Review,* this panel review is terminated.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was requested and terminated pursuant to these Rules.

Dated: May 29, 2001.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 01–14541 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Solicitation of Comments on Modification of Worsted Wool Fabric Tariff Rate Quotas

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of solicitation of comments on a request for modification of tariff rate quota limitations on the import of certain worsted wool fabrics.

DATES: To be considered, comments must be received or postmarked by 5:00 p.m. on July 2, 2001

ADDRESSES: Comments must be submitted to: Deputy Assistant Secretary for Textiles, Apparel and Consumer Goods Industries, Room 3001, United States Department of Commerce, Washington, D.C. 20230. Six copies of comments should be submitted.

FOR FURTHER INFORMATION CONTACT: Sergio Botero, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

The Department of Commerce (Department) hereby solicits comments on a request for an increase in the limitations on the quantity of imports of certain worsted wool fabric under the 2001 tariff rate quotas established by the Trade and Development Act of 2000. To be considered, comments must be received or postmarked by 5:00 p.m. on July 2, 2001 and must comply with the requirements of 15 CFR 340 (66 FR 6459, published January 22, 2001). Thirty days after the end of the comment period, the Department will determine whether the limitations should be modified.

SUPPLEMENTARY INFORMATION:

I. Background

Title V of the Trade and Development Act of 2000 (the Act) creates two tariff rate quotas, providing for temporary reductions in the import duties on two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers. For worsted wool fabric with average fiber diameters greater than 18.5 microns (new Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11), the reduction in duty is limited to 2,500,000 square meter equivalents per year. For worsted wool fabric with average fiber diameters of 18.5 microns or less (new HTS heading 9902.51.12), the reduction is limited to 1,500,000 square meter equivalents per year. Both these limitations may be modified by the President, not to exceed 1,000,000 square meter equivalents per year for each tariff rate quota.

The Act requires the annual consideration of requests by U.S. manufacturers of men's or boys' worsted wool suits, suit-type jackets and trousers for modification of the limitations on the quantity of fabric that may be imported under the tariff rate quotas, and grants the President the authority to proclaim modifications to the limitations. In determining whether to modify the limitations, specified U.S. market conditions with respect to worsted wool fabric and worsted wool apparel must be considered. On January 22, 2001, the Department published regulations establishing procedures for considering requests for modification of the limitations. 66 FR 6459, 15 CFR 340.

On March 29, 2001, the Department published a notice in the Federal Register soliciting requests for modification of the tariff rate quota limitations. The Department received one such request, from Hartmarx

Corporation, Hickey-Freeman and the Tailored Clothing Association. This request was for the maximum increase (1,000,000 square meters) in each of the two tariff rate quota limitations (HTS 9902.51.11 and HTS 9902.51.12). A summary of this request, based on the requesters' executive summary, is provided below. The full text of the request and exhibits, with the exception of business confidential information, is available for inspection between 9:00 a.m. and 4:30 p.m. in Room 2233, United States Department of Commerce, 1401 Constitution Avenue, Washington D.C. 20230.

Comments may be submitted by any interested person, including U.S. manufacturers of worsted wool fabric, wool yarn, wool top and wool fiber. Comments must comply with the requirements of 15 CFR 340. If the person submitting comments is a domestic producer of worsted wool fabric, comments should include, to the extent available, the following information for each limitation with respect to which comments are being made: (1) A list of domestic manufacturers of worsted wool suits, suit-type jackets, or trousers for whom orders were filled during the twelve months prior to the submission of the comments, the date of such orders, the total quantity ordered and supplied in square meters of domestically produced worsted wool fabric and of imported worsted wool fabric, and the average price received per square meter of domestically produced worsted wool fabric and of imported worsted wool fabric for such orders; 2) A list of all requests to purchase worsted wool fabric during the twelve months prior to the submission of the comments that were rejected by the person submitting the comments, indicating the dates of the requests, the quantity requested, the price quoted, and the reasons why the request was rejected; 3) Data indicating the increase and/or decrease in production and sales for the most recent six month period for which data is available and the comparable six month period in the previous year of domestically-produced worsted wool fabrics used in the production of worsted wool suits, suit-type jackets and trousers; 4) Evidence of lost sales due to the temporary duty reductions on certain worsted wool fabric under the tariff rate quotas; and 5) Other evidence of the ability of domestic producers of worsted wool fabric to meet the needs of the manufacturers of worsted wool suits, suit-type jackets and trousers in terms of quantity, variety, etc.

Comments must be accompanied by a statement by the person submitting the request (if a natural person), or an employee, officer or agent of the legal entity submitting the request, with personal knowledge of the matters set forth therein, certifying that the information is complete and accurate, signed and sworn before a Notary Public, and acknowledging that false representations to a federal agency may result in criminal penalties under federal law.

Any business confidential information provided that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law. To the extent business confidential information is provided, a non-confidential submission should also be provided, in which business confidential information is summarized or, if necessary, deleted.

II. Summary of Request

The following is based on the executive summary to the request submitted by Hartmarx Corporation and Hickey-Freeman, on behalf of themselves and the Tailored Clothing Association. The request is dated April 11, 2001 and requests the maximum possible increase (1,000,000 square meters) in each of the two tariff rate quotas (HTS 9902.58.11 and HTS 9902.58.12).

The request states that the current tariff rate quota limitations are significantly less than the quantity required by the industry at the time the Trade and Development Act of 2000 was enacted. The request notes that at the time of enactment, there was a dispute between the domestic textile mills and apparel manufacturers as to the quantity of such fabric that was being imported and the request claims that the petition process was intended to provide an opportunity to determine appropriate limitations that offer sufficient protections to domestic textile producers while accommodating the import needs of domestic apparel manufacturers. The request states that the industrys' fabric import needs demonstrably exceed the current limitations, that the U.S. textile industry is unable or unwilling to produce adequate supplies of worsted wool fabric, and that the tariff rate is causing severe harm to domestic apparel manufacturers.

The request claims that since enactment, the domestic textile industry has significantly reduced its commitment to be a supplier to the requesters' industry, stating that in the last 12 months there has been a significant reduction in the production of worsted wool fabric suitable for use in men's and boys' tailored clothing and that the two remaining U.S. mills have significantly reduced their supply of worsted wool fabric to the industry. The request states that despite claims by domestic mills that there has been insufficient time to determine the impact of the tariff rate quota limitations on the market, the industry has commenced and completed its fabric purchases for 12 months of production (two full seasonal purchases) since the enactment of the Act, fabric imports that will fully benefit from the tariff rate quotas because they will enter during the 2001 calendar year. It states that a third season of designing and purchasing fabric offerings will be complete by the time the petition process is concluded. It claims that one major domestic worsted wool fabric producer, for example, was aware of this timetable when it described its reduction of offerings for the spring of 2000, but now ignores the purchasing and production cycles that have existed at least as long as the requesters have been in business.

The request states that in the month of January 2001, 729,031 square meters of fabric described in HTS heading 9902.51.12 was imported, imports which are subject to a 1.5 million square meter limitation for the 12-month period beginning in January. It also claims that the textile industry has conceded that the majority of these fabrics (i.e., those of these finer yarn diameters) are used in the production of men's and boys' suits, suit-type jackets, and trousers. The request states that one month of imports is consuming nearly 50% of the current tariff rate quota limitation and that imports for the fall 2002 season, already underway in January 2001, will likely consume more than this entire limitation even after adjusting for duty-free imports.

The request claims that government statistics also demonstrate the inadequacy of the limitation on fabric described in HTS heading 9902.51.11. In January 2001, 1,161,603 square meters of such fabric was imported. This is about 45% of the limitation for the 12-month period beginning in January. The request states that while not all of this fabric will be used in men's and boys' tailored clothing, a significant amount will be so used and that this one-month's worth of import data demonstrates that domestic apparel manufacturers lack sufficient domestically made worsted wool fabrics. The request states that two remaining worsted wool mills in the U.S. are the only suppliers for both the women's and men's tailored clothing industries.

The request states that the textile industry claims that there is a need for a full year's worth of statistics before considering requests for increases in the limitations. The request states that because of the lag time in the reporting of these statistics by the government, the textile industry's argument would require the industry to wait until March 2002 before starting the petition process—delaying the full impact (i.e., a full season's cycle of fabric purchase through delivery) of any relief until the 2003 fall line at the earliest. The request states that this argument is contrary to the statute and the facts at hand, including published government statistics, which demonstrate the need to modify the limitation.

The request argues that the current tariff rate quota limitations placed on U.S. domestic apparel makers are significantly less than the limitations the U.S. government has granted competitors in Canada and Mexico and that, despite these larger tariff rate quotas, Canadian and Mexican apparel makers still export worsted wool apparel made of non-NAFTA fabrics in excess of their limitations and pay MFN duty rates.

The request states that the requesters' industry continues to suffer losses to foreign competitors who have access to the same fabrics at the same prices but at lower duty rates. It claims that since enactment of the Act, the industry has continued to lose major production facilities to foreign competition and Canada has responded to the Act by processing three different tariff reduction proposals and restructuring its tariff rate quota program under NAFTA, all aimed at bestowing tariff advantages over competing U.S. production.

The request notes that an increase in the limitations by 2 million square meters for fabric under HTS headings 9902.51.11 and 9902.51.12 will not be sufficient to supply the industry's needs in 2001. Because of the demand for significant quantities of imported fabrics, the request claims that proclaiming the maximum increase in the limitation does not pose a potential economic threat to the domestic textile mills. Under the modification requested, the request states that the domestic textile industry will remain fully protected with high tariff rates on significant imports on which the industry will continue to rely, and with still meaningful tariff rates on imports under the tariff rate quotas. Even if the domestic textile industry were to return its domestic production to levels that haven't existed for decades, the request avers that the limitations with the requested modification will still not fully satisfy the needs of domestic tailored clothing manufacturers.

INDEX OF EXHIBITS PRESENTED WITH THE PETITION FOR MODIFICATION TO LIMITATIONS ON TARIFF RATE QUOTAS FOR CERTAIN WORSTED WOOL FABRICS

Exhibit 1:	Data on domestic production, imports, and import prices for worsted wool fabric
Exhibit 2:	Data on domestic production, imports from Canada and Mexico, and imports from the world for selected wool apparel
Exhibit 3:	Data on total U.S. consumption of selected wool apparel
Exhibit 4:	Statement by the American Textile Manufacturers Institute on extending duty-free entry to apparel sewn in the CBI region
Exhibit 5:	News release and article on reorganization of Burlington Industries' apparel fabrics business.
Exhibit 6:	Letter and information on Burlington Industries' worsted wool fabric production
Exhibit 7:	Article on Burlington Industries' credit ratings
Exhibit 8:	News release on Burlington Industries' Five-Point Improvement Plan
Exhibit 9:	Transcript of Burlington Industries' investor conference call regarding transfer of operations from U.S. facilities to Mexico
Exhibit 10:	Information on Burlington Industries' reduction in U.S. synthetic fabric and worsted wool fabric capacity
Exhibit 11:	Article on Burlington Industries' debt ratings
Exhibit 12:	Letters from U.S. suit manufacturers regarding domestic sources of worsted wool fabric
Exhibit 13:	Canadian Government report on requested tariff relief for woven fabrics of combed wool and of combed fine animal hair imported into Canada

INDEX OF EXHIBITS PRESENTED WITH THE PETITION FOR MODIFICATION TO LIMITATIONS ON TARIFF RATE QUOTAS FOR CERTAIN WORSTED WOOL FABRICS—Continued

Exhibit 14:	Article on increased demand for superfine fabrics in men''s tailored clothing
Exhibit 15:	Letter and chart regarding grade of fabric imported by U.S. producers of suits and grade of fabric in suits available for sale in the U.S.
Exhibit 16:	Articles on plant closures in the U.S. tailored clothing industry and increasing Canadian exports of menswear to the U.S. market
Exhibit 17:	Data on utilization of NAFTA tariff preference levels for textiles and apparel
Exhibit 18:	Notices regarding the Canadian Government's administration of NAFTA tariff preference levels for textiles and clothing
Exhibit 19:	Article on Canada's allocation of tariff preference levels
Exhibit 20:	Canadian Government report on request for tariff relief on woven fabrics of combed wool and of combed fine animal hair imported into Canada
Exhibit 21:	Canadian Government report on request for tariff relief on dyed woven fabric of rayon imported into Canada
Exhibit 22:	Information relating to request for tariff relief on certain wool fabrics imported into Canada
Exhibit 23:	Fabric order and purchasing dates
Exhibit 24:	Statement of the Wool Fiber, Yarn, Fabric Coalition opposing wool fabric tariff reductions
Exhibit 25:	Articles on growing consumer interest in men's suits

Dated: June 5, 2001.

Michelle O'Neill,

Acting Assistant Secretary for Trade Development, Department of Commerce.

[FR Doc. 01–14578 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement on the Proposed Indiana Coastal Zone Management Program

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of intent to prepare an environmental impact statement as required under the National Environmental Policy Act, 42 U.S.C. 4321, et seq. (NEPA).

SUMMARY: Notice is hereby given of the intent to prepare a Draft Environmental Impact Statement (DEIS) on the proposed approval of the Indiana Lake Michigan Coastal Program (LMCP) under the provisions of section 306 of the Federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1455. The Lake Michigan Coastal Program (LMCP) is the result of much effort made by federal, state, and local agencies, and the participation and contribution of local citizens. It is also a significant step in Indiana's efforts to develop a partnership with the federal Coastal Zone Management Program.

Federal approval of the LMCP would make the State eligible for program administration grant funds and require that Federal actions be consistent with the Programs.

The LMCP is a dynamic plan that will continue to be updated to reflect the priorities of Indiana's coastal region. Through continuing public participation an comment, the LMCP will enhance the state's role in planning and managing natural and cultural resources and building partnerships between federal, state and local agencies and organizations.

Federal alternatives will include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. State alternatives include the possibility of modifying parts of the Program or withdrawal of the request for Federal approval.

In order to determine the scope and significance of issues to be addressed in the DEIS, the Office of Ocean and Coastal Resource Management (OCRM) hereby solicits comments on the proposed action, particularly with respect to the following issues:

(1) The adequacy of the scope and geographic coverage of the Program's laws and regulations to manage impacts on wetlands, beaches, and other vulnerable natural resources;

(2) The adequacy of the mechanisms for State agency coordination and consultation in order to effectively implement the LMCP; and

(3) The adequacy of the mechanisms for ensuring State agency consistency with the policies of the LMC and resolving conflicts between agencies.

NOAA and IDNR invite the general public, federal agencies, Native American tribes, state and local governments and agencies, and all other interested panties to comment on the scope of this EIS. The manner in which the state proposes to address the above requirements will be presented in the state public review draft EIS of the LMCP, to be made available in the Summer 2001. Copies of the state draft document will also be available from OCRM.

DATES: The public scoping period begins with the publication of this notice in the **Federal Register**. Persons or organizations wishing to submit written comment should do so by September 10, 2001. Comments received after that date will be considered to extent practicable.

NOAA and IDNR will conduct public scoping meetings in Michigan City, Highland, and Portage, Indiana, to provide the public with information about the proposed project and to receive oral and written comments on the scope of the EIS, including alternatives and environmental issues that NOAA and IDNR should consider. The dates, times and locations for these public meetings will be announced in local media at least 30 days prior to the meeting dates.

Scoping meetings are scheduled as follows:

1. Tuesday, June 26, 2001, 7 p.m., Holiday Inn, Michigan City, IN.
2. Wednesday, June 27, 2001, 7 p.m., Wicker Park, Highland, IN.
3. Thursday, June 28, 2001, 7 p.m., Woodland Park, Portage, IN

In order to facilitate an understanding of the program's objectives, IDNR personnel will be available at the scoping meetings to explain the program to the public and answer questions. INDR will designate a facilitator for the scoping meetings. At the opening of each meeting, the facilitator will establish the order of speakers and will announce any additional procedures necessary for conducting the meeting. To ensure that all persons wishing to make a presentation are given the opportunity to speak, a five-minute limit may be enforced for each speaker, with the exception of public officials and representatives of groups, who will be allotted ten minutes each. IDNR encourages those providing oral comments to also submit them in writing. Comment cards will be available at the meetings for those who prefer to submit their comments in written form. Speakers may be asked clarifying questions to ensure that IDNR representatives fully understand the comments and suggestions made by meeting participants, but the scoping meeting will not be conducted as evidentiary hearings.

The review process will also include three additional public meetings on the draft EIS to be held in northwest Indiana this Fall in which the public can learn more about the LMCP. The general public, stakeholders and interested organizations will be asked to offer comments on the plan. Submitted comments will be recorded and incorporated into a draft Environmental Impact Statement (EIS). The draft will be presented at additional public meeting for further review. Revisions will be made to the draft EIS and a final EIS will be developed.

SUPPLEMENTARY INFORMATION: The State of Indiana is proposing to develop an Indiana Lake Michigan Coastal Program based on Indiana's existing laws and policies and to participate in the Coastal Zone Management Program (CZMP). The CZMP), established in 1972, is a partnership between coastal states and the National Oceanic and Atmospheric Administration. The CZMP is a unique federal-state partnership that provides a proven basis for protecting, restoring, and responsibly developing the nation's important and diverse coastal communities and resources. Currently 33 of the 35 coastal states participate in the CZMP. State and federal coastal management efforts are guided by the CZMP's strategic framework which is organized around three major themes: sustain coastal communities, sustain coastal ecosystems, and improve government efficiency.

There are many benefits to participating in the CZMP, including establishing partnerships with federal, state, and local agencies and other coastal professionals, obtaining consistency with Indiana's existing laws, technical assistance, and financial assistance. It is estimated that Indiana will receive over $600,000 annually to implement a program that address the priorities of Indiana's coastal region. Funds received through the CZMP will be used to administer the program and establish an Indiana Coastal Grants Program.

To participate in the CZMP, Indiana must develop a Lake Michigan Coastal Program (LMCP). The Indiana Department of Natural Resources (IDNR)

was selected as the lead state agency for program development. The IDNR has worked with local and state agencies and organizations to identify priorities for Indiana's coastal region. The LMCP describes how Indiana can meet those regional priorities through its existing management authorities without the creation of any new laws. The IDNR will facilitate public review of the proposed plan to fully develop the LMCP.

ADDRESSES: Requests for the above described documents and all comments should be made to:

Laurie Rounds, Program Manager, Lake Michigan Coastal Program, 402 W. Washington Street, Room W264, Indianapolis, IN 46204, tel 317/233–0132, e-mail: *coastal@dnr.state.in.us.*

Diana Olinger, Assistant Regional Manager, Great Lakes Region, Coastal Programs Division, Office of Ocean and Coastal Resource Management, 1305 East-West Highway (N/ORM3), Silver Spring, Maryland 20910, tel. 301/713–3155, ext 149, e-mail: *diana.olinger@noaa.gov.*

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: June 5, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator or Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.

[FR Doc. 01–14546 Filed 6–8–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.209A]

The Native Hawaiian Family-Based Education Centers Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for Fiscal Year (FY) 2001.

Purpose of Program: To expand the operation, throughout the Hawaiian Islands, of Family-Based Education Centers that include: (1) Parent-infant programs for prenatal through three-year-olds; (2) preschool programs for four- and five-year-olds; (3) continued research and development; and (4) a long-term follow-up and assessment program, which may include educational support services for Native Hawaiian language immersion programs or transition to English speaking programs.

Eligible Applicants: Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language.

Applications Available: June 11, 2001.

Deadline for Transmittal of Applications: July 26, 2001.

Estimated Available Funds: $2.5 million.

Estimated Range of Awards: $500,000 to $1.0 million.

Estimated Number of Awards: 5.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 86, 97, 98, and 99.

Selection Criteria: The Secretary will use the following selection criteria in 34 CFR 75.210 to evaluate applications under this competition. (The specific selection criteria and factors that will be used in evaluating applications are detailed in the application package.) The maximum score for all of the selection criteria is 100 points. The maximum points for each criterion is as follows:

(a) Significance—15 points.
(b) Quality of Project Design—35 points.
(c) Quality of Project Personnel—10 points.
(d) Adequacy of Resources—5 points.
(e) Quality of Management Plan—15 points.
(f) Quality of Project Evaluation—20 points.

For Applications and Information Contact: Mrs. Lynn Thomas, (202) 260–1541, U.S. Department of Education, 400 Maryland Avenue, SW., FOB6, Room 3C124, Mail Stop 6140, Washington, DC 20202. The e-mail address for Mrs. Thomas is: *lynn.thomas@ed.gov.*

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

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

Individuals with disabilities may also obtain a copy of the application package in an alternative format on request to the contact person listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as other Department of Education documents published in the **Federal Register**, in text or portable document format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office, toll free, at 1–888–293–6498, or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 7907.

Dated: June 5, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–14766 Filed 6–8–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education—School Improvement Programs—Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Priorities for Fiscal Year (FY) 2001.

SUMMARY: The Secretary proposes absolute priorities for the FY 2001 grant competition under the Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. After funding continuation awards, the Secretary would (a) set aside an estimated $500,000 of FY 2001 funds to award new grants to support activities in the area of Native Hawaiian language revitalization; and (b) use the remaining FY 2001 funds available under the program (approximately $900,000) to award new grants to support activities in one or more of the following areas: (1) Aquaculture, (2) prisoner education initiatives, (3) waste management, (4) computer literacy, (5) Big Island astronomy, and (6) indigenous health programs.

DATES: We must receive your comments on or before July 11, 2001.

ADDRESSES: Address all comments about the proposed priorities to Lynn Thomas, Office of Elementary and Secondary

Education, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3C124, Washington, DC 20202–6140, Telephone (202) 260–1541, FAX: (202) 260–5630. If you prefer to send your comments through the Internet, use the following address: *Lynn.Thomas@ed.gov*

FOR FURTHER INFORMATION CONTACT: Lynn Thomas, (202) 260–1541. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments and recommendations regarding these proposed priorities. To ensure your comments have maximum effect in developing the notice of final priorities, we urge you to identify clearly the specific proposed priority that each comment addresses.

During and after the comment period, you may inspect all public comments about these proposed priorities in Room 3C124, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, the Department supplies an appropriate aid, such as a reader or print magnifier, to an individual with a disability that needs assistance to review the comments. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

General

There is available for distribution under the Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program (20 U.S.C. 7909) approximately $6.5 million of FY 2001 funds. Of this amount, the Secretary plans to use approximately $5.1 million to award continuation grants to successful applicants in prior year competitions and approximately $500,000 for new awards for grants to support activities in the area of Native Hawaiian language revitalization. The Secretary would use approximately $900,000 to support new curriculum development and teacher training projects in one or more of the following areas: (1) Aquaculture, (2) prisoner education initiatives, (3) waste management, (4) computer literacy, (5) Big Island astronomy, and (6) indigenous health programs.

Congress has urged the Secretary to support activities in these areas. Therefore, the Secretary is proposing absolute funding priorities and intends to use available FY 2001 funds under the program for new awards to support projects in these areas.

The Secretary will announce final priorities for these competitions in a future notice of the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of a particular project depends on the final priority, the availability of funds, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. A notice inviting applications under the competitions will be published in the **Federal Register** concurrent with or following the notice of final priorities.

Absolute Priorities

Under 34 CFR 75.105(c)(3) and the Native Hawaiian Education Act, the Secretary proposes to give an absolute preference to applications that meet either of the following priorities, and to fund under this competition only those applications that meet either of the following absolute priorities:

Absolute priority 1: Applications that focus entirely on activities in one or more of the following areas:

(1) *Acquaculture*—to support programs that concentrate on acquaculture, the science of the cultivation of marine life. A comprehensive acquaculture program will assist Native Hawaiian students in reaching challenging standards in science and mathematics in an intellectually stimulating environment and give them a greater understanding and appreciation of their Native Hawaiian culture.

(2) *Prisoner education initiatives*—to support programs that target juvenile offenders or youth at risk of becoming juvenile offenders and that involve comprehensive and culturally sensitive strategies for reaching the target population through family counseling, basic education/jobs skills training, and the involvement of community elders as mentors;

(3) *Waste management innovation*—to study and document traditional Hawaiian practices of sustainable waste management and to prepare teaching materials for educational purposes and for demonstration of the use of Native Hawaiian plants and animals for waste treatment and environmental remediation;

(4) *Computer literacy*—to support curriculum development, teacher training and model programs designed to increase computer literacy and access for Native Hawaiian elementary and secondary school students;

(5) *Big Island astronomy*—to support the development of educational programs in Big Island astronomy for Native Hawaiian elementary and secondary school students to assist them in reaching challenging science and mathematics standards and to encourage them to enter the field of astronomy; and

(6) *Indigenous health programs*—to support curriculum development, teacher training, and instruction activities that will foster a better understanding and knowledge of Native Hawaiian traditional medicine, particularly among Native Hawaiian elementary and secondary students.

Absolute Priority 2: Applications that focus entirely on Native Hawaiian language revitalization activities, including K–12 language immersion programs, preservice and inservice teacher training programs, and programs designed to increase the number of Native Hawaiian teachers.

Program Authority: Section 9209 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 7909).

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Dated: June 5, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–14767 Filed 6–8–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of full board meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

Individuals who will need accommodations for a disability in order to attend the meeting (i.e. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than May 31, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

Date: June 28, 2001.

Time: June 28—Full Board Meeting 8:30 a.m. to 3 p.m.

Location: Westin Galleria Hotel, 5060 West Alabama, Houston, Texas

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Educational Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

The meeting will commence at 8:30 a.m. with opening remarks, and review and approval of the meeting agenda. From 9 a.m. to 12 noon, the Board will discuss and take action on recommendations of the Committee on Standards, Design, and Methodology (COSDAM) on the NAEP design. From 12 noon to 1 p.m. the Board will receive an update on NAEP related Congressional activities. From 1:00 to 2:00 p.m., the Board will discuss COSDAM's recommendations on the NAEP 2002 Field Test. A general discussion of President Bush's ''No Child Left Behind'' initiative will take place between 2 p.m. and 3 p.m., upon which time the meeting will adjourn.

Summaries of the activities of the Board's open sessions, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW, Washington, DC, from 8:30 a.m. to 5 p.m. Eastern Standard Time.

Dated: June 6, 2001.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 01–14593 Filed 6–8–01 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Employees Occupational Illness Compensation Act of 2000; Revision to List of Covered Facilities

AGENCY: Department of Energy.

ACTION: Notice of revision of listing of covered facilities.

SUMMARY: On January 17, 2001, the Department of Energy (''Department'' or ''DOE'') published a list of facilities covered under the Energy Employees Occupational Illness Compensation Act of 2000 (''Act''), Title 36 of Public Law 106–398. (66 FR 4003—4009). The Act establishes a program to provide compensation to individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities and at certain federally-owned facilities in which radioactive materials were used. This notice revises that previous list and provides additional information about the covered facilities. The original notice provides detailed background information about this matter.

FOR FURTHER INFORMATION CONTACT: Office of Worker Advocacy, 1–877–447–9756.

ADDRESSES: The Department welcomes comments on this list. Individuals who wish to suggest additional facilities for inclusion on the list, indicate why one or more facilities should be removed from the list, or provide other information may contact:

Office of Worker Advocacy (EH–8), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, email: worker_advocacy@eh.doe.gov, toll-free: 1–877–447–9756

SUPPLEMENTARY INFORMATION:

Purpose

The Energy Employees Occupational Illness Compensation Act of 2000 (''Act''), Title 36 of Public Law 106–398, establishes a program to provide compensation to individuals who developed illnesses as a result of their employment in nuclear weapons production-related activities and at certain federally-owned facilities in which radioactive materials were used. On December 7, 2000, the President issued Executive Order 13179 (''Order'') directing the Department of Energy (''Department'' or ''DOE'') to list covered facilities in the **Federal Register**, which the Department did on January 17, 2001. This notice revises the previous list and provides additional information about the covered facilities.

Section 2. c. vii of the Order instructs the Department to list three types of facilities defined in the Act:

(1) Atomic weapons employer facilities, as defined in section 3621 (4);

(2) Department of Energy facilities, as defined by section 3621 (12); and

(3) Beryllium vendors, as defined by section 3621 (6).

Compensation options and mechanisms are defined differently for each of these facility categories. The atomic weapons employer category includes facilities in which the primary work was not related to atomic weapons, and consequently these facilities are not commonly known as atomic weapons facilities. Their inclusion in this list is consistent with the Act, and is not intended as a classification for any other purpose.

The list at the end of this notice represents the Department's best efforts to date to compile a list of facilities in these three categories. This listing includes 320 facilities in 40 jurisdictions. It adds five facilities, removes one facility, and consolidates four sets of duplicates and changes one name. The facilities whose names no

longer appear on the list were removed because either the information that was used to justify the initial listing was found to be in error or corporate histories were found to be interwoven and the listings were actually duplicative. The Department is continuing its research efforts, and continued revisions to this list should be expected. The public is invited to comment on the list and to provide additional information.

In addition to continuing its research efforts, the Department is developing information dissemination mechanisms to make facility-specific data available to the public. Information about each listed facility, including the dates and type of work done there, is available by contacting the Office of Worker Advocacy. These descriptions are available in print form and also electronically (via the World Wide Web at http://www.eh.doe.gov/advocacy).

Introduction to the Covered Facility List

The list that follows covers the three categories of employers defined by the Act: atomic weapons employers (''AWE''), Department of Energy facilities (''DOE''), and beryllium vendors (''BE'').

Each of the categories has been defined in the original notice and include:

1. Atomic Weapons Employers

The lines between research, atomic weapons production, and non-weapons production are often difficult to draw. For the purposes of this notice, and as directed by the Act, only those facilities whose work involved radioactive material that was connected to the weapons production chain are included. This includes facilities that received radioactive material that had been used in the production of an atomic weapon, or the ''back end'' of the production cycle, such as waste handling or reprocessing operations. For the purposes of this listing, the Department considers commercial nuclear fuel fabricators to be covered facilities for those periods when they either supplied radioactive materials to the Department or received radioactive materials that had been used in the Department's production reactors.

Corporate information regarding many of the listed facilities is often not readily available. The Department welcomes comments or additional information regarding facilities that may have supported atomic weapons production that are not on this list, as well as information that clarifies the work done at facilities named below.

2. Department of Energy Facilities

The listing of Department of Energy facilities is only intended for the context of implementing this Act and does not create or imply any new Departmental obligations or ownership at any of the facilities named on this list.

3. Beryllium Vendors

Section 3621(6) of the Act defines beryllium vendor as the following:

''(A) Atomics International.

(B) Brush Wellman, Incorporated, and its predecessor, Brush Beryllium Company.

(C) General Atomics.

(D) General Electric Company.

(E) NGK Metals Corporation and its predecessors, Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America.

(F) Nuclear Materials and Equipment Corporation.

(G) StarMet Corporation, and its predecessor, Nuclear Metals, Incorporated.

(H) Wyman Gordan, Incorporated.

(I) Any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for purposes of this title under Section 3622.''

The list indicates private firms that processed, produced, or provided beryllium metal for the Department, as defined by the Act. This information is drawn from a variety of historical documents, to the extent that the Department has been able to identify and locate these records. Nevertheless, it is likely that much information remains to be identified. The Department welcomes comments or additional information about its beryllium vendors.

Jurisdiction and facility name	Location	Facility type	State
AL—Southern Research Institute	Birmingham	AWE	Alabama.
AL—Speedring, Inc	Culman	BE	Alabama.
AL—Tennessee Valley Authority	Muscle Shoals	AWE	Alabama.
AK—Amchitka Island Nuclear Explosion Site	Amchitka Island	DOE	Alaska.
AK—Project Chariot Site	Cape Thompson	DOE	Alaska.
CA—Arthur D. Little Co	San Francisco	AWE	California.
CA—California Research Corp	Richmond	AWE	California.
CA—Ceradyne, Inc	Santa Ana	BE	California.
CA—Dow Chemical Co	Walnut Creek	AWE	California.
CA—Electro Circuits, Inc	Pasadena	AWE	California.
CA—Energy Technology Engineering Center (Atomics International/Rocketdyne).	Santa Susana (Canoga Park).	BE DOE	California.
CA—General Atomics	La Jolla	AWE BE DOE	California.
CA—General Electric Vallecitos	Pleasanton	AWE DOE	California.
CA—Hunter Douglas Aluminum Corp	Riverside	AWE	California.
CA—Laboratory for Energy-Related Health Research	Davis	DOE	California.
CA—Laboratory of Biomedical and Environmental Sciences	Los Angeles	DOE	California.
CA—Laboratory of Radiobiology and Environmental Health	San Francisco	DOE	California.
CA—Lawrence Berkeley National Laboratory	Berkeley	DOE	California.
CA—Lawrence Livermore National Laboratory	Livermore	DOE	California.
CA—Sandia Laboratory, Salton Sea Base	Imperial County	DOE	California.
CA—Sandia National Laboratories—Livermore	Livermore	DOE	California.
CA—Stanford Linear Accelerator Center	Palo Alto	DOE	California.
CA—Stauffer Metals, Inc	Richmond	AWE	California.
CA—University of California	Berkeley	AWE DOE	California.
CO—Coors Porcelain	Golden	BE	Colorado.
CO—Project Rio Blanco Nuclear Explosion Site	Rifle	DOE	Colorado.
CO—Project Rulison Nuclear Explosion Site	Grand Valley	DOE	Colorado.
CO—Rocky Flats Plant	Golden	DOE	Colorado.

Jurisdiction and facility name	Location	Facility type	State
CO—Shattuck Chemical	Denver	AWE	Colorado.
CO—University of Denver Research Institute	Denver	AWE BE	Colorado.
CT—American Chain and Cable Co	Bridgeport	AWE	Connecticut.
CT—Anaconda Co	Waterbury	AWE	Connecticut.
CT—Bridgeport Brass Co, Havens Lab	Bridgeport	AWE	Connecticut.
CT—Combustion Engineering	Windsor	AWE DOE	Connecticut.
CT—Connecticut Aircraft Nuclear Engine Laboratory (CANEL)	Middletown	BE DOE	Connecticut.
CT—Dorr Corp	Stamford	AWE	Connecticut.
CT—Fenn Machinery Co	Hartford	AWE	Connecticut.
CT—New England Lime Co	Canaan	AWE	Connecticut.
CT—Seymour Specialty Wire	Seymour	AWE DOE	Connecticut.
CT—Sperry Products, Inc	Danbury	AWE	Connecticut.
CT—Torrington Co	Torrington	AWE	Connecticut.
DE—Allied Chemical and Dye Corp	North Claymont	AWE	Delaware.
DC—National Bureau of Standards, Van Ness Street	Washington	AWE	District of Columbia.
DC—Naval Research Laboratory	Washington	AWE DOE	District of Columbia.
FL—American Beryllium Co	Sarasota	BE	Florida.
FL—Armour Fertilizer Works	Bartow	AWE	Florida.
FL—Gardinier, Inc	Tampa	AWE	Florida.
FL—International Minerals and Chemical Corp	Mulberry	AWE	Florida.
FL—Pinellas Plant	Clearwater	DOE	Florida.
FL—University of Florida	Gainesville	AWE	Florida.
FL—Virginia-Carolina Chemical Corp	Nichols	AWE	Florida.
FL—W.R. Grace Co, Agricultural Chemical Div	Ridgewood	AWE	Florida.
ID—Argonne National Laboratory—West	Scoville	DOE	Idaho.
ID—Idaho National Engineering Laboratory	Scoville	DOE	Idaho.
IL—Allied Chemical Corp Plant	Metropolis	AWE	Illinois.
IL—American Machine and Metals, Inc	E. Moline	AWE	Illinois.
IL—Argonne National Laboratory—East	Argonne	DOE	Illinois.
IL—Armour Research Foundation	Chicago	AWE	Illinois.
IL—Blockson Chemical Co	Joliet	AWE	Illinois.
IL—C–B Tool Products Co	Chicago	AWE	Illinois.
IL—Crane Co	Chicago	AWE	Illinois.
IL—ERA Tool and Engineering Co	Chicago	AWE	Illinois.
IL—Fansteel Metallurgical Corp	North Chicago	BE	Illinois.
IL—Fermi National Accelerator Laboratory	Batavia	DOE	Illinois.
IL—Granite City Steel	Granite City	AWE DOE	Illinois.
IL—Great Lakes Carbon Corp	Chicago	AWE	Illinois.
IL—GSA 39th Street Warehouse	Chicago	AWE	Illinois.
IL—International Register	Chicago	AWE	Illinois.
IL—Kaiser Aluminum Corp	Dalton	AWE	Illinois.
IL—Lindsay Light and Chemical Co	W. Chicago	AWE	Illinois.
IL—Madison Site (Speculite)	Madison	AWE DOE	Illinois.
IL—Midwest Manufacturing Co	Galesburg	AWE	Illinois.
IL—Museum of Science and Industry	Chicago	AWE	Illinois.
IL—National Guard Armory	Chicago	AWE DOE	Illinois.
IL—Podbeliniac Corp	Chicago	AWE	Illinois.
IL—Precision Extrusion Co	Bensenville	AWE	Illinois.
IL—Quality Hardware and Machine Co	Chicago	AWE	Illinois.
IL—R. Krasburg and Sons Manufacturing Co	Chicago	AWE	Illinois.
IL—Sciaky Brothers, Inc	Chicago	AWE	Illinois.
IL—Swenson Evaporator Co	Harvey	AWE	Illinois.
IL—University of Chicago	Chicago	AWE DOE	Illinois.
IL—W.E. Pratt Manufacturing Co	Joliet	AWE	Illinois.
IL—Wyckoff Drawn Steel Co	Chicago	AWE	Illinois.
IN—American Bearing Corp	Indianapolis	AWE	Indiana.
IN—Dana Heavy Water Plant	Dana	DOE	Indiana.
IN—General Electric Plant	Shelbyville	AWE	Indiana.
IN—Joslyn Manufacturing and Supply Co	Ft. Wayne	AWE	Indiana.
IN—Purdue University	Lafayette	AWE	Indiana.
IN—Wash-Rite	Indianapolis	AWE	Indiana.
IA—Ames Laboratory	Ames	DOE	Iowa.
IA—Bendix Aviation (Pioneer Division)	Davenport	AWE	Iowa.
IA—Iowa Ordnance Plant	Burlington	DOE	Iowa.
IA—Titus Metals	Waterloo	AWE	Iowa.
KS—Spencer Chemical Co, Jayhawks Works	Pittsburg	AWE	Kansas.
KY—Paducah Gaseous Diffusion Plant	Paducah	DOE	Kentucky.
MD—Armco-Rustless Iron & Steel	Baltimore	AWE	Maryland.
MD—W.R. Grace and Company	Curtis Bay	AWE DOE	Maryland.
MA—American Potash & Chemical	West Hanover	AWE	Massachusetts.
MA—C.G. Sargent & Sons	Graniteville	AWE	Massachusetts.
MA—Chapman Valve	Indian Orchard	AWE DOE	Massachusetts.
MA—Edgerton Germeshausen & Grier, Inc	Boston	AWE	Massachusetts.
MA—Fenwal, Inc	Ashland	AWE	Massachusetts.

Jurisdiction and facility name	Location	Facility type	State
MA—Franklin Institute	Boston	BE	Massachusetts.
MA—Heald Machine Co	Worcester	AWE	Massachusetts.
MA—La Pointe Machine and Tool Co	Hudson	AWE	Massachusetts.
MA—Massachusetts Institute of Technology	Cambridge	AWE BE	Massachusetts.
MA—Metals and Controls Corp	Attleboro	AWE	Massachusetts.
MA—National Research Corp	Cambridge	AWE	Massachusetts.
MA—Norton Co	Worcester	AWE BE	Massachusetts.
MA—Nuclear Metals, Inc	Concord	AWE BE	Massachusetts.
MA—Reed Rolled Thread Co	Worcester	AWE	Massachusetts.
MA—Shpack Landfill	Norton	AWE DOE	Massachusetts.
MA—Ventron Corporation	Beverly	AWE DOE	Massachusetts.
MA—Watertown Arsenal	Watertown	AWE	Massachusetts.
MA—Winchester Engineering and Analytical Center	Winchester	DOE	Massachusetts.
MA—Woburn Landfill	Woburn	AWE	Massachusetts.
MA—Wyman Gordon Inc	Grayton, North Grafton	BE	Massachusetts.
MI—AC Spark Plug	Flint	AWE BE	Michigan.
MI—Baker-Perkins Co	Saginaw	AWE	Michigan.
MI—Bridgeport Brass Co	Adrian	AWE DOE	Michigan.
MI—Brush Beryllium Co	Detroit	AWE	Michigan.
MI—Carboloy Co	Detroit	AWE	Michigan.
MI—Extruded Metals Co	Grand Rapids	AWE	Michigan.
MI—Gerity-Michigan Corp	Adrian	BE	Michigan.
MI—Mitts & Merrel Co	Saginaw	AWE	Michigan.
MI—Oliver Corp	Battle Creek	AWE	Michigan.
MI—Revere Copper and Brass	Detroit	AWE BE	Michigan.
MI—Speedring Systems, Inc	Detroit	BE	Michigan.
MI—Star Cutter Corp	Farmington	AWE	Michigan.
MI—University of Michigan	Ann Arbor	AWE	Michigan.
MI—Wolverine Tube Division	Detroit	AWE BE	Michigan.
MN—Elk River Reactor	Elk River	DOE	Minnesota.
MS—Salmon Nuclear Explosion Site	Hattiesburg	DOE	Mississippi.
MO—Kansas City Plant	Kansas City	DOE	Missouri.
MO—Latty Avenue Properties	Hazelwood	AWE DOE	Missouri.
MO—Mallinckrodt Chemical Co, Destrehan St. Plant	St. Louis	AWE DOE	Missouri.
MO—Medart Co	St. Louis	AWE	Missouri.
MO—Roger Iron Co	Joplin	AWE	Missouri.
MO—Spencer Chemical Co	Kansas City	AWE	Missouri.
MO—St. Louis Airport Storage Site (SLAPS)	St. Louis	AWE DOE	Missouri.
MO—Tyson Valley Powder Farm	St. Louis	AWE	Missouri.
MO—United Nuclear Corp	Hematite	AWE	Missouri.
MO—Weldon Spring Plant	Weldon Spring	DOE	Missouri.
NE—Hallam Sodium Graphite Reactor	Hallam	DOE	Nebraska.
NV—Nevada Test Site	Mercury	DOE	Nevada.
NV—Project Faultless Nuclear Explosion Site	Central Nevada Test Site	DOE	Nevada.
NV—Project Shoal Nuclear Explosion Site	Fallon	DOE	Nevada.
NV—Yucca Mountain Site Characterization Project	Yucca Mountain	DOE	Nevada.
NJ—Aluminum Co of America (Alcoa)	Garwood	AWE	New Jersey.
NJ—American Peddinghaus Corp	Moonachle	AWE	New Jersey.
NJ—Baker and Williams Co	Newark	AWE	New Jersey.
NJ—Bell Telephone Laboratories	Murray Hill	AWE	New Jersey.
NJ—Bloomfield Tool Co	Bloomfield	AWE	New Jersey.
NJ—Bowen Laboratory	North Branch	AWE	New Jersey.
NJ—Callite Tungsten Co	Union City	AWE	New Jersey.
NJ—Chemical Construction Co	Linden	AWE	New Jersey.
NJ—Du Pont Deepwater Works	Deepwater	AWE DOE	New Jersey.
NJ—International Nickel Co, Bayonne Laboratories	Bayonne	AWE	New Jersey.
NJ—J.T. Baker Chemical Co	Phillipsburg	AWE	New Jersey.
NJ—Kellex/Pierpont	Jersey City	AWE DOE	New Jersey.
NJ—Maywood Chemical Works	Maywood	AWE DOE	New Jersey.
NJ—Middlesex Municipal Landfill	Middlesex	AWE DOE	New Jersey.
NJ—Middlesex Sampling Plant	Middlesex	DOE	New Jersey.
NJ—National Beryllia	Haskell	BE	New Jersey.
NJ—New Brunswick Laboratory	New Brunswick	DOE	New Jersey.
NJ—Picatinny Arsenal	Dover	AWE	New Jersey.
NJ—Princeton Plasma Physics Laboratory	Princeton	DOE	New Jersey.
NJ—Rare Earths/ W.R. Grace	Wayne	AWE DOE	New Jersey.
NJ—Standard Oil Development Co of NJ	Linden	AWE	New Jersey.
NJ—Tube Reducing Co	Wallington	AWE	New Jersey.
NJ—U.S. Pipe and Foundry	Burlington	BE	New Jersey.
NJ—United Lead Co	Middlesex	AWE	New Jersey.
NJ—Vitro Corp of America	West Orange	AWE	New Jersey.
NJ—Westinghouse Electric Corp	Bloomfield	AWE	New Jersey.
NJ—Wykoff Steel Co	Newark	AWE	New Jersey.
NM—Chupadera Mesa	Chupadera Mesa	DOE	New Mexico.

Jurisdiction and facility name	Location	Facility type	State
NM—Los Alamos Medical Center	Los Alamos	DOE	New Mexico.
NM—Los Alamos National Laboratory	Los Alamos	DOE	New Mexico.
NM—Lovelace Respiratory Research Institute	Albuquerque	DOE	New Mexico.
NM—Project Gasbuggy Nuclear Explosion Site	Farmington	DOE	New Mexico.
NM—Project Gnome Nuclear Explosion Site	Carlsbad	DOE	New Mexico.
NM—Sandia National Laboratories	Albuquerque	DOE	New Mexico.
NM—South Albuquerque Works	Albuquerque	DOE	New Mexico.
NM—Trinity Nuclear Explosion Site	White Sands Missile Range.	DOE	New Mexico.
NM—Waste Isolation Pilot Plant	Carlsbad	DOE	New Mexico.
NY—Allegheny-Ludlum Steel	Watervliet	AWE	New York.
NY—American Machine and Foundry	Brooklyn	AWE	New York.
NY—Ashland Oil	Tonawanda	AWE DOE	New York.
NY—Baker and Williams Warehouses	New York	AWE DOE	New York.
NY—Bethlehem Steel	Lackawana	AWE	New York.
NY—Bliss & Laughlin Steel	Buffalo	AWE DOE	New York.
NY—Brookhaven National Laboratory	Upton	DOE	New York.
NY—Burns & Roe, Inc	Maspeth	BE	New York.
NY—Colonie Site (National Lead)	Colonie (Albany)	AWE DOE	New York.
NY—Columbia University	New York City	AWE DOE	New York.
NY—Crucible Steel Co	Syracuse	AWE	New York.
NY—Electro Metallurgical	Niagara Falls	AWE	New York.
NY—General Astrometals	Yonkers	BE	New York.
NY—Hooker Electrochemical	Niagara Falls	AWE	New York.
NY—International Rare Metals Refinery, Inc	Mt. Kisco	AWE	New York.
NY—Ithaca Gun Co	Ithaca	AWE	New York.
NY—Lake Ontario Ordnance Works	Niagara Falls	DOE	New York.
NY—Ledoux and Co	New York	AWE	New York.
NY—Linde Air Products	Buffalo	AWE	New York.
NY—Linde Ceramics Plant	Tonawanda	AWE DOE	New York.
NY—New York University	New York	AWE	New York.
NY—Peek Street Facility [1]	Schenectady	DOE	New York.
NY—Radium Chemical Co	New York	AWE	New York.
NY—Rensselaer Polytechnic Institute	Troy	AWE	New York.
NY—Sacandaga Facility [1]	Glenville	DOE	New York.
NY—Seaway Industrial Park	Tonawanda	AWE DOE	New York.
NY—Seneca Army Depot	Romulus	AWE	New York.
NY—Separations Process Research Unit (at Knolls Lab.) [1]	Schenectady	DOE	New York
NY—Simonds Saw and Steel Co	Lockport	AWE	New York.
NY—Staten Island Warehouse	New York	AWE	New York.
NY—Sylvania Corning Nuclear Corp—Bayside Laboratories	Bayside	AWE BE	New York.
NY—Sylvania Corning Nuclear Corp—Hicksville Plant	Hicksville	AWE DOE	New York.
NY—Titanium Alloys Manufacturing	Niagara Falls	AWE	New York.
NY—Trudeau Foundation	Saranac Lake	BE	New York.
NY—University of Rochester Medical Laboratory	Rochester	AWE DOE	New York.
NY—Utica St. Warehouse	Buffalo	AWE	New York.
NY—West Valley Demonstration Project	West Valley	DOE	New York.
NY—Wolff-Alport Chemical Corp	Brooklyn	AWE	New York.
NC—Beryllium Metals and Chemical Corp	Bessemer City	BE	North Carolina.
NC—University of North Carolina	Chapel Hill	BE	North Carolina.
OH—Ajax Magnathermic Corp	Youngstown	AWE	Ohio.
OH—Alba Craft	Oxford	AWE DOE	Ohio.
OH—Associated Aircraft Tool and Manufacturing Co	Fairfield	AWE DOE	Ohio.
OH—B & T Metals	Columbus	AWE DOE	Ohio.
OH—Baker Brothers	Toledo	AWE DOE	Ohio.
OH—Battelle Laboratories—King Avenue	Columbus	AWE BE DOE	Ohio.
OH—Battelle Laboratories—West Jefferson	Columbus	AWE DOE	Ohio.
OH—Beryllium Production Plant (Brush)	Luckey	BE DOE	Ohio.
OH—Brush Beryllium Co	Cleveland	AWE BE	Ohio.
OH—Brush Beryllium Co	Lorain	BE	Ohio.
OH—Brush Beryllium Co	Elmore	BE	Ohio.
OH—Cincinnati Milling Machine Co	Cincinnati	AWE	Ohio.
OH—Clifton Products Co	Painesville	BE	Ohio.
OH—Copperweld Steel	Warren	AWE	Ohio.
OH—Du Pont-Grasselli Research Laboratory	Cleveland	AWE	Ohio.
OH—Extrusion Plant (Reactive Metals Inc.)	Ashtabula	DOE	Ohio.
OH—Feed Materials Production Center (FMPC)	Fernald	DOE	Ohio.
OH—General Electric Company	Cincinnati/Evendale	AWE BE DOE	Ohio.
OH—Gruen Watch	Norwood	AWE	Ohio.
OH—Harshaw Chemical Co	Cleveland	AWE	Ohio.
OH—Herring-Hall Marvin Safe Co	Hamilton	AWE DOE	Ohio.
OH—Horizons, Inc	Cleveland	AWE	Ohio.
OH—Kettering Laboratory, University of Cincinnati	Cincinnati	BE	Ohio.
OH—Magnus Brass Co	Cincinnati	AWE	Ohio.

Jurisdiction and facility name	Location	Facility type	State
OH—McKinney Tool and Manufacturing Co	Cleveland	AWE	Ohio.
OH—Mitchell Steel Co	Cincinnati	AWE	Ohio.
OH—Monsanto Chemical Co	Dayton	AWE	Ohio.
OH—Mound Plant	Miamisburg	DOE	Ohio.
OH—Painesville Site (Diamond Magnesium Co)	Painesville	AWE DOE	Ohio.
OH—Piqua Organic Moderated Reactor	Piqua	DOE	Ohio.
OH—Portsmouth Gaseous Diffusion Plant	Piketon	DOE	Ohio.
OH—R. W. Leblond Machine Tool Co	Cincinnati	AWE	Ohio.
OH—Tech-Art, Inc	Milford	AWE	Ohio.
OH—Tocco Induction Heating Div	Cleveland	AWE	Ohio.
OH—Vulcan Tool Co	Dayton	AWE	Ohio.
OK—Kerr-McGee	Guthrie	AWE	Oklahoma.
OR—Albany Research Center	Albany	AWE DOE	Oregon.
OR—Wah Chang	Albany	AWE	Oregon.
PA—Aeroprojects, Inc	West Chester	AWE BE	Pennsylvania.
PA—Aliquippa Forge	Aliquippa	AWE DOE	Pennsylvania.
PA—Aluminum Co of America (Alcoa)	New Kensington	AWE	Pennsylvania.
PA—Beryllium Corp of America	Hazleton	BE	Pennsylvania.
PA—Beryllium Corp of America	Reading	BE	Pennsylvania.
PA—Birdsboro Steel & Foundry	Birdsboro	AWE	Pennsylvania.
PA—C.H. Schnoor	Springdale	AWE DOE	Pennsylvania.
PA—Carnegie Institute of Technology	Pittsburgh	AWE	Pennsylvania.
PA—Carpenter Steel Co	Reading	AWE	Pennsylvania.
PA—Chambersburg Engineering Co	Chambersburg	AWE	Pennsylvania.
PA—Foote Mineral Co	East Whiteland Twp.	AWE	Pennsylvania.
PA—Frankford Arsenal	Philadelphia	AWE	Pennsylvania.
PA—Heppenstall Co	Pittsburgh	AWE	Pennsylvania.
PA—Jessop Steel Co	Washington	AWE	Pennsylvania.
PA—Koppers Co, Inc	Verona	AWE	Pennsylvania.
PA—Landis Machine Tool Co	Waynesboro	AWE	Pennsylvania.
PA—McDaniel Refractory Co	Beaver Falls	BE	Pennsylvania.
PA—Nuclear Materials and Equipment Corp. (NUMEC)	Apollo	AWE BE	Pennsylvania.
PA—Nuclear Materials and Equipment Corp. (NUMEC)	Parks Township	AWE	Pennsylvania.
PA—Penn Salt Co	Philadelphia/Wyndmoor	AWE	Pennsylvania.
PA—Philadelphia Naval Yard	Philadelphia	AWE	Pennsylvania.
PA—Shippingport Atomic Power Plant	Shippingport	DOE	Pennsylvania.
PA—Superior Steel Co	Carnegie	AWE	Pennsylvania.
PA—U.S. Steel Co, National Tube Division	McKeesport	AWE	Pennsylvania.
PA—Vitro Manufacturing	Canonsburg	AWE BE	Pennsylvania.
PA—Westinghouse Atomic Power Development Plant	East Pittsburgh	AWE	Pennsylvania.
PR—BONUS Reactor Plant	Punta Higuera	DOE	Puerto RiCo
PR—Puerto Rico Nuclear Center	Mayaguez	DOE	Puerto RiCo
RI—C.I. Hayes, Inc	Cranston	AWE	Rhode Island.
SC—Savannah River Site	Aiken	DOE	South Carolina.
TN—Clarksville Facility	Clarksville	DOE	Tennessee.
TN—Oak Ridge Gaseous Diffusion Plant (K–25)	Oak Ridge	DOE	Tennessee.
TN—Oak Ridge Hospital	Oak Ridge	DOE	Tennessee.
TN—Oak Ridge Institute for Science Education	Oak Ridge	DOE	Tennessee.
TN—Oak Ridge National Laboratory (X–10)	Oak Ridge	DOE	Tennessee.
TN—Vitro Corp. of America	Chattanooga	AWE BE	Tennessee.
TN—W. R. Grace	Erwin	AWE	Tennessee.
TN—Y–12 Plant	Oak Ridge	DOE	Tennessee.
TX—AMCOT	Fort Worth	AWE	Texas.
TX—Mathieson Chemcial Co	Pasadena	AWE	Texas.
TX—Medina Facility	San Antonio	DOE	Texas.
TX—Pantex Plant	Amarillo	DOE	Texas.
TX—Sutton, Steele and Steele Co	Dallas	AWE	Texas.
TX—Texas City Chemicals, Inc	Texas City	AWE	Texas.
VA—Babcock & Wilcox Co	Lynchburg	AWE	Virginia.
VA—Thomas Jefferson National Accelerator Facility	Newport News	DOE	Virginia.
VA—University of Virginia	Charlottesville	AWE	Virginia
WA—Hanford	Richland	DOE	Washington.
WA—Pacific Northwest National Laboratory	Richland	DOE	Washington.
WV—Huntington Pilot Plant	Huntington	AWE DOE	West Virginia.
WI—Allis-Chalmers Co	West Allis, Milwaukee	AWE	Wisconsin.
WI—Besley-Wells	South Beloit	AWE	Wisconsin.
WI—LaCrosse Boiling Water Reactor	LaCrosse	DOE	Wisconsin.
WI—Ladish Co	Cudahy	BE	Wisconsin.
MR—Pacific Proving Ground	Marshall Islands	DOE	Marshall Islands.

[1] Consistent with the Act, coverage is limited to activities not performed under the responsibility of the Naval Nuclear Propulsion program.
[2] Pacific Proving Ground includes Bikini Atoll, Enewetak Atoll, Johnston (nuclear weapons testing activities only), and Christmas Island (U.S. nuclear weapons testing activities only).

Issued in Washington, DC June 6, 2001

Paul J. Seligman,

Acting Director, Office of Worker Advocacy, Office of Environment, Safety and Health.

[FR Doc. 01–14583 Filed 6–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

National Energy Policy; Announcement of Public Meetings

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Notice of public meetings and request for comments.

SUMMARY: The recently-released National Energy Policy (NEP) recommended a review of current funding and historic performance of the Department of Energy's Office of Energy Efficiency and Renewable Energy programs. To facilitate this review, Department of Energy senior officials will receive public comments on the programs in seven regional meetings during the month of June. Comments should address: (1) The objectives of the current energy efficiency and renewable energy research, development, demonstration and deployment programs, (2) suggested potential objectives for future programs, (3) implementation of current and future programs, and (4) whether these Federal programs are achieving intended objectives.

DATES: Written comments will be accepted and must be submitted to the Department of Energy no later than 5:00 p.m. EDT, June 29, 2001. See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: Comments may be sent to: Ms. Bonny Overton, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE 3.1, 1000 Independence Avenue, SW., Washington, DC 20585, or e-mail to *EERENEP.comments@ee.doe.gov.* To accommodate as many individuals as possible, each speaker will be limited to five minutes. In the event that time does not permit all individuals who would like to comment, several other options are available to receive public input. Forms will be available at each location to provide hand-written comments. Written comments will be accepted and must be submitted to the Department of Energy no later than 5 p.m. EDT, June 29, 2001. Written comments should be no more than four single spaced pages, using 12 pitch font and 1 inch margins. All written comments will be included in the proceedings of the seven public meetings. The Department of Energy also invites their federal partners to submit written comments. Copies of the National Energy Plan can be found on the web at *www.energy.gov.* For further information about EERE programs, please visit *www.EREN.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy Jeffery, 202–586–9373.

SUPPLEMENTARY INFORMATION: The following public meetings will be held from 9 a.m. to 9 p.m. From 9 a.m.–10 a.m., the Department will receive comments from public officials only.

June 12—Atlanta, Georgia—Location: Main Auditorium (Lower Level), Richard B. Russell Federal Building and Courthouse, 75 Spring Street SW, Atlanta, GA 30303

June 12—Chicago, Illinois—Location: James Benton Parson Memorial Court Room Dirksen Federal Building, Room 2525, 219 South Dearborn Street, Chicago, Illinois 60604

June 19—Boston, Massachusetts—Location: John A. Volpe National Transportation Systems Center, 55 Broadway, Kendall Square, Cambridge, MA 02142–1093

June 19—Seattle, Washington—Location: Bell Harbor International Conference Center International Promenade room, Pier 66, 2211 Alaskan Way, Seattle, WA 98121–1604

June 21—Denver, Colorado—Location: Adam's Mark Hotel Denver, 1550 Court Place Denver, Colorado 80202

June 21—Philadelphia, Pennsylvania—Location: Myerson Auditorium, 210 South 34th Street, Philadelphia, PA 19104

June 26—Washington, D.C.—Location: Washington Hilton and Towers, 1919 Connecticut Avenue, Washington, DC

Office of Energy Efficiency and Renewable Energy—List of programs

Building Equipment and Materials

The mission of the Buildings Equipment and Materials Program is to advance affordable energy efficiency improvements in building equipment and materials through a targeted program of industry cost-shared research and regulatory options.

Commercial Buildings Integration

The mission of the Commercial Buildings Integration Program is to develop new whole-building technologies and building design and operation strategies that will reduce overall energy needs and improve the quality of building energy services, including voluntary consensus building energy codes and mandatory codes for Federal buildings.

Community Energy Program

The Community Energy Program provides technical assistance, demonstrations, training, and education to communities to accelerate the use of innovative and cost-effective energy technologies, strategies, and methods. The program helps communities, towns, and cities save energy, create jobs, promote economic growth, and protect the environment through improved energy efficiency and less energy intensive building design and operation.

Energy Star Program

Using the ENERGY STAR symbol as the primary tool, identify and promote high efficiency consumer products and buildings; in partnership with EPA, manufacturers, retailers, utilities, and builders.

Residential Buildings Integration

In partnership with homebuilders, industry, States, and communities, the Residential Buildings Integration Program improves the energy efficiency in new and existing homes through R&D, demonstrations, and regulatory strategies.

State Energy Program

The State Energy Program (SEP) mission is to support States' effective, flexible capacity to promote the use of energy efficiency and renewable energy strategies for meeting energy needs in both the near and long-term future.

Weatherization Assistance Program

The Weatherization Assistance Program works to maximize the number of low-income households receiving cost-effective, energy efficient improvements while ensuring the health and safety of people served.

DUET

The Departmental Energy Management Program is administered by the Federal Energy Management Program's (FEMP) Departmental Utility and Energy Team (DUET). DUET targets FEMP services at DOE facilities to improve energy and water efficiency, promote renewable energy use, and manage utility costs in DOE's facilities and operations.

FEMP

The Office of Federal Energy Management Programs (FEMP) reduces the cost and environmental impact of the Federal government by advancing energy efficiency and water conservation, promoting the use of renewable energy, and assisting federal facilities in managing utility costs and operations, including those of the Department of Energy.

Enabling Technologies

The Industries of the Future (Crosscutting) Initiative works with IOF industry partners and suppliers to conduct cost-shared R&D on technologies that have potential applications across the nine vision industries as well as provide the immediate tools and technical assistance industry needs to expedite the implementation of energy-efficient, clean manufacturing technologies.

Financial Assistance

The OIT Financial Assistance Program helps independent inventors, small businesses, and industry who may lack the funds and/or know-how to move promising energy-saving and energy production technologies from the research bench to the marketplace.

Industrial Technology Assistance

The Industries of the Future (Crosscutting) Initiative works with IOF industry partners and suppliers to conduct cost-shared R&D on technologies that have potential applications across the nine vision industries as well as provide the immediate tools and technical assistance industry needs to expedite the implementation of energy-efficient, clean manufacturing technologies.

Vision Industries

The Industries of the Future (IOF) program develops and delivers advanced technologies and best practices to improve the energy efficiency and environmental performance of America's most energy- and waste-intensive industries. To provide the best value and optimum use of public investments, the IOF program focuses on nine major U.S. industries that account for roughly 75 percent of industrial energy use and over 75 percent of manufacturing wastes (aluminum, agriculture, chemicals, forest products, glass, metal casting, mining, steel, and petroleum).

BioPower

In partnership with industry, the Biopower Program will assist the development and utilization of biopower technologies that are clean and reliable, and competitive with conventional power systems

Distributed Energy Resources

The Distributed Energy Resources (DER) Program leads a national effort to develop and integrate the ''next generation'' of clean, efficient, reliable, and affordable distributed energy technologies; document the energy, economic, and environmental benefits of the expanded use of distributed energy resources and widely disseminate the findings; and implement deployment strategies, including national and international standards, that address infrastructure, energy delivery, institutional, and regulatory needs.

Geothermal Energy

The Geothermal Technology Development Program works in partnership with U.S. industry to establish geothermal energy as an economically competitive contributor to the U.S. energy supply, capable of meeting a large portion of the Nation's heat and power needs.

High Temperature Superconductivity

The High Temperature Superconductivity (HTS) R&D program investigates the properties of crystalline materials that become free of electrical resistance at the temperature of liquid nitrogen. The lack of electrical resistance makes possible electrical power systems, super-efficient generators, transformers, and transmission cables, that reduce energy losses by half and allow equipment to be half the size of present electrical systems.

Hydrogen

The mission of the Hydrogen Program is to support the research, development and validation of hydrogen technologies in production, storage and utilization. These technologies will facilitate the use of renewable energy resources, improve electrical reliability using distributed fuel cell power systems, and reduce the Nation's dependence on imported fossil fuels in the electric power generation and transportation sectors.

Hydropower

The Hydropower Program improves the technical, economic, and environmental performance of the Nation's abundant, in-place hydropower resources through collaborative research and development with industry and other Federal agencies.

International Programs

Provide diplomatic support to catalyze markets, provide technical assistance, and support U.S. Native American Tribal community on a ''government to government'' basis.

Solar Technologies

The Office of Solar Energy Technologies sponsors research and development (R&D) that improves the performance and reliability while reducing the cost of solar technologies that can harness the sun's energy.

Wind Energy

The Program focuses on completing the research, testing, and field verification needed by U.S. industry to fully develop advanced wind energy technologies, and on coordinating with partners and stakeholders to overcome barriers to wind energy use.

Advanced Combustion Engine R&D

The Advanced Combustion Engine R& D program develops technologies that will significantly improve the fuel efficiency of conventional piston engines while cost-effectively meeting projected emissions regulations.

Biofuels

The Biofuels Program funds research, development, and demonstration of technology to enable and support the expansion of an indigenous, integrated biomass-based industry that will reduce reliance on imported fuels; promote rural economic development; and provide for productive utilization of agricultural residues and municipal solid wastes.

Electric Vehicles R&D

The Electric Vehicles R& D program develops and validates advanced electric vehicle battery technologies that will enable full-range electric vehicles and facilitate their commercial viability.

Fuel Cell R&D

The Fuel Cell R& D Program develops highly-efficient, low and zero emission, cost-competitive vehicle fuel cell power system technologies that operate on conventional and alternative fuels.

Fuels Utilization R&D

The Fuels Utilization R&D Program, along with partners in the energy and transportation industries, pursues R&D that will provide transportation vehicles with fuel options that are cost competitive, achieve high fuel economy, and deliver low emissions.

Heavy Vehicle Systems R&D

The Heavy Vehicle Systems R&D Program sets performance targets for components and subsystems in the context of the heavy vehicle as an integrated system, and validates achievements of vehicle-level OTT objectives.

Hybrid Systems R&D

The Hybrid Systems R&D program develops advanced propulsion and ancillary system components and tests and validates them in a vehicle context.

Materials Technologies

The Materials Technologies Program supports the development of the cost-effective materials and materials manufacturing processes necessary to successfully commercialize the next generation of fuel-efficient, low-emission transportation vehicles.

Transportation Technology Assistance

The Transportation Technology Assistance Program accelerates the adoption and use of alternative-fuel and advanced-technology vehicles to help meet national energy and environmental goals.

Issued in Washington, DC on June 5, 2001.

John Sullivan,

Acting Deputy Assistant Secretary, Office of Planning, Budget and Management, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 01–14584 Filed 6–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–25–000]

ANR Gas Pipeline Company; Notice of Service Agreement

June 5, 2001.

Take notice that on May 30, 2001, ANR Pipeline Company (ANR) filed a service agreement entered into between ANR and Allerton Gas Company (Allerton) under Rate Schedule FTS–1 (the Agreement).

ANR requests that the Commission find that the Agreement does not contain any material deviations from ANR's Form of Service Agreement, and that the Agreement need not be filed pursuant to section 154.112(b) of the Commission's regulations. Alternatively, ANR requests that if the Commission finds that theAgreement contains a material deviation from ANR's Form of Service Agreement, ANR requests that the Commission approve the Agreement and accept Tenth Revised Sheet No. 2, Fourth Revised Sheet No. 190 and Original Sheet No. 191 of ANR's Second Revised Volume No. 1 Tariff that reference the Agreement as a non-conforming agreement. ANR requests an effective date of June 1, 2001 for the Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–14557 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RT01–85–000, RT01–83–000, RT01–82–000, and RT01–92–000]

California Independent System Operator Corporation, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company; Notice of Filing

June 4, 2001.

Take notice that on June 1, 2001, the California Independent System Operator Corporation (ISO), Southern California Edison Company (SoCal Edison), and San Diego Gas & Electric Company (SDG&E), jointly, and Pacific Gas and Electric Company (PG&E), individually, tendered filings in compliance with the Commission's April 26, 2001 Order in Docket Nos. EL00–95–012, *et al. San Diego Gas & Electric Company, et al.,* 95 FERC ¶ 61,115 (2001), *reh'g pending.* The April 26 Order required the ISO, SoCal Edison, SDG&E, and PG&E to file a proposal for a regional transmission organization (RTO).

The ISO, SoCal Edison, SDG&E, and PG&E state that the filings have been served on all parties on the official service list maintained by the Secretary for above-captioned dockets.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 19, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Comments, 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. 01–14559 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–83–000]

CE Generation, L.L.C.; Notice of Filing

June 4, 2001.

Take notice that on May 25, 2001, CE Generation, L.L.C. tendered for filing a Petition for Enforcement Action and/or Declaratory Order and Motion to Consolidate.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 25, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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. 01–14560 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–350–000 and RP01–200–000]

Colorado Interstate Gas Company; Notice of Technical Conference

June 5, 2001.

In the Commission's order issued in Docket No. RP01–350–000 on April 25, 2001,[1] the Commission directed that a technical conference be held to address issues raised by the filing. At the initial technical conference in this proceeding held on May 22, 2001, it was determined that a second conference would be useful in addressing the issues in this proceeding. This conference will also address related issues concerning CIG's daily Scheduled Imbalance Penalty and interruptible Automatic Parking and Lending service (APAL), proposed in Docket No. RP01–200–000.[2]

Take notice that the technical conference will be held on Tuesday, June 12, 2001,[3] at 10 a.m., in a room to be designated, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested parties and Staff are permitted to attend.

David P. Boergers,

Secretary.

[FR Doc. 01–14558 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

[1] Colorado Interstate Gas Co., 95 FERC ¶61,099 (2001).

[2] Colorado Interstate Gas Co., 94 FERC ¶61,088 (2001).

[3] The notice of the May 22, 2001 conference stated that ''if a second technical conference meeting is required, that meeting will take place on June 5, 2001.'' The parties at the initial technical conference decided to change the date of the second conference from June 5 to June 12.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–008]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Negotiated Rate

June 5, 2001.

Take notice that on May 31, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, Second Revised Sheet No. 4G and Original Sheet No. 4J, to be effective June 1, 2001.

KMIGT states that the above-referenced tariff sheets reflect a new negotiated rate contract effective June 1, 2001. The tariff sheets are being filed pursuant to Fourth Revised Volume No. 1–A, Section 36 of KMIGT's FERC Gas Tariff, and the procedures prescribed by the Commission in its December 31, 1006 ''Order Accepting Tariff Filing Subject to Conditions'', in Docket No. RP97–81 (77 FERC ¶61,350) and the Commission's Letter Orders dated March 28, 1997 and November 30, 2000 in Docket Nos. RP97–81–001, and RP01–70–000, respectively.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protest, 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. 01–14553 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–377–001]

Northern Border Pipeline Company; Notice of Compliance Tariff Filing

June 5, 2001.

Take notice that on May 31, 2001 Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border's FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet Number 300H.02 and First Revised Sheet Number 300H.03 to become effective May 17, 2001.

Northern Border states that the purpose of this filing is to comply with the Commission's order dated May 16, 2001, 95 FERC ¶ 61, 207, wherein the Commission directed Northern Border to file tariff sheets to incorporate a five year cap on matching negotiated rate bids for ROFR capacity, state clearly how negotiated rate bids will be evaluated consistent with Commission policy, and specify in it's tariff that Northern Border will maintain separate and identifiable accounts for negotiated rate transactions as required by the Commission's Policy Statement.

Northern Border states that copies of this filing have been sent to all parties of record in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rule and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission's in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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/doobell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–14552 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–031]

Northern Natural Gas Company; Notice of Negotiated Rate

June 5, 2001.

Take notice that on May 31, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to become effective on June 1, 2001:

Nineteenth Revised Sheet No. 66
Tenth Revised Sheet No. 66A

Northern states that the above sheets are being filed to amend the negotiated rate transaction with WPS Energy Services, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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. 01–14554 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–290–009]

Viking Gas Transmission Company; Notice of Compliance Filing

June 5, 2001.

Take notice that on May 31, 2001, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to be effective July 1, 2001:

Twenty-Fifth Revised Sheet No. 6
Eighteenth Revised Sheet No. 6A
Ninth Revised Sheet No. 6B

Viking states that the purpose of this filing is to comply with the Offer of Settlement and Stipulation and Agreement (Settlement) filed by Viking on March 16, 1999 in the above-referenced docket and approved by the Commission by order issued May 12, 1999 by filing to place the Stage 3 Settlement Rates into effect in accordance with the terms and conditions of the Settlement.

Viking states that copies of this filing have been served on all parties designated on the official service list in this proceeding, on all Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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. 01–14551 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–94–000, et al.]

American Electric Power Service Corporation, et al.; Electric Rate and Corporate Regulation Filings

June 4, 2001.

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

1. American Electric Power Service Corporation

[Docket No. EC01–94–000]

Take notice that on May 29, 2001, American Electric Power Service Corporation, on behalf of West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company, filed with the Federal Energy Regulatory Commission an amendment to the application filed in this proceeding on April 27, 2001 pursuant to section 203 of the Federal Power Act requesting authorization to transfer operational control of certain jurisdictional transmission facilities to the Southwest Power Pool Regional Transmission Organization as proposed and described in the filing made by the Southwest Power Pool on October 13, 2000 in Docket No. RT01–34–000.

Copies of the amended filing have been served on the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Oklahoma Corporation Commission, the Public Utility Commission of Texas, and all parties on the service list compiled by the Secretary in this proceeding.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Midwest Energy, Inc.

[Docket No. EC01–106–000]

Take notice that on May 24, 2001, Midwest Energy, Inc. filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Midwest Energy, Inc. will transfer operational control of its jurisdictional transmission facilities to the Southwest

Power Pool (SPP) Regional Transmission Operator.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PG&E Dispersed Generating Company, LLC, Plains End, LLC

[Docket No. EC01–107–000]

Take notice that on May 24, 2001, PG&E Dispersed Generating Company, LLC and Plains End, LLC (Applicants) jointly filed with the Federal Energy Regulatory Commission an application pursuant to Section 203 of the Federal Power Act for authorization for an intra-corporate transfer of a wholesale power sales agreement. Applicants have requested privileged treatment for the power sales agreement.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Kansas City Power & Light Company and Southwest Power Pool

[Docket No. EC01–108–000]

Take notice that on May 25, 2001, Kansas City Power & Light Company (KCPL) filed with the Federal Energy Regulatory Commission pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby the Applicants will transfer operational control of its jurisdictional transmission facilities to the Southwest Power Pool Regional Transmission Operator.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. The Empire District Electric Company

[Docket No. EC01–109–000]

Take notice that on May 25, 2001, The Empire District Electric Company (Empire) filed with the Federal Energy Regulatory Commission pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby the Applicants will transfer operational control of its jurisdictional transmission facilities to the Southwest Power Pool Regional Transmission Operator.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Richmond County Power, LLC

[Docket No. ER01–1417–001]

Take notice that on May 29, 2001, Richmond County Power, LLC tendered for filing an amendment to the application for authorization to sell energy, capacity and ancillary services at market-based rates that it originally filed in the above-captioned docket on March 6, 2001.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER01–1512–001]

Take notice that on May 29, 2001, Idaho Power Company tendered for filing a revised long-term service agreement under its open access transmission tariff in the above-captioned proceeding.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. AIG Energy Trading Inc.

[Docket No. ER01–1635–001]

Take notice that on May 30, 2001, AIG Energy Trading Inc. (Seller) tendered for filing a compliance filing pursuant to the order of the Federal Energy Regulatory Commission (Commission) issued on May 24, 2001, in the above-captioned docket. The Commission's May 24 order accepted Seller's market-based rate filing, conditioned upon Seller, within 15 days of the order, changing the designation of its rate schedule to: Rate Schedule FERC No. 1. Seller's filing reflects this change.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. California Independent System Operator Corporation

[Docket No. ER01–1646–001]

Take notice that on May 29, 2001, the California Independent System Operator Corporation (ISO) tendered for filing an Interconnected Control Area Operating Agreement (ICAOA) between the ISO and Comision Federal de Electricidad, in compliance with the Commission's April 27, 2001 letter order in the above-referenced docket and with Order No. 614. The ISO states that it does not now propose any new substantive changes to the ICAOA.

The ISO states that this filing has been served upon all parties in the above-referenced docket.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. FPL Energy Maine Holdings, LLC & Boralex Industries Inc.

[Docket No. ER01–1854–001]

Take notice that on May 30, 2001, FPL Energy Maine Holdings, LLC and Boralex Industries Inc., jointly tendered for filing an amendment to their April 24, 2001 notice of succession, notice of change in status and application for market-based rate authority pursuant to Section 205 of the Federal Power Act. The sole purpose of the amendment is to request the Commission to grant such waivers of certain filing requirements and such blanket authorizations as the Commission has authorized in previous orders involving sellers of power from merchant plants at market-based rates.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Puget Sound Energy, Inc.

[Docket No. ER01–2149–000]

Take notice that on May 29, 2001, Puget Sound Energy (PSE) tendered for filing a Blanket Service Agreement for Retail Network Integration Transmission Service, a Retail Network Operating Agreement, and a proposed Schedule 4R for PSE's Open Access Transmission Tariff (OATT) to provide Energy Imbalance Service for certain Retail Customers. The retail customers that will take service under these agreements and under Schedule 4R were previously Schedule 48 and Special Contract customers. PSE requests an effective date of June 1, 2001 for the filings.

A copy of the filing was served upon all parties listed in the Certificate of Service.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. SOWEGA Power LLC

[Docket No. ER01–2150–000]

Take notice that on May 29, 2001, SOWEGA Power LLC (SOWEGA) tendered for filing an Electric Power Master Agreement between SOWEGA and Morgan Stanley Capital Group Inc. as a long-term service agreement under SOWEGA's market based sales tariff. The Electric Power Master Agreement is designated as SOWEGA Power LLC FERC Service Agreement No. 5 to SOWEGA's FERC Electric Tariff, Original Vol. 1.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Cold Springs Creek, LLC

[Docket No. ER01–2151–000]

Take notice that on May 29, 2001, Cold Springs Creek, LLC (Cold Springs), tendered for filing an application to shorten time for notice and comments, for waivers and blanket approvals under various regulations of the Commission, and for an order accepting its FERC Electric Rate Schedule No. 1. Cold Springs proposes that its Rate Schedule No. 1 become effective upon commencement of service of the Cold

Springs power plant (the Plant), a generation project currently being developed by Cold Springs in the State of Idaho.

The Plant will commence the sale of power on June 15, 2001, Cold Springs intends to sell energy and capacity from the Plant at market-based rates, and on such terms and conditions to be mutually agreed upon with the purchasing party. Copies of the filing were served on Northern Lights, Inc, Rural Electric Cooperative, and the Idaho Public Utilities Commission.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER01–2152–000]

Take notice that on May 29, 2001, Cinergy Services, Inc. tendered for filing a Facilities Construction Agreement by and between Cinergy Services, Inc. (Cinergy) and Cogentrix Lawrence County, LLC (Cogentrix), which is dated May 2, 2001.

The Facilities Construction Agreement between the parties provides for the construction and installation of the interconnection facilities and the additions, modifications and upgrades to the existing transmission facilities of PSI Energy, Inc. (APSI), a Cinergy utility operating company.

Cinergy states that it has served a copy of its filing upon the Indiana Utility Regulatory Commission and Cogentrix.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Central Vermont Public Service Corporation

[Docket No. ER01–2153–000]

Take notice that on May 29, 2001, Central Vermont Public Service Corporation (Central Vermont), tendered for filing an executed Service Agreement for Non-Firm Point-to-Point Transmission Service with Citizens Communications Company under Central Vermont's FERC Electric Tariff, First Revised Volume No. 7.

Copies of the filing were served upon the above-mentioned company and the Vermont Public Service Board.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Southwest Power Pool, Inc.

[Docket No. ER01–2154–000]

Take notice that on May 29, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing three executed service agreements for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, and Loss Compensation Service with Calpine Energy Services, L.P. (Transmission Customer). SPP seeks an effective date of May 17, 2001 for each of these service agreements.

A copy of this filing was served on the Transmission Customer.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Pennsylvania Electric Company

[Docket No. ER01–2155–000]

Take notice that on May 29, 2001, Pennsylvania Electric Company (doing business as GPU Energy) tendered for filing a letter agreement (Agreement) between GPU Energy and Allegheny Energy Supply Company LLC (Allegheny Energy). Under the Agreement, Allegheny Energy has agreed to the operational and financial responsibilities set forth in the GPU Energy Manuals in connection with Allegheny Energy becoming the Load Serving Entity for the Pennsylvania Boroughs of Berlin, Hooversville and Smethport.

Copies of the filing were served upon Allegheny Energy, PJM and regulators in the Commonwealth of Pennsylvania.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Company

[Docket No. ER01–2156–000]

Take notice that on May 29, 2001, New England Power Company (NEP) tendered for filing a notice of succession for Montaup Electric Company, FERC Electric Tariff, First Revised Volume No. 1 (Montaup Tariff No. 1) and certain service agreements under Montaup Tariff No. 1.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Arizona Public Service Company

[Docket No. ER01–2157–000]

Take notice that on May 29, 2001, Arizona Public Service Company (APS) tendered for filing umbrella Service Agreements to provide Short-Term Firm and Non-Firm Point-to-Point Transmission Service to Portland General Electric, and State of Nevada, Colorado River Commission under APS'' Open Access Transmission Tariff.

A copy of this filing has been served on Portland General Electric, State of Nevada, Colorado River Commission, Oregon Public Utility Commission, and the Arizona Corporation Commission.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Mid-Continent Area Power Pool

[Docket No. ER01–2158–000]

Take notice that on May 29, 2001, the Mid-Continent Area Power Pool, on behalf of its public utility members, tendered for filing service agreements under MAPP Schedule R with American Electric Power Corporation; Black Hills Power; FPL Energy Power Marketing, Inc.; Kansas City Power and Light; Northern States Power; NRG Power Marketing Inc.; Split Rock Energy; UtiliCorp United, Inc.; and Williams Energy Marketing & Trading Company.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Hermiston Generating Company, L.P.

[Docket No. ER01–2159–000]

Take notice that on May 29, 2001, Hermiston Generating Company, L.P. (Hermiston) tendered for filing, pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, an application for authorization to make sales of capacity, energy, and certain Ancillary Services at market-based rates; to reassign transmission capacity; and to resell firm transmission rights (FTRs). Hermiston owns an undivided 50 percent interest in an electric generating facility located in Hermiston, Oregon.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. West Penn Power Company (dba Allegheny Power)

[Docket No. ER01–2160–000]

Take notice that on May 30, 2001, West Penn Power Company, dba Allegheny Power, tendered for filing an Amendment to its Electric Service Agreement with the Borough of Chambersburg (Customer) under FERC Electric Tariff, First Revised Volume No. 1 to permit the Customer to make sales from its generation into the market, and also filed an Interconnection and Operating Agreement with the Customer as Service Agreement No. 353 under Allegheny Power's Open Access Transmission Tariff. An effective date of May 31, 2001 is 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 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. New England Power Pool

[Docket No. ER01–2161–000]

Take notice that on May 30, 2001, the New England Power Pool (NEPOOL) tendered for filing changes to Ancillary Service Schedule 2 (Reactive Supply and Voltage Control from Generation Sources Service) (Schedule 2) in the NEPOOL Open Access Transmission Tariff. These changes would amend Schedule 2 to include a capacity charge. This amendment to the Tariff is expected to increase rates approximately $12 million annually. The changes also include elimination of the Schedule 2 Implementation Rule previously filed with the Commission. NEPOOL states that the elimination of the Schedule 2 Rule will not increase rates. An August 1, 2001 effective date is requested.

NEPOOL states that copies of these materials were sent to the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. New York Independent System Operator, Inc.

[Docket No. ER01–2162–000]

Take notice that on May 30, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for filing proposed revisions to NYISO Agreement. The NYISO requests an effective date of one day after this filing (May 31, 2001).

Copies of this filing were served upon all to all parties that have executed Service Agreements under the NYISO's Open-Access Transmission Tariff or Services Tariff, to the New York State Public Service Commission, and to the electric utility regulatory agencies in New Jersey and Pennsylvania.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. American Electric Power Service Corporation

[Docket No. ER01–2163–000]

Take notice that on May 30, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing an unexecuted Interconnection and Operation Agreement between Indiana Michigan Power Company and DPL Energy, Inc. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of May 31, 2001.

A copy of the filing was served upon the Indiana Utility Regulatory Commission and Michigan Public Utilities Commission.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Southern Company Services, Inc.

[Docket No. ER01–2164–000]

Take notice that on May 30, 2001, Southern Company Services, Inc., as agent for Georgia Power Company (Georgia Power), tendered for filing the Interconnection Agreement between Georgia Power and Duke Energy Glynn, LLC (DENA Glynn) (the Agreement), as a service agreement under Southern Operating Companies' Open Access Transmission Tariff (FERC Electric Tariff, Fourth Revised Volume No. 5) and is designated as Service Agreement No. 378. The Agreement provides the general terms and conditions for the interconnection and parallel operation of DENA Glynn's electric generating facility located near Thalmann, Glynn County, Georgia. The Agreement terminates forty (40) years from the effective date unless terminated earlier by mutual written agreement.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. LSP Energy Limited Partnership

[Docket No. ER98–2259–002]

Take notice that on May 30, 2001, LSP Energy Limited Partnership, tendered for filing a notice of change in status, submission of updated market analysis, and election as to reporting of future changes in status.

The filing reflects the fact that subsidiaries of NRG Energy, Inc. currently own 100 percent of the applicant.

Comment date: June 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–14548 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–173–000, et al.]

CMS Operating Company, et al.; Electric Rate and Corporate Regulation Filings

June 1, 2001.

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

1. CMS Generation Operating Company

[Docket No. EG01–173–000]

Take notice that on May 25, 2001, CMS Generation Operating Company, 330 Town Center Drive, Suite 1000, Dearborn, Michigan 48126, filed with the Federal Energy Regulatory Commission (Commission), an amendment to its application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

CMS Generation Operating Company is a wholly-owned subsidiary of CMS Generation Co., a Michigan corporation, which is a wholly-owned indirect subsidiary of CMS Energy Corporation, also a Michigan corporation. CMS Generation Operating Company will operate, under an operations and maintenance agreement with the owner, a waste tire-burning electricity generating facility located in Sterling, Connecticut with a net electrical generating capacity of approximately 26 MW.

Comment date: June 22, 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. GridFlorida LLC, Florida Power & Light Co., Florida Power Corporation, Tampa Electric Co.

[Docket No. RT01–67–003]

Take notice that on May 29, 2001, Florida Power & Light Company, Florida Power Corporation, and Tampa Electric Company tendered for filing a Compliance Filing to the Commission's Order Granting Provisional RTO Status, GridFlorida LLC, 94 FERC ¶ 61,363 (2001). Take further notice that on May 15, 2001, these same parties filed a status report as required by the order.

Comment date: July 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Cleco Power LLC

[Docket Nos. ER01–1099–002 and ER01–2147–000]

Take notice that on May 29, 2001, Cleco Power LLC, tendered for filing a Notice of Cancellation pursuant to 18 CFR 35.15, effective May 29, 2001, canceling Cleco Utility Group Inc.'s (Cleco Utility) Market-Based Rates Tariff and all related service agreements and its Open Access Transmission Tariff (OATT) and all related service agreements. Cleco Power LLC is simultaneously filing essentially the same rate schedules in the name of Cleco Power LLC.

Effective December 31, 2000, Cleco Utility Group Inc. was converted from a corporate form to a limited liability company form. The conversion was effectuated through a merger with an entity formed solely for purposes of the conversion namely, Cleco Power LLC, with Cleco Power LLC as the surviving entity. Consequently, all rate schedules of Cleco Utility Group Inc. will be canceled and refiled in the name of Cleco Power LLC by June 25, 2001, pursuant to Order 614 and the Commission's order dated March 28, 2001, in the captioned proceedings.

At this time, only the Market-Based Rates Tariff and all related service agreements and the OATT and all related service agreements are being canceled and refiled. All other Cleco Utility rate schedules will be canceled and refiled by Cleco Power LLC before the June 25, 2001 deadline.

Take notice that the following Cleco Utility service agreements under its OATT are being canceled and are not being refiled as Cleco Power LLC rate schedules because the customer no longer takes service under these rate schedules:

T1 S3
T1 S8
T1 S37
1R1 S38 (expired)
1R1 S43

Notice of the proposed cancellations have been served upon all customers under Cleco Utility Group Inc.'s Market-Based Rates Tariff and OATT.

Take notice that on May 29, 2001, Cleco Power LLC filed Non-Firm and Short-Term Firm Point-to-Point Transmission Service Agreements under its OATT with Axia Energy, L.P. and Calpine Energy, L.P.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Walton Electric Membership Corporation

[Docket No. ER01–1400–001]

Take notice that on May 24, 2001, Walton Electric Membership Corporation tendered for filing its compliance filing as required by the Commission in Walton Electric Membership Corporation, 95 FERC ¶61,106 (2001).

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. FirstEnergy Operating Companies

[Docket No. ER01–1403–001]

Take notice that on May 29, 2001, The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company and The Toledo Edison Company (collectively, the FirstEnergy Operating Companies) tendered for filing their FERC Electric Tariff, First Revised Volume No. 2. The FirstEnergy Operating Companies state that this tariff, which supersedes their existing Market-Based Rate Power Sales Tariff for Wholesale Sales of Electric Capacity and Energy, incorporates provisions relating to the sale of Market Support Generation and contains all of the tariff and page designations contemplated by FERC Order No. 614.

The tariff was submitted in compliance with the Order Conditionally Accepting Filing Without Suspension or Hearing and Granting Waiver, which was issued in this proceeding on April 26, 2001.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Newington Energy, L.L.C.

[Docket No. ER01–1526–001]

Take notice that on May 24, 2001, Newington Energy, L.L.C. (Newington) tendered for filing an amendment to its application for approval of Rate Schedule FERC No. 1 for the wholesale sale of electric energy, capacity and ancillary services at market-based rates.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Pool

[Docket No. ER01–2140–000]

Take notice that on May 25, 2001, the New England Power Pool (NEPOOL) Participants Committee tendered for filing the Seventy-Fourth Agreement Amending the New England Power Pool Agreement (Seventy-Fourth Agreement) which proposes conforming changes to the Restated NEPOOL Agreement to reflect an accelerated process for appeals under the NEPOOL Review Board's Rules of Procedure and to somewhat relax standards for Review Board member ownership of Participant securities and relationships with market participants and their affiliates. A June 1, 2001 effective date has been requested.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL Participants and the New England state governors and regulatory commissions.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Riverside Canal Power Company

[Docket No. ER01–2141–000]

Take notice that on May 24, 2001, Riverside Canal Power Company (Riverside) tendered for filing amendments to Riverside's electric rate schedule No. 1 to reflect its pending affiliation with AES Corp. and its franchised public utility subsidiaries. Riverside requests waiver of any notice requirements to the extent required.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Potomac Power Resources, Inc.

[Docket No. ER01–2142–000]

Take notice that on May 25, 2001, Potomac Power Resources, Inc. (PPR) tendered for filing a service agreement establishing Pepco Energy Services, Inc. (PES) as a customer under PPR's Rate Schedule No. 1. PPR requests an effective date of January 1, 2001. PPR also commits to the payment of interest to PES calculated in accordance with Section 35.19 of the Commission's Rules and Regulations from the date of any payments made by PES to PPR pursuant to the Service Agreement prior to sixty days following the making of this filing,

such interest to be calculated from the dates of such payments through the sixtieth day following the making of this filing.

PPR states that a copy of the filing was served on PES.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Tucson Electric Power Company

[Docket No. ER01–2143–000]

Take notice that on May 25, 2001, Tucson Electric Power Company tendered for filing one (1) Umbrella Service Agreement (for short-term firm service) and one (1) Service Agreement (for non-firm service) pursuant to Part II of Tucson's Open Access Transmission Tariff, which was filed in Docket No. ER01–208–000.

The details of the service agreements are as follows:

1. Umbrella Agreement for Short-Term Firm Point-to-Point Transmission Service dated as of April 11, 2001 by and between Tucson Electric Power Company and Morgan Stanley Capital Group Inc.—FERC Electric Tariff Vol. No. 2, Service Agreement No. 161. No service has commenced at this time.

2. Form of Service Agreement for Non-Firm Point-to-Point Transmission Service dated as of April 11, 2001 by and between Tucson Electric Power Company and Morgan Stanley Capital Group Inc.—FERC Electric Tariff Vol. No. 2, Service Agreement No. 162. No service has commenced at this time.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Pool

[Docket No. ER01–2144–000]

Take notice that on May 25, 2001, the New England Power Pool (NEPOOL) Participants Committee, tendered for filing changes to Market Rule & Procedure 17 (Market Rule 17), entitled Market Monitoring, Reporting and Market Power Mitigation. Market Rule 17 has been revised to reflect the implementation of three-part bidding and Net Commitment Period Compensation (NCPC) in New England.

NEPOOL has requested a July 1, 2001 effective date for the proposed changes to Market Rule 17, simultaneous with the implementation of three-part bidding and NCPC.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL Participants and the New England state governors and regulatory commissions.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. The Dayton Power and Light Company

[Docket No. ER01–2145–000]

Take notice that on May 25, 2001, The Dayton Power and Light Company (Dayton) tendered for filing service agreements establishing Calpine Energy Services, LP, Axia Energy, LP, Exelon Generation Company, LLC as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon Calpine Energy Services, LP, Axia Energy, LP, Exelon Generation Company, LLC and the Public Utilities Commission of Ohio.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. American Electric Power Service Corporation

[Docket No. ER01–2146–000]

Take notice that on May 24, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing eight service agreements with Aquila Energy Marketing Corporation, City of Cleveland, DTE Energy Trading, Inc., El Paso Merchant Energy, LP, MEICO, Inc. and Vernon Utilities Department for transactions exceeding one year in length by the AEP Companies under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff). The Power Sales Tariff was accepted for filing effective October 10, 1997 and has been designated AEP Operating Companies' FERC Electric Tariff Original Volume No. 5 (Wholesale Tariff of the AEP Operating Companies) and FERC Electric Tariff Original Volume No. 8, Effective January 8, 1998 in Docket ER 98–542–000 (Market-Based Rate Power Sales Tariff of the CSW Operating Companies).

AEPSC respectfully requests waiver of notice to permit these service agreements to be made effective on or prior to May 1, 2001.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: June 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Commonwealth Edison Company

[Docket No. ER01–2148–000]

Take notice that on May 29, 2001, Commonwealth Edison Company (ComEd) tendered for filing an Interconnection Agreement with Calumet Energy Team LLC (Calumet). ComEd requests an effective date of May 30, 2001 and accordingly seeks waiver of the Commission's notice requirements.

Copies of the filing were served on Calumet and the Illinois Commerce Commission.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. PacifiCorp

[Docket Nos. ER01–1353–000, ER01–1354–000, and ER01–1355–000]

Take notice that on May 29, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations and the Commission Order dated April 26, 2001 under the above stated FERCDocket Nos. a report on the status of the negotiations required pursuant to the Commission's Order.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Dominion Retail, Inc.

[Docket No. ER01–360–001]

Take notice that on May 25, 2001, Dominion Retail, Inc. in compliance with the Federal Energy Regulatory Commission's (Commission) Letter Order in Docket No. ER01–360–000, (Dominion Retail) tendered for filing its market-based rate schedule with the designations as required by FERC Order No. 614.

Comment date: June 15, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Maine Public Service Company

[Docket No. ER95–851–004]

Take notice that on May 29, 2001, Maine Public Service Company (MPS) tendered for filing an updated market analysis as required by the Commission's May 31, 1995 order in Docket No. ER95–851–000 granting MPS market-based rate authority.

Comment date: June 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–14547 Filed 6–8–01; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM95–9–013]

Open Access Same-Time Information System (OASIS) and Standards of Conduct; Notice of Filing and Request for Comments

June 5, 2001.

Take notice that on May 29, 2001, the Market Interface Committee of the North American Electric Reliability Council (MIC) filed a request to modify the Commission's OASIS Business Practice Standards adopted in Order No. 638,[1] to add a new business practice standard dealing with accepted firm daily point-to-point transmission service that has not been confirmed and a related footnote to Table 4–2 on Reservation Timing Limits. The MIC requests that the Commission implement this proposal on a mandatory, experimental basis for six months beginning no later than June 30, 2001. The MIC further states that, within four months of the effective date, it will provide the Commission with an assessment of the experiment and whether it should be revised, discontinued, or made permanent.

We invite written comments on this filing generally and specifically invite comment on whether action on this proposal is needed by June 30, 2001, as requested by the MIC. Copies of the filing are on file with the Commission and are available for public inspection. The filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm.*

Comments must be filed on or before June 11, 2001 and may be filed on paper or electronically via the Internet. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM95–9–013.

Comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *www.ferc.fed.us* and click on ''Make An E-Filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202–208–0258 or by E-Mail to *efiling@ferc.fed.us*. Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington DC 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202–208–2222, or by E-mail to *RimsMaster@ferc.fed.us.*

David P. Boergers,

Secretary.

[FR Doc. 01–14549 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

[1] Open Access Same-Time Information System and Standards of Conduct, Order No. 638, FERC Stats. & Regs., Regulations Preambles 1996–2000 ¶ 31,092 (2000).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA) and Request for Preliminary Terms and Conditions

June 5, 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 Minor License.

b. *Project No.:* 11659–001.

c. *Applicant:* Gustavus Electric Company (GEC).

d. *Name of Project:* Falls Creek Hydroelectric Project.

e. *Location:* On Falls Creek (also knows as the Kahtaheena River), in southeastern Alaska near the town of Gustavus. The project would be located on lands currently located within the boundary of Glacier Bay National Park and administered by the National Park Service. The Glacier Bay National Park Boundary Adjustment Act of 1998 (Act) provides that if a license is issued for the project, the minimum amount of Glacier Bay National Park land necessary to construct and operate the hydroelectric project would be transferred, as part of a land exchange, to the State of Alaska. The Act also authorizes the submittal of a license application for this project to the Federal Energy Regulatory Commission.

f. *Applicant Contact:* Richard Levitt, Gustavus Electric Company, P.O. Box 102, Gustavus, Alaska 99826; (907) 697–2299.

g. *FERC Contact:* Bob Easton, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426; (202) 219–2782; Email: robert.easton@ferc.fed.us

h. GEC mailed a copy of the PDEA and draft application to interested parties on May 21, 2001. The Commission received a copy of the PDEA and draft application on May 30, 2001.

i. With this notice we are soliciting preliminary terms, conditions, and recommendations on the PDEA and draft license application. All comments on the PDEA and draft license application should be sent to the addresses above in items (f) and (g). All comments must include the project name and number, and bear the heading ''Preliminary Comments,'' ''Preliminary Recommendations,'' ''Preliminary Terms and Conditions,'' or ''Preliminary Prescriptions.'' Any party interested in

commenting must do so before August 3, 2001. 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.

j. With this notice, we are initiating consultation with the STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

k. Locations of the application: Copies of the application can be obtained from the applicant contact identified in item (f) above. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, DC 20426, or by calling (202) 208–0371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. (Call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–14550 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

June 5, 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.:* 11992–000.

c. *Date filed:* April 23, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Pomme De Terre Dam Project would be located on the Pomme De Terre River in Hickory County, Missouri. The project would be located on a federally-owned dam administered by the U.S. Corps of Engineers.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *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.

h. *FERC Contact:* Tom Papsidero, (202) 219–2715.

i. *Deadline for filing comments, protests, and motions to intervene:* 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. Motions to intervene, protests, and comments may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the project number (P–11992–000) on any comments or motions filed.

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.

j. *Description of Project:* The proposed project would use the existing Pomme De Terre Reservoir which has a surface area of 7,820 acres and a storage capacity of 230,000 acre-feet and include: (1) a proposed powerhouse with a total installed capacity of 4.2 megawatts; (2) a proposed 100-foot-long, 8-foot-diameter penstock; (3) a proposed 7-mile-long, 33 kv transmission line; and (4) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 11.2 GWh.

k. 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 g above.

l. 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.

m. 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.

n. 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.

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'', or ''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.

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 doe not file comments with 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. 01–14555 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

June 5, 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.:* 11973–000.

c. *Date filed:* April 18, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Crawford Dam Project would be located on Iron Creek in Delta County, Colorado. The project would be located on a federally-owned dam administered by the U.S. Bureau of Reclamation.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *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.

h. *FERC Contact:* Tom Papsidero, (202) 219–2715.

i. *Deadline for filing comments, protests, and motions to intervene:* 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. Motions to intervene, protests, and comments may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the project number (P–11973–000) on any comments or motions filed.

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.

j. *Description of Project:* The proposed project would use the existing Crawford Reservoir which has a surface area of 406 acres and a storage capacity of 14,395 acre-feet and include: (1) a proposed powerhouse with a total installed capacity of 1.3 megawatts; (2) a proposed 300-foot-long, 2.8-foot-diameter penstock; (3) a proposed 1-mile-long, 15 kv transmission line; and (4) appurtenant facilities. The project would operate a run-of-river mode and would have an average annual generation of 11.4 GWh.

k. 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 g above.

l. 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.

m. 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.

n. 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.

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'', or ''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.

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. 01–14556 Filed 6–8–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL ELECTION COMMISSION

[Notice 2001–7]

Filing Dates for the Florida Special Election in the 1st Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Florida has scheduled special elections to fill the U.S. House of Representatives seat in the First Congressional District held by Congressman Joe Scarborough. There are three possible special elections, but only two may be necessary.

- *Primary Election:* July 24, 2001.
- *Possible Runoff Election:* September 4, 2001. In the event that one candidate does not achieve more than 50% of the vote in his/her party's Special Primary Election, the top two vote-getters will participate in a Special Runoff Election.
- *General Election:* October 16, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory J. Scott, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

Special Primary Only

All principal campaign committees of candidates *only* participating in the Florida Special Primary shall file a consolidated 12-day Pre-Primary & Mid-Year Report on July 12, 2001. (See chart below for the closing date for the report.)

Special Primary and General Without Runoff

If only two elections are held, all principal campaign committees of candidates participating in the Florida Special Primary and Special General Elections shall file a consolidated 12-day Pre-Primary & Mid-Year Report on July 12, 2001; a Pre-General Report on October 4, 2001; and a Post-General Report on November 15, 2001. (See chart below for the closing date for each report.)

Special Primary and Runoff Elections

All principal campaign committees of candidates *only* participating in the Florida Special Primary and Special Runoff Elections shall file a consolidated 12-day Pre-Primary & Mid-Year Report on July 12, 2001; and a Pre-Runoff Report on August 23, 2001. (See chart below for the closing date for each report.)

Special Primary, Runoff and General Elections

All principal campaign committees of candidates participating in the Florida Special Primary, Special Runoff and Special General Elections shall file a consolidated 12-day Pre-Primary & Mid-Year Report on July 12, 2001; a Pre-Runoff Report on August 23, 2001; a Pre-General Report on October 4, 2001; and a Post-General Report on November 15, 2001. (See chart below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees that file on a semiannual basis during 2001 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Florida Special Primary, Runoff or General Elections by the close of books for the applicable report(s). Consult the chart below that corresponds to the committee's situation for close of books and filing date information.

Committees filing monthly that support candidates in the Florida Special Primary, Special Runoff or Special General Elections should continue to file according to the non-election year monthly reporting schedule.

CALENDAR OF REPORTING DATES FOR FLORIDA SPECIAL ELECTIONS

Report	Close of books [1]	Reg./cert. mailing date [2]	Filing date
Committees Involved in Only the Special Primary (07/24/01) Must File			
Pre-Primary & Mid-Year [3]	07/04/01	07/09/01	07/12/01
Year-End	12/31/01	01/31/02	01/31/02
If Only Two Elections Are Held, Committees Involved in the Special Primary (07/24/01) and the Special General (10/16/01) Must File			
Pre-Primary & Mid-Year [3]	07/04/01	07/09/01	07/12/01
Pre-General	09/26/01	10/01/01	10/04/01
Post-General	11/05/01	11/15/01	11/15/01
Year-End	12/31/01	01/31/02	01/31/02

CALENDAR OF REPORTING DATES FOR FLORIDA SPECIAL ELECTIONS—Continued

Report	Close of books [1]	Reg./cert. mailing date [2]	Filing date
If Three Elections are Held, Committees Involved In Only The Special Primary (07/24/01) and Special Runoff (09/04/01) Must File			
Pre-Primary & Mid-Year [3]	07/04/01	07/09/01	07/12/01
Pre-Runoff	08/15/01	08/20/01	08/23/01
Year-End	12/31/01	01/31/02	01/31/02
Committees Involved in the Special Primary (07/24/01), Special Runoff (09/04/01) and the Special General (10/16/01) Must File			
Pre-Primary & Mid-Year [3]	07/04/01	07/09/01	07/12/01
Pre-Runoff	08/15/01	08/20/01	08/23/01
Pre-General	09/26/01	10/01/01	10/04/01
Post-General	11/05/01	11/15/01	11/15/01
Year-End	12/31/01	01/31/02	01/31/02
Committees Involved in Only the Special Runoff (09/04/01) Must File			
Pre-Runoff	08/15/01	08/20/01	08/23/01
Year-End	12/31/01	01/31/02	01/31/02
Committees Involved in Only the Special General (10/16/01) Must File			
Pre-General	09/26/01	10/01/01	10/04/01
Post-General	11/05/01	11/15/01	11/15/01
Year-End	12/31/01	01/31/02	01/31/02

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.
[2] Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.
[3] Committees should file a consolidated Pre-Primary & Mid-Year Report by the filing date of the Pre-Primary Report.

Dated: June 5, 2001.

Karl J. Sandstrom,

Commissioner, Federal Election Commission.

[FR Doc. 01–14528 Filed 6–8–01; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Crisis Counseling Assistance and Training

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: FEMA gives notice that the extension period for the New Mexico regular Crisis counseling program for disaster survivors of the Cerro Grande Fires is extended from 90 days to 180 days. The severity of emotional trauma resulting from the fires warrants an extension of six months.

EFFECTIVE DATE: September 15, 2001.

FOR FURTHER INFORMATION CONTACT: Ron Goins, Human Services Division, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3997.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) is charged with coordinating Federal disaster assistance under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Act) when the President has declared a major disaster. FEMA provided funding for a regular crisis counseling program to help those suffering the trauma resulting from the Cerro Grande Fires.

FEMA received a request from the State of New Mexico to extend the otherwise applicable time limitations authorized by Section 416 of the Act, so that the State can provide additional mental health services that are critically needed for citizens during the recovery operation and to complete the necessary reporting requirements to finalize the program. The extent of the emotional impact is of such magnitude that continuation of disaster mental health counseling beyond the normal crisis counseling time period is necessary.

The Director, Center for Mental Health Services (CMHS), as the delegate to FEMA for the Secretary, Department of Health and Human Services, helps FEMA implement crisis counseling training and assistance. FEMA believes there was a well-established need for continuation of the regular crisis counseling program beyond a 90-day extension. Based upon the sound CMHS recommendation, FEMA has approved a 180-day extension to the time period for the New Mexico regular crisis counseling program.

(Catalog of Federal Domestic Assistance N. 83.516, Disaster Assistance)

Dated: June 4, 2001.

Lacy E. Suiter,

Executive Associate Director.

[FR Doc. 01–14573 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1368–DR]

Illinois; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–1368–DR), dated May 9, 2001, and related determinations.

EFFECTIVE DATE: May 31, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the

State of Illinois is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 9, 2001:

Adams, Calhoun, Mercer, and Pike Counties for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–14640 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1368–DR]

Illinois; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–1368–DR), dated May 9, 2001, and related determinations.

EFFECTIVE DATE: May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 29, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–14641 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1367–DR]

Iowa; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Iowa (FEMA–1367–DR), dated May 2, 2001, and related determinations.

EFFECTIVE DATE: May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 29, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–14639 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1369–DR]

Wisconsin; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wisconsin, (FEMA–1369-DR), dated May 11, 2001, and related determinations.

EFFECTIVE DATE: May 30, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Wisconsin is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 2001:

Washburn County for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–14642 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1369–DR]

Wisconsin; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Wisconsin (FEMA–1369–DR), dated May 11, 2001, and related determinations.

EFFECTIVE DATE: May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective May 29, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–14643 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–02–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 July 6, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. SunTrust Banks, Inc., Atlanta, Georgia; to acquire at least 50.1 percent of the voting shares of, and thereby merge with Wachovia Corporation, Winston-Salem, North Carolina, and thereby indirectly acquire voting shares of Wachovia Bank, N.A., Winston-Salem, North Carolina; The First National Bank of Atlanta (d/b/a) Wachovia Bank Card Services, N.A., New Castle, Delaware; and Republic Security Bank, West Palm Beach, Florida.

In connection with this application, Applicant also has applied to acquire Atlantic Savings Bank, FSB, Hilton Head, South Carolina, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. American Bank Holdings, LLC, Cedar Falls, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of American Bancorporation, Cedar Falls, Iowa, and thereby indirectly acquire voting shares of Cedar Valley Holding Company, Cedar Falls, Iowa (formerly The Newburg Corporation, Saint Ansgar, Iowa), and Cedar Valley State Bank, Saint Ansgar, Iowa.

Board of Governors of the Federal Reserve System, June 5, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–14545 Filed 6–8–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center; Statement of Organization, Functions and Delegations of Authority

Part P (Program Support Center) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (60 FR 51480, October 2, 1995 as last amended at 65 FR 58999, October 3, 2000) is being amended to establish the *Information Resources Management Service (IRMS)* within the Program Support Center (PSC). The IRMS will be headed by a Director who will report to the Director, Program Support Center.

The changes are as follows:

Program Support Center

Under Part P, Section P–10, Organization, add the following line: *5. Information Resources Management Service.*

Under Section P–20, Functions, change the following:

Under Chapter PB, Human Resources Service (PB) delete the title and functional statement for the Office of Systems Management (PBU) in its entirety. The staff and functions of this office will be realigned within the Information Resources Management Service, Systems Integrity and Quality Assurance Division (PHE). Delete the title and functional statement for the Office of Enterprise Human Resource and Payroll Systems (PBV) in its entirety. The staff and functions of this Office will be realigned within the Information Resources Management Service, Enterprise Applications Division (PHC).

Under Chapter PC, Financial Management Service, delete the title and functional statement for the Division of Information Systems and Technology (PCF) in its entirety. The staff and functions of this Division will be realigned within the Information Resources Management Service, Enterprise Applications Division (PHC).

Add Chapter PH to establish the ''*Information Resources Management Service (PH)*'' and enter the functional statement as follows:

Information Resources Management Service (PH)

(1) Serves as the focal point within the PSC for planning, organizing, coordinating, implementing and managing the activities required to maintain an agencywide information technology (IT) program in compliance with the Clinger-Cohen Act (CCA), Paperwork Reduction Act, HHS CIO guidance, and other related Federal guidance and best practices; (2) manages and directs the operation of the PSC's IT infrastructure, data communication networks, and enterprise infrastructure while executing production operations at the PSC and departmental levels; (3) institutes business process improvements that reduce cost and risk while enhancing benefits; (4) develops and coordinates technology program initiatives, ensuring secure interoperability among systems and reducing system redundancy; (5) provides systems integrity functions including such things as testing, quality assurance, security, risk assessment, and critical infrastructure; (6) uses emerging information technology to improve the productivity, effectiveness, and efficiency of PSC programs; (7) provides customer liaison services to resolve issues and improve customer service; and (8) monitors and evaluates the performance of information resource investments through a capital planning

and investment control process including budget and acquisition management.

Establish the *Office of the Director (PHA)* and enter the functional statement as follows:

Office of the Director (PHA)

(1) Provides leadership and overall management for information technology resources for which PSC has responsibility; (2) directs the development, implementation, and enforcement of the PSC's information technology architecture, policies, standards, and acquisitions in all areas of information technology; (3) oversees PSC's information systems security program; and (4) manages and directs the PSC's IT business technology functions including business planning, development, budgeting and fiscal planning for IRMS, establishing service level agreements, assessing customer satisfaction, assuring compliance with the Government Performance Results Act (GPRA) and overseeing capital planning and investment control (CPIC) for IT initiatives, monitoring awareness of emerging business technologies and implementing new financial systems initiatives.

Establish the *Computer and Network Services Division (PHB)* and enter the functional statement as follows:

Computer and Network Services Division (PHB)

(1) Designs, obtains, installs, and maintains all Local Area Network (LAN) capabilities within the PSC for application and office automation support; (2) provides all electronic mail and third party software support; (3) designs, obtains, installs, and maintains all communication and Wide Area Network (WAN) connectivity capabilities within the PSC; (4) establishes and maintains a help desk for desktop support; (5) provides all system administration functions; (6) schedules, operates, and maintains all production processes for PSC applications; (7) provides customer liaison services to resolve issues and improve customer service; (8) designs, obtains, installs, and maintains computer and network systems including hardware, software, and data communications required to support human resource, financial management, and administrative automated systems including office automation; (9) provides automated data processing management services for computer systems located in operational regional and local offices; and (10) supports the implementation of the PSC's information system security program, including documenting and reporting security breaches.

Establish the *Enterprise Applications Division (PHC)* and enter the functional statement as follows:

Enterprise Applications Division (PHC)

(1) Provides the full range of automated data processing support activities associated with the development and maintenance of information technology systems; (2) analyzes, designs, and implements system changes, enhancements, and new requirements; (3) provides customer liaison services to resolve issues and improve customer service; (4) administers PSC data resources including database administration; (5) provides and implements data mining activities that assist in technology or workforce decisionmaking as well as application and regulatory reporting; (6) develops detailed system and/or subsystem specifications, program specifications, program modules, files, databases, libraries, and documentation necessary to support system maintenance and development activities; (7) participates in the development of unit test criteria and test methodology necessary to conduct system/subsystem and program-level tests needed to ensure the integrity of information technology sytems; (8) implements enterprise resource planning (ERP) systems including, but not limited to, using commercial-off-the-shelf (COTS) packages; (9) develops and implements emerging technology projects which cross cut service business lines; (10) designs, develops, and maintains PSC Web applications and pages; and (11) supports the implementation of the PSC's information system security program, including documenting and reporting security breaches.

Establish the *Systems Integrity and Quality Assurance Division (PHE)* and enter the functional statement as follows:

Systems Integrity and Quality Assurance Division (PHE)

(1) Functions as the information technology liaison for audits executed within the PSC; (2) assists program managers in preparing/revising certification packages to acquire or retain approval to operate, *i.e.,* certification and accreditation, through the PSC System Accreditation Board; (3) provides customer liaison services to resolve issues and improve customer service; (4) provides contingency planning and continuity of operations support for PSC systems, (5) oversees the implementation of configuration management services including automated systems designed to reduce errors and support parallel and concurrent development; (6) oversees software acceptance testing, quality assurance, Independent Verification and Validation (IV&V), and quality control functions for all new and legacy systems/subsystems including major enhancements and systems changes for PSC applications and infrastructure; (7) ensures the integrity of production environments; and (8) supports the implementation of PSC's information system security program, including documenting and reporting security breaches.

Delegations of Authority: All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

Dated: June 5, 2001.

Curtis L. Coy,

Director, Program Support Center.

[FR Doc. 01–14591 Filed 6–8–01; 8:45 am]

BILLING CODE 4168–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01127]

Population-Based Models To Establish Surveillance for Asthma Incidence in Defined Geographic Areas; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for ''Surveillance for Asthma Incidence: Developing Population-based Models.'' This program addresses the ''Healthy People 2010'' focus areas of Maternal, Infant, and Child Health, and Respiratory Diseases.

The purpose of the program is to assist in the definition of population-based models from which sites for the surveillance of incident cases of asthma can be established. It is anticipated that such models could form a reporting network in the future. Asthma Incidence Surveillance sites will be population-based centers designed to assess the public health impact of asthma, to determine the incidence of asthma and to identify population-based risk factors associated with the onset of asthma.

The objectives of this project are, for the population or in a defined population that is essentially representative of the general population of a geographic area, to:

1. Define the population-base from which new (incident) cases of asthma can be identified.
2. Define the network of providers that serves the population-base and determine health care utilization practices.
3. Define the prevalence of asthma.
4. Provide estimates of the incidence of asthma.
5. Estimate the costs for a surveillance system for incident cases.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations, such as managed care organizations, and by governments and their agencies; that is, universities, colleges, hospitals, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

To be an eligible applicant, you must provide the following:

1. Define a population base of between 400,000 to 1,000,000 persons in the county, city, metropolitan area, or tribal jurisdiction. You must provide evidence of the population size in the geographic area based on the most recent census estimates.
2. If there are competing health care provider networks serving the population who are not within your partnership, you must document that the estimated proportion of the population served by your network is within the required population range. You must also document the process used to derive this estimate.
3. If the applicant is other than a State, city, county or territorial health departments, you must include a letter from the State Health Department indicating the degree of support and collaboration of that State Health Department in this project.

This documentation should be placed after the face page of the application. An application that does not provide the above information will be determined non-responsive and returned without review.

C. Availability of Funds

Approximately $400,000 is available in FY 2001 to fund up to two awards. It is expected that the average award will be $200,000, ranging from $150,000 to $225,000. It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12 month budget period within a project period of up to two years. Funding estimates may change. Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Depending on the availability of funds, a new competitive announcement, limited to recipients of this award, will follow to implement the incidence surveillance activities. It is expected that the number of recipients awarded funds in the next phase will be based on the progress of the recipients during this award as evidenced by required reports and site visits, the estimated budget needs for the surveillance activities, and the availability of projected funds for these projects.

Funding Preference

Preference may be given to proposals that represent geographic distribution among the approved projects.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Develop a working case definition for asthma for the purposes of this project.

b. Develop and implement a protocol to test the reliability and reproducibility of the asthma case definition, including, as necessary, in the second year of the project, contact with persons who have newly diagnosed asthma to conduct field testing of questionnaires and specimen collection.

c. Prepare a plan that allows for the collection of numerator and denominator data to calculate the appropriate rates. Specifically they should:

1. Define and enumerate their population base.
2. Demonstrate the ability to identify cases of asthma, including incident (new) cases and deaths from asthma, in their defined geographic area.
3. Demonstrate the ability to obtain relevant demographic and risk factor information.
4. Demonstrate that duplicate entries can be identified and eliminated from the database.
5. Define the period prevalence of asthma in their population, and estimate the incidence of asthma for that period.
6. Use the estimates of incidence and prevalence for sample size projections and cost considerations for the asthma incidence surveillance system.

d. In conjunction with (c) above, the program should define its network of health care providers and patterns of health care utilization within its defined geographic area. Specifically the program should demonstrate:

1. That this network serves the defined population base.
2. That persons with asthma utilize primary and specialty medical care and hospitalization services within the network.
3. That the appropriate diagnostic facilities and expertise for the evaluation of persons with asthma exists within the network.
4. That a high proportion of persons with asthma who come to medical attention will be ascertained.
5. That new individual cases of asthma will be ascertained based on the case definition.

e. The program should demonstrate that the proposed surveillance system will incorporate both public and private health care providers.

2. CDC Activities

a. Provide technical assistance as appropriate in all project areas.

b. Participate, as appropriate, in the analysis and interpretation of data, participate in the comparison of data across sites and participate in the dissemination of information.

c. Assist in the development of a research protocol for Institutional Review Board review by all cooperating institutions participating in the research project.

The CDC IRB will review and approve the project protocols initially and on at least an annual basis until the research project is completed.

E. Application Content

Letter of Intent (LOI)

A one-page non-binding letter of intent (LOI) is requested to enable CDC to determine the level of interest in this announcement and to assist in determining the size and composition of the independent review panel. The LOI should provide a brief description of the proposed project and identify the principle investigator, the name and addresses of organizations actively involved in the proposed project, and the address and telephone number for key contacts.

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your

application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than twenty double-spaced pages, printed on one side, with one-inch margins, and unreduced font and should consist of, at a minimum, a plan, objectives, methods, evaluation and budget. The application must be submitted unstapled and unbound.

F. Submission and Deadline

Letter of Intent (LOI)

Submit the LOI on or before July 10, 2001, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before August 9, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement. Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (10 points)

a. The extent to which applicant demonstrates a clear understanding of the subject area, particularly as it relates to the local situation.

b. The extent to which applicant's discussion of the background for the proposed project demonstrates a clear understanding of the purpose and objectives of this cooperative agreement program.

c. The extent to which applicant illustrates and justifies the need for the proposed project that is consistent with the purpose and objectives of this cooperative agreement program.

d. The extent to which applicant demonstrates past experience in conducting activities similar to those proposed and that the new activities will complement current ones.

2. Operational plan (40 points)

a. The extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities for the project.

b. The extent to which applicant identifies key personnel with appropriate experience and adequate facilities for the project.

c. The extent to which applicant clearly identifies specific assigned responsibilities for all key professional personnel.

d. The extent to which the applicant enlists the participation of local health departments, academic institutions, and other public and private organizations with an interest in addressing public health issues relating to asthma. Specifically, the extent to which the applicant demonstrates active involvement by and collaboration with State, County, Local, City or Territorial Health departments.

e. The extent to which the applicant can provide evidence that this activity can be accomplished.

f. The extent to which applicant includes letters of support from proposed collaborators indicating essential collaborating organizations or individuals and their willingness to participate as proposed.

g. Since the proposed project may involve human subjects in research, describe the procedures for the protection of human subjects. Applications should meet the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

1. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is adequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

3. Objectives (15 points)

The extent to which the plan is adequate to accomplish the stated objectives.

4. Methods (15 points)

a. The extent to which the plan clearly describes applicant's technical approach and methods for conducting the proposed studies.

b. The extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives.

5. Evaluation (20 points)

a. The extent to which applicant provides an effective, comprehensive and appropriate evaluation plan to monitor and evaluate the scientific and operational accomplishments of the project.

b. The extent to which the applicant outlines measures to document progress in implementing the operational plan. The extent to which the applicant outlines a realistic time-line for the implementation of recipient activities.

6. Budget (Not scored)

The extent to which a 12-month budget is clearly detailed, justified, and appropriate for activities proposed.

7. Human Subjects (Not scored)

The extent to which the application adequately addresses the requirements of Title 45 CFR part 46 for the protection of human subjects. An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Semi-annual progress reports;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, seeAttachment I of the announcement.

AR–1 Human Subjects Requirements

AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 of the Public Health Service Act, [42 U.S.C. section 241], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the ProgramAnnouncement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from:Sonia Rowell, Grants Management Specialist,Grants Management Branch,Procurement and Grants Office,Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000,Atlanta, GA 30341–4146,Telephone number: (770) 488–2724,Email address: *svp1@cdc.gov*

For program technical assistance, contact:Dr. Clive M. Brown,Medical Epidemiologist,National Center for Environmental Health, 1600 Clifton Road, MS–E17,Telephone number: (404) 498–1003,Email address: *cmb8@cdc.gov*

Dated: June 4, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–14575 Filed 6–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Financial Institution Data Match

OMB No.: 0970–0196

Description: Section 466(a)(17) of the Social Security Act (the Act), as added by section 372 of Public Law 104–193, requires States to establish procedures under which the State child support enforcement (IV–D) agency shall enter into agreements with financial institutions doing business in the State for the purpose of securing information leading to the enforcement of child support orders.

Respondents: Financial Institutions

ANNUAL BURDEN

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Financial data match tape	4233	4	.5	8466
Election form	241	1	.5	120.5
Estimated total annual burden hours				8586.5

Additional Information Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503. Attn: Desk Officer for ACF.

Dated: June 6, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–14597 Filed 6–8–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–0214]

Agency Information Collection Activities: Submission for Omb Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Independent Diagnostic Testing Facility and Supporting Regulations contained in 42

CFR 401.33; *Form No.:* HCFA–R–214 (OMB# 0938–0721); *Use:* The information collection requirements associated with an Independent Diagnostic Testing Facilities involve documentation of proficiency of medical personnel and of resources; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Federal Government and State, local and tribal government; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 42.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–14542 Filed 6–8–01; 8:45 am]

BILLING CODE 4120–03–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: Study To Evaluate a Healthy Start Campaign To Increase Awareness of the Importance of Prenatal Care—(NEW)

The Health Resources and Services Administration (HRSA) proposes to conduct a study to evaluate the impact of a Healthy Start public awareness campaign designed by The Advertising Council, Inc., that is using public service announcements (PSAs) to increase awareness of the importance of prenatal care. The study will employ a survey methodology developed by the Advertising Council to monitor changes in awareness of, and attitudes toward, prenatal care over the course of one year, and relate those changes to advertising exposure on the issue of interest and other activities in the marketplace. The study will utilize a standardized questionnaire previously developed by the Advertising Council for this project, and will be implemented as part of a larger multi-agency study covering multiple Advertising Council campaigns on a variety of themes. Information from this study will be used to evaluate the effectiveness of using PSAs to reduce infant mortality by getting more pregnant women into prenatal care. HRSA's Maternal and Child Health Bureau (MCHB) is administering this project. HRSA has included national performance measures for infant mortality reduction for this project, in accordance with the requirements of the ''Government Performance and Results Act (GPRA) of 1993'' (Public Law 103–62). This act requires the establishment of measurable goals for Federal programs that can be reported as part of the budgetary process, thus linking funding decisions with performance.

The estimated response burden is as follows:

Type of form	Number of respondents	Responses per respondent	Burden hours per response	Total burden hours
Tracking questionnaire	4,650	1	.25	1,163

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: June 4, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–14590 Filed 6–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Healthcare Integrity and Protection Data Bank: Change in User Fees

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: In accordance with final regulations implementing the Healthcare Integrity and Protection Data Bank (HIPDB) published in the **Federal Register** on October 26, 1999 (64 FR 57740), the Department is authorized to assess a fee on all requests for information, except requests from Federal agencies. In accordance with § 61.13 of the HIPDB regulations, the Department is announcing a one dollar increase—from $4 to $5—in the fee charged for queries submitted by authorized entities to query the data bank.

EFFECTIVE DATE: This increase will be effective on October 1, 2001.

SUPPLEMENTARY INFORMATION:

User Fee Amount

Section 1128E(d)(2) of the Social Security Act (the Act), as added by section 221(a) of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, specifically authorizes the establishment of fees for the costs of processing requests for disclosure and for providing such information, and the final regulations at 45 CFR part 61 set forth the criteria and procedures for information to be reported to and disclosed by the HIPDB. The Act requires that the Department recover the full costs of operating the HIPDB through user fees. In determining any changes in the amount of the user fee, the Department is employing the criteria set forth in § 61.13(b) of the HIPDB regulations.

Specifically, § 61.13(b) states that the amount of each fee will be determined based on the following criteria:

- Direct and indirect personnel costs;
- Physical overhead, consulting, and other indirect costs including rent and depreciation on land, buildings and equipment;
- Agency management and supervisory costs;
- Costs of enforcement, research and establishment of regulations and guidance;
- Use of electronic data processing equipment to collect and maintain information, *i.e.*, the actual cost of the service, including computer search time, runs and printouts; and
- Any other direct or indirect costs related to the provision of services.

The current fee structure of $4 for each separate query submitted by authorized entities was announced in a **Federal Register** notice on March 3, 2000 (65 FR 11589). Based on the above criteria and our analysis of the comparative costs of the various methods for filing and paying for queries, the Department is now increasing the fee for each query submitted by authorized entities by one dollar—from $4 to $5.[1]

When an authorized entity query is submitted for information on one or more health care practitioners, providers or suppliers, the appropriate total fee will be $5 multiplied by the number of individuals or organizations about whom information is being requested.

In order to minimize administrative costs, the Department will accept queries submitted by authorized entities by credit card or electronic funds transfer. The Department will continue to accept payment for self-queries only by credit card. The HIPDB accepts Visa, MasterCard, and Discover. To submit queries, registered entities (including law enforcement agencies) must use the HIPDB web site at www.npdb-hipdb.com.

The Department will continue to review the user fee periodically, and will revise it as necessary. Any future changes in the fee and its effective date will be announced through notice in the **Federal Register**.

Examples

Query method	Fee per name in query, by method of payment	Examples
Authorized Entity query	$5.00	10 names in query: 10 × $5 = $50.00.
Self-query	$10.00	10 self-queries 10 × 10 = $100.

Dated: May 31, 2001.

Michael F. Mangano,

Acting Inspector General.

[FR Doc. 01–14599 Filed 6–8–01; 8:45 am]

BILLING CODE 4152–01–U

[1] As part of its obligations under the Privacy Act, the Department previously announced a $10 fee for health care practitioners, providers or suppliers to self-query (64 FR 58851; November 1, 1999).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Solicitation of Information and Recommendations for Developing a Compliance Program Guidance for the Pharmaceutical Industry

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This **Federal Register** notice seeks the input and recommendations of interested parties as the OIG develops a compliance program guidance for the pharmaceutical industry, especially those segments of the industry related to manufacturing, marketing or providing goods or services to Medicare, Medicaid and other Federal health care program beneficiaries. The pharmaceutical industry has experienced a number of instances of fraud and abuse and has expressed interest in increasing the awareness of the industry to assist in protecting against such conduct. In response to the industry's concerns, the OIG has written Advisory Opinions on a variety of industry-related issues and, in 1994, published a Special Fraud Alert relating to Prescription Drug Marketing Schemes.[1] Also, in the early 1990s, the OIG's Office of Evaluation and Inspections issued reports relating to prescription drug promotional practices.[2]

In an effort to provide further guidance, the OIG is soliciting comments, recommendations and other suggestions from concerned parties and organizations on how best to develop a compliance program guidance for the pharmaceutical industry to reduce the potential for fraud and abuse.

DATES: To assure consideration, comments must be delivered to the address provided below by no later than 5 p.m. on August 10, 2001.

ADDRESSES: Please mail or deliver your written comments, recommendations and suggestions to the following address:Department of Health and Human Services,Office of Inspector General,Attention: OIG–8–CPG,Room 5527 A, Cohen Building,330 Independence Avenue, SW.,Washington, DC 20201.

We do not accept comments by facsimile (FAX) transmission. In commenting, please refer to the file code OIG–8–CPG. Timely-filed comments will be available for public inspection as they are received, generally beginning approximately 3 weeks after receipt of a document, in Room 5541 of the Office of Inspector General at 330 Independence Avenue, S.W., Washington, D.C. 20201 on Monday

[1] The Advisory Opinions and the Special Fraud Alert can be found on the OIG web site at *http://www.hhs.gov/oig.*

[2] The reports issued by the Office of Evaluation and Inspections also can be found on the OIG web site.

through Friday of each week from 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mary E. Riordan or Nicole C. Hall, Office of Counsel to the Inspector General, (202) 619–2078.

SUPPLEMENTARY INFORMATION: The development of compliance program guidances has become a major initiative of the OIG in its effort to engage the private health care industry in addressing and combating fraud and abuse. Over the past several years, the OIG has developed and issued compliance program guidances directed at various segments of the health care industry.[3] These guidances are designed to provide clear direction and assistance to specific sections of the health care industry that are interested in reducing and eliminating fraud and abuse within their organizations.

The guidances have represented the culmination of the OIG's suggestions on how providers can most effectively establish internal controls and implement monitoring procedures to identify, correct and prevent fraudulent or wasteful activities. The suggestions contained in the guidances are not mandatory for providers, nor do they represent an exclusive discussion of the advisable elements of a compliance program.

The compliance program guidance for the pharmaceutical industry will be designed to reach segments of the health care industry which have not been covered by previous guidances, but which have recently been the subject of increasing scrutiny, such as pharmaceutical manufacturers and retail pharmacy chains. As the public debate about prescription drug costs and a potential expansion of the Medicare drug benefit continues, this scrutiny is likely to intensify.

Through this **Federal Register** notice, the OIG is seeking input from interested parties as the OIG considers developing a compliance program guidance directed at the pharmaceutical industry. The OIG will consider all comments, recommendations and suggestions received within the time frame indicated above.

We anticipate that the guidance for the pharmaceutical industry will contain the seven elements that we consider necessary for a comprehensive compliance program. These seven elements have been discussed in our previous guidances and include:

- The development of written policies and procedures;
- The designation of a compliance officer and other appropriate bodies;
- The development and implementation of effective training and education programs;
- The development and maintenance of effective lines of communication;
- The enforcement of standards through well-publicized disciplinary guidelines;
- The use of audits and other evaluation techniques to monitor compliance; and
- The development of procedures to respond to detected offenses and initiate corrective action.

The OIG would appreciate specific comments, recommendations and suggestions on (1) risk areas for the pharmaceutical industry, and (2) aspects of the seven elements contained in the previous guidances that may need to be modified to reflect the unique characteristics of the pharmaceutical industry. Detailed justifications and empirical data supporting any suggestions would be appreciated.

We request that any comments, recommendations and suggestions be submitted in a format that addresses the topics outlined above in a concise manner, rather than in the form of a comprehensive draft guidance that mirrors previous guidances.

Dated: May 31, 2001.

Michael F. Mangano,

Acting Inspector General,

[FR Doc. 01–14598 Filed 6–8–01; 8:45 am]

BILLING CODE 4152–01–U

[3] The OIG has issued compliance program guidance for the following nine industry sectors: hospitals, clinical laboratories, home health agencies, durable medical equipment suppliers, third-party medical billing companies, hospices, Medicare+Choice organizations offering coordinated care plans, nursing facilities, and individual and small group physician practices. The compliance program guidances for these industry sectors can be found on the OIG web site at *http://www.hhs.gov/oig* or by calling the OIG Public Affairs office at (202) 619–1343.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of intent to prepare a Comprehensive Conservation Plan and Associated National Environmental Policy Act Document for the Sacramento River National Wildlife Refuge, Butte, Glenn, and Tehama Counties, California.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is preparing a Comprehensive Conservation Plan (CCP) and National Environmental Policy Act (NEPA) document for Sacramento River National Wildlife Refuge (NWR). This notice advises the public that the Service intends to gather information necessary to prepare a CCP and environmental documents pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended, and NEPA. The public is invited to participate in the planning process. The Service is furnishing this notice in compliance with the Service CCP policy:

1. To advise other agencies and the public of our intentions, and
2. To obtain suggestions and information on the scope of issues to include in the environmental documents.
3. To announce a series of public open houses to occur in May and June 2001. Information about the time and location of the open house is available by contacting the Refuge.

DATES: To ensure that the Service has adequate time to evaluate and incorporate suggestions and other input into the planning process, comments should be received on or before July 11, 2001.

ADDRESSES: Send written comments or requests to be added to the mailing list to the following address: Planning Team Leader—Sacramento River NWR, California / Nevada Refuge Planning Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, W–1916, Sacramento, California, 95825.

FOR FURTHER INFORMATION CONTACT: Mr. Miki Fujitsubo, Planning Team Leader, (916) 414–6507.

History and Background

The Refuge was established in 1989 by the authority provided under the Endangered Species Act of 1973 and the Emergency Wetlands Resources Act of 1986, using monies made available through the Land and Water Conservation Fund Act of 1965. The Service proposed acquisition of 18,000 acres of land for establishment of the multi-unit Sacramento River NWR. The multiple units of the refuge are located along both banks of the Sacramento River between Red Bluff and Princeton in Glenn, Butte, and Tehama Counties, California. A combination of fee title and conservation easement acquisitions was used to protect this habitat.

Riparian habitat along the Sacramento River has been identified as critically important for various threatened and endangered species, fish, migratory birds, plants, and to the natural ecosystem of the River itself. There has been an 89 percent reduction of riparian vegetation throughout the Sacramento

Valley and foothills region, and probably in excess of a 95 percent reduction along the Valley's major river systems. The relatively small amount of remaining riparian woodland provides a strikingly disproportionate amount of habitat value for wildlife.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended, mandates that all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The CCP will guide management decisions and identify refuge goals, long-range objectives and management strategies for achieving refuge purposes. The planning process will consider many elements, including habitat and wildlife management, habitat protection, cultural resources, and environmental effects. Public input into this planning process is very important. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the refuges and how the Service will implement management strategies.

The Service is soliciting information from the public via written comments. The Service will send out special mailings, newspaper articles, and announcements to people who are interested in the refuge. These mailings will provide information on how to participate in public involvement for the CCP. Comments received will be used to develop goals, key issues, and habitat management strategies. Additional opportunities for public participation will occur throughout the process, which is expected to be completed in mid-2002. Data collection has been initiated to create computerized mapping, including vegetation, topography, habitat types and existing land uses.

The outcome of this planning process will be a CCP to guide refuge management for the next 15 years and accompanying NEPA document.

We have estimated that a draft CCP and NEPA document will be made available for public review in early 2002.

Dated: May 17, 2001.

John Engbring,

Acting California/Nevada Operations Manager,U.S. Fish and Wildlife Service,Sacramento, California.

[FR Doc. 01–14577 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Education Facilities Replacement Construction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Call for applications and notice of revised instructions and ranking criteria.

SUMMARY: This Notice is the official call for applications for Bureau-funded education facilities replacement construction. It also explains how to obtain copies of the publication, ''Instructions and Application for Replacement School Construction 2001,'' which describes the process the Bureau is using in 2001 to rate and rank applications submitted for education facilities replacement construction projects. Applications for construction of Bureau-funded replacement education facilities may be submitted in accordance with the 2001 instructions.

DATES: New applications and requests to reevaluate applications from the previous application process, conducted in 1999, must be received on or before August 21, 2001.

ADDRESSES: Copies of the instructions and ranking criteria are available upon request from the BIA Office of Indian Education Programs at 1849 C Street NW., MS–3512 MIB, Washington, DC 20240 or from 201 Third St. NW., Suite 510, Albuquerque, New Mexico, 87102. The instructions are also available from BIA Area and Education line offices and from the BIA Office of Facilities Management and Construction, 201 Third St. N.W., Suite 500, Albuquerque, New Mexico, 87102.

All applications must be submitted to the BIA Office of Indian Education Programs at 201 Third St., NW., Suite 510, Albuquerque, New Mexico, 87102.

FOR FURTHER INFORMATION CONTACT: Questions regarding applications may be submitted to the attention of Dr. Kenneth G. Ross, Special Assistant to the Director, Office of Indian Education Programs, 201 Third St. N.W., Suite 510, Albuquerque, New Mexico, 87102, (505) 346–6544, Fax (505) 346–6553 or to applicable Education Line Officers whose addresses and phone numbers are available in Appendix A of the application document.

SUPPLEMENTARY INFORMATION: This Notice is the official call for applications for construction of Bureau-funded replacement education facilities. The 2001 application evaluation and ranking process was developed in consultation with Tribal organizations and incorporates revisions to the 1999 application instructions.

In August 1999, we used a process described in ''Instructions and Application for Replacement School Construction 1999 Revision 6—2/26/99'' to evaluate, rate, and rank applications for education facilities replacement construction projects. As a result of that process, we published a notice in the **Federal Register** on January 31, 2000 (65 FR 4623), establishing the Education Facilities Replacement Construction Priority List as of FY 2000 (List). On January 9, 2001, we published a notice in the **Federal Register** (66 FR 1689), expanding the FY 2000 List by adding seven more schools. These seven schools received the next highest rankings after the 10 educational facilities that were identified in the 1999 application process that established the FY 2000 Priority List.

We sent copies of the Draft 2001 Instructions and Application for Replacement School Construction 2001, in March 2001 to all BIA schools and to schools that receive BIA funds under contract or grant (Catalog of Federal Domestic Assistance Program Number: 15.062 ''Replacement and Repair of Indian Schools.'') and conducted tribal consultation on the draft document in May 2001. We have considered all verbal comments and have reviewed all written comments received, and we have incorporated some of the comments in the revised instructions referred to in this notice. The revised instructions entitled, ''Instructions and Application for Replacement School Construction 2001, May 2001'' is available at the address provided in the **ADDRESSES** section. We will send copies of the revised instructions to all BIA schools and schools that receive BIA funds under contract or grant.

Applications for construction of Bureau-funded replacement education facilities may be submitted in accordance with the 2001 revised instructions. In lieu of submitting a new application for an education facility replacement school construction project, a tribe may revise and update the application it submitted in the 1999 process.

The process will not provide for new school starts, grade level expansions, charter schools, nor satellite extensions. The procedures will continue to provide continuity, objectivity and accountability in the priority rankings for construction of replacement education facilities; address the handling of emergency needs; and accommodate Federal/Tribal financial partnerships for education construction projects. As in the 1999 application

evaluation process, a Tribal organization may indicate to what extent it will share in the construction costs of its educational facilities replacement construction project through the use of non-Federal resources. To participate in the FY 2001 cost sharing program, a Tribe is required to contribute a tribal share equal to 50% of the total replacement school construction costs [(Pub. L. 106–291, Sec. 153(b)(3)(B)]. Congress identified Conehatta Elementary School of the Mississippi Band of Choctaw Indians as the first education facility to cost share in a Tribal school construction demonstration program [Senate Report 106–312, pg. 53; House Report 106–914, pg.147; Public Law 106–291, Sec. 153].

The BIA will evaluate and rank applications for education facilities replacement construction projects through the use of narrative submitted by applicants, from data in the BIA's national Facilities Management Information System (FMIS), and from other BIA information sources.

BIA's Office of Indian Education Programs' Line Officers will receive training on the 2001 instructions and ranking criteria for all schools under their administrative jurisdictions and will provide technical assistance to the schools under their administrative jurisdictions. In addition to technical assistance available from the Bureau, applicants may use commercial service providers to prepare their applications. The Bureau can provide referrals, upon request, which the applicants may choose to contact independently.

The BIA will provide Bureau-funded schools with instructions and application forms. We will send all potential applicants the application forms and instructions by certified mail. Tribes and BIA-funded school boards will receive advance, written notice from Education Line Officers of replacement school construction application training session dates, times, and locations for Tribes and schools under their respective jurisdictions. The Education Line Officers will conduct training for applicants on how to complete their applications. Applications will be accepted beginning August 1, 2001, until August 21, 2001. We will use the criteria in the 2001 instructions to review and evaluate all applications that we receive on or before the deadline.

This Notice is published under authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs in the Departmental Manual at 209 DM 8. 25 U.S.C. 2005(c) directed BIA to publish, in the **Federal Register**, the system used to determine priorities for school construction projects and to submit a current priority ranking for school construction projects at the time any budget request is presented to Congress. The Conference Report for the FY 1992 Interior and Related Agencies Appropriation Act, House Report No. 256, 102d Cong., 1st Sess. 46 (1991), indicated that Congress wanted the Department to revise the priority ranking process for new school construction. The Conference Report said that BIA should emphasize tribal consultation and improve the objectivity of the ranking process, provide continuity to the priority ranking list, and provide procedures for handling emergency needs.

Dated: May 25, 2001.

James H. McDivitt,

Deputy Assistant Secretary, Indian Affairs (Management).

[FR Doc. 01–14605 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–933–1430–ET; AA–12854]

Public Land Order No. 7486; Partial Revocation of Executive Order No. 7032; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order insofar as it affects approximately 98 acres of public land located on the westerly shore of Sanak Harbor, near Sanak Island, Alaska. The land was withdrawn for lighthouse purposes and is no longer needed for the purpose for which it was withdrawn. The land will continue to be withdrawn as part of the Alaska Maritime National Wildlife Refuge and the Aleutian Islands Wilderness, as established and designated by the Alaska National Interest Lands Conservation Act.

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Susan Lavin, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–3826.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Executive Order No. 7032, dated May 1, 1935, which withdrew public land near Sanak Island for lighthouse purposes, is hereby revoked insofar as it affects the following described land:

Land located within secs. 3 and 10 of T. 66 S., R. 91 W., Seward Meridian, more particularly described as:

The southern of two unnamed, unsurveyed islands located at approximate latitude 54°30′ N., longitude 162°50′ W., as shown on the United States Coast and Geodetic Survey Chart No. 8841, Sanak Harbor, Sanak Island, Alaska.

The area described contains approximately 98 acres.

2. The land described above will remain withdrawn as part of the Alaska Maritime National Wildlife Refuge, pursuant to Sections 303(1)(iii) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1994), and the Aleutian Islands Wilderness, pursuant to Section 702(1) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 1132 (1994), and will be subject to the terms and conditions of any other withdrawal or segregation of record.

Dated: May 21, 2001.

Gale A. Norton,

Secretary of the Interior.

[FR Doc. 01–14543 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–ET; HAG–01–0206; OR–13498]

Expiration of Public Land Order; OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Public Land Order (PLO) No. 5820, which withdrew forest system lands from the mining laws to protect the Cow Creek Recreation and Administrative Site, was allowed to expire on January 21, 2001, in Douglas County, Oregon.

EFFECTIVE DATE: June 11, 2001.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503–952–6189.

SUPPLEMENTARY INFORMATION: Public Land Order (PLO) No. 5820, published in the **Federal Register,** 46 FR 6947, January 22, 1981 as FR Doc. 81–2262, for the Forest Service, withdrew 120 acres of forest system lands from the mining laws to protect the Cow Creek Recreation and Administrative Site has been allowed to expire.

At 8:30 a.m. on June 11, 2001, the segregative effect for the Federal

interests in the above mentioned PLO, is lifted, and the land opened to such forms of disposition as may by law be made of forest system lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: May 24, 2001.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 01–14561 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection requests for the titles described below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection requests describe the nature of the information collections and the expected burden and cost for 30 CFR Parts 764 and 822.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 11, 2001, in order to be assured of consideration.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW., Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 210–SIB, Washington, DC 20240, or electronically to jtreleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of either information collection request, explanatory information and related forms, contact John A. Trelease at (202) 208–2783, or electronically to jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted two requests to OMB to renew its approval of the collections of information contained in: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR part 764; and Special permanent program performance standards—operations in alluvial valley floors, 30 CFR part 822. OSM is requesting a 3-year term of approval for each information collection activity.

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 these collections of information care 1029–0030 for part 764, and 1029–0049 for Part 822.

As required under 5 CFR 1320.8(d), **Federal Register** notices soliciting comments on these collections of information was published on March 12, 2001 (66 FR 14420). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR Part 764.

OMB Control Number: 1029–0030.

Summary: This part implements the requirement of section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), P.L. 95–87, which provides authority for citizens to petition States to designate lands unsuitable for surface coal mining operations, or to terminate such designation. The regulatory authority uses the information to identify, locate, compare and evaluate the area requested to be designated as unsuitable, or terminate the designation, for surface coal mining operations.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: The 4 individuals, groups or businesses who petition the States, and the 4 State regulatory authorities that must process the petitions.

Total Annual Responses: 4.

Total Annual Burden Hours: 7,285.

Title: Special permanent program performance standards—operations in alluvial valley floors, 30 CFR Part 822.

OMB Control Number: 1029–0049.

Summary: Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Part 822 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique hydrologic conditions of alluvial valley floors are protected according to the Act.

Bureau Form Number: None.

Frequency of Collection: Annually.

Description of Respondents: 10 surface coal mining operators who operate on alluvial valley floors.

Total Annual Responses: 10.

Total Annual Burden Hours: 1,000.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to the appropriate OMB control numbers in all correspondence.

Dated: May 9, 2001.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 01–14581 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program Guidelines

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

ACTION: Notice of revised guidelines for abandoned mine land reclamation programs and projects.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (we or OSM) have revised the Abandoned Mine Land (AML) Reclamation Program Guidelines which were published on December 30, 1996 (61 FR 68777). We requested comments in the Notice of Intent to revise these guidelines published on November 16, 2000 (65 FR 69331). Based on comments received, the guidelines have been revised and are printed below. The revisions incorporate new procedures

found in the AML Enhancement Rule published February 12, 1999 (64 FR 7470). All other revisions are not substantive in nature and are intended to make our guidelines easier to read and understand.

EFFECTIVE DATE: June 11, 2001.

ADDRESSES: Additional copies of the revised guidelines are available for inspection and may be obtained at the following offices:

OSM, Department of the Interior, South Interior Building Room 120, 1951 Constitution Avenue, NW., Washington, DC 20240, (202) 208–5365

OSM, Appalachian Regional Coordinating Center, Three Parkway Center, Pittsburgh, Pennsylvania 15220, (412) 937–2828

OSM, Mid-Continent Regional Coordinating Center, 501 Belle Street, Alton, Illinois 62002, (618) 463–6460

OSM, Western Regional Coordinating Center, 1999 Broadway, Suite 3320, Denver, Colorado 80202, (303) 672–5500

FOR FURTHER INFORMATION CONTACT: Mr. Gene Krueger, Chief, Division of Reclamation Support, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: (202) 208–2937. E-mail: gkrueger@osmre.gov.

SUPPLEMENTARY INFORMATION: The AML Reclamation Program Guidelines give general guidance to States, Indian tribes, the U.S. Department of Agriculture, and OSM in the administration of reclamation activities. This includes activities carried out under programs authorized by Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These guidelines are considered to be statements of existing policy and do not set new legal requirements or obligations and could change at our discretion. Sections B.5.a–d of the guidelines have been revised to reflect the new procedures contained in the AML Enhancement Rule, 30 CFR 707.5 and 874.17. The complete guidelines document is set forth below:

Comments were requested on the proposed guidelines and a total of four comments were received. They were all from State authorities. All comments received were considered in the process of drafting the final guidelines and are available for inspection at the address listed above. A response to comments@ document has been prepared by OSM and is available on request by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: May 11, 2001.

Glenda Owens,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

Abandoned Mine Land (AML) Reclamation Program Guidelines for Reclamation Programs and Projects

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A. Definitions

1. Abandoned Property—Real and personal property, associated with past mining activities, forsaken or deserted by an owner. This includes real estate, structures, and equipment.

a. Abandoned Structures—Abandoned permanent improvements or fixtures firmly attached to the land and considered as part of real property. Abandoned structures include but are not limited to coal tipples, coal washers, storage and grading facilities, loading docks, rail spurs, concrete foundations, dams, reservoirs, and bridges. Other items such as crushers, elevators, bins, loaders, conveyors and similar equipment are within this definition if firmly attached to the land.

b. Abandoned Equipment—Abandoned movable items not attached to the land. Such items are considered as personal property and include equipment and dismantled machinery not attached to the land and which could be moved. These items include but are not limited to shovels, scrapers, tires, machinery parts, trailers, trucks, electrical substations on skids, feeders, and loaders.

c. Disposal—The sale, federal use, demolition, removal, and the burning and burial of scrap or other debris resulting from abandoned structures and equipment.

2. Act—The Surface Mining Control and Reclamation Act of 1977 enacted as Public Law 95–87 (30 U.S.C. 1201 et seq.), as amended.

3. Administering Agency—The agency responsible for carrying out a reclamation program or project. This includes OSM for federal reclamation projects; United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) for the Rural Abandoned Mine Program; designated State reclamation agencies for projects carried out under an approved State Reclamation Plan; and Indian tribes for projects carried out under an approved Indian Reclamation Plan.

4. Eligible Lands—Land and water which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes and left or abandoned in either an unreclaimed or inadequately reclaimed condition prior to August 3, 1977, and for which there is no continuing reclamation responsibility. Provided, however, that lands and water damaged by coal mining operations after that date and on or before November 5, 1990, may also be eligible for reclamation if they meet the requirements specified in 30 CFR 874.12 (d) and (e). Eligible lands and water for non-coal reclamation purposes are those sites that meet the eligibility requirements specified in Section 409 of the Act or, following certification of the completion of all known coal problems, those in Section 411 of the Act or 30 CFR 875.14. For additional eligibility requirements for water projects, see 30 CFR 874.14, and for lands affected by remining operations, see Section 404 of the Act.

5. Emergency—A sudden dangerous condition or impairment that constitutes a situation with a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program procedures.

6. Hydrologic Balance—The relationship between the quality and quantity of water inflow to water outflow from an abandoned mine land site. The relationship includes water storage and transfer within hydrologic units as they now exist or may have existed.

7. Toxic Materials—Earth materials or wastes resulting from mining operations which, if acted upon by air, water, or micro-biological processes are likely to produce chemical or physical conditions in soils or water that are harmful to the animal and plant life or water use.

B. Program Considerations

1. Land, Water, or Mineral Rights Required for Reclamation

a. Consent Requirements and Responsibility. In addition to the rights of entry required by 30 CFR 877, other consents required by the specific type of reclamation program should be secured. In water limited areas reclamation programs that propose to restore or alter water quality or quantity should not be undertaken until the appropriate water right authorizations are secured. If the mineral estate is severed from the surface estate, consents should be secured from both parties. All necessary consents should be secured for a time period sufficient to complete the reclamation activities. The administering agency has the responsibility to make certain that no reclamation work is carried out without such authorizations.

b. Written Consent Versus Police Power. Written consent from the owner of record and the tenant holding a lease or his authorized agent should be the preferred means for securing agreements to enter lands in order to carry out reclamation work. Entry by use of police power is restricted to those reclamation projects that will protect public health, safety, and general welfare as authorized under Sections 407(a), 407(b), 409(c), and 410 of the Act. They should be undertaken only after all possibilities of securing written consents have been exhausted.

c. Monitoring and Maintenance. Written consent by the landowner should include considerations for monitoring and maintenance, including rights of entry as necessary.

d. Property Acquisition. Acquisition of property may be undertaken only under the conditions specified in Sections 407 and 409 of the Act.

2. Jurisdictional Responsibilities

a. Reclamation Program Legal Requirements. The administering agency should make certain of compliance with all applicable Federal, State, Tribal, and local laws and coordination with the appropriate agencies as necessary.

b. Environmental Evaluation Requirements. Compliance with the National Environmental Policy Act of 1969 (NEPA) is mandatory for every proposed AML reclamation project. Authorization by the Council on Environmental Quality (CEQ), at 40 CFR 1506.11, to abate emergency conditions without preparing an environmental document does not relieve us or the States/Tribes of the responsibility to complete consultation duties or obtain necessary permits in accordance with other Federal, State and local laws.

(1) OSM and the States are authorized to act where emergency circumstances at the site require immediate abatement action if the environmental document cannot be completed prior to the initiation of action. The action taken must be limited to that necessary to control the immediate impacts of the emergency.

(2) Actions which remain to be taken at the site of an emergency after the abatement of the immediate impacts require the preparation of an environmental document.

c. Interstate Coordination Requirements. Where reclamation is proposed that may affect bordering States or other jurisdictional authorities, the administering agency should coordinate planning and implementation of these projects with those entities.

3. Selection Criteria (Non-Emergency)

a. Reclamation Site Ranking. Procedures for selecting non-emergency sites for reclamation should use weighing factors to rank the proposed sites in accordance with priorities set in Section 403 of the Act. General instructions for determining the AML priority of a site are contained in the OSM Abandoned Mine Land Inventory Manual. Non-coal sites must comply with Section 409 or 411 as appropriate. Negative weights should be considered for adverse impacts resulting from the proposed project. Generally, reclamation of lower priority projects should not begin until all known higher priority projects have been completed, are in the process of being reclaimed, or have been approved for funding by the Secretary. Lower priority projects, or contiguous work, may be undertaken in conjunction with high priority projects in accordance with these guidelines.

(1) The administering agency may give priority consideration to reclamation projects where:

(a) The landowner(s) consent to participate in post reclamation maintenance activities of the area;

(b) Reclamation provides many benefits to the landowner(s) and where those benefits have a greater cumulative value than other projects; and/or,

(c) Reclamation provides offsite public benefits.

b. Reclamation Considerations. The following items should be considered in determining whether a non-emergency site should be reclaimed.

(1) The lands proposed for reclamation are eligible as defined by Section 404, 409, or 411 of the Act.

(2) Problems associated with the site can be abated by using current available technology or horizon technology with a high probability of success to prevent or minimize present or future negative effects. When necessary to determine which technology is best suited to a particular problem area, test plots and/or field trials are allowed. Such activities are appropriate and do not constitute ''research'' as prohibited by the Act.

(3) Reclamation can be carried out in a manner that minimizes maintenance to achieve a self-sustaining reclamation solution. Self-sustaining implies reclamation that is permanent and stable under the prevailing environmental and land-use conditions using current technology. Projects that require continuous maintenance and/or operating costs should be undertaken only if a commitment exists to bear these indefinite costs.

(4) Reclamation activities can be planned in a manner that is cost effective and agreeable with the proposed post reclamation land use as intended by the landowner(s).

(5) Reclamation activities and post reclamation land use is cost effective and agreeable with surrounding land uses, complies with local, State, Tribal, and Federal requirements, and is acceptable to the community involved.

(6) If the project area is to be remined or developed in the foreseeable future and these activities will eliminate the adverse effects of past mining, reclamation should only be undertaken where the offsite adverse impacts from the affected area are so severe as to cause significant danger to public health and safety or to the environment if not abated before the proposed remining or development takes place.

c. Reclamation Extent. The amount of reclamation performed on a site depends upon the priority, funding available, and technology available for reclaiming the site. When it is cost effective to do so, consideration should be given to lower priority problems in the reclamation plan when contracting for the elimination of a high priority problem. The original purpose of the reclamation should be to address the higher priority problems. Factors that should be considered in determining the amount of reclamation to be done at a site include the following:

(1) The total area of affected land and water;

(2) Uniformity/diversity of the problem(s) over the entire site;

(3) Minimum reclamation needed to restore the site and additional low priority work needed, if any;

(4) Availability of funds;

(5) Cost effectiveness of the proposed work;

(6) Proposed post reclamation land use;

(7) Onsite, offsite, and multiple use benefits;

(8) Post reclamation maintenance required and landowner participation in that maintenance;

(9) Accommodating landowner(s) land use and treatment requests, if possible without incurring additional costs above that required for the minimum reclamation needed; and,

(10) The possibility of remining.

d. Cooperative Efforts. In addition to the landowner consent requirements described in Section B. Part 1 of these guidelines, a maintenance agreement between the administering agency and the landowner(s) may be included as part of the reclamation plan to make certain the continued success of the reclamation project. Estimated costs as well as financial and administrative responsibilities should be recognized in any agreement.

e. Joint Projects. Joint undertakings between the administering agency and the landowner(s) or other local, State, Tribal, or Federal agencies are supported and encouraged.

4. Emergency Projects

a. Authority for Emergency Reclamation. Authorities and requirements for rights of entry to carry out emergency reclamation projects are contained in Section 410 of the Act.

b. Emergency Project Considerations.

(1) Emergencies are unlike Priority 1 projects because their goal is to stabilize the problem and remove the danger to the public in a more rapid time frame. That is, they must be addressed sooner than the normal grants process would allow.

(2) Justification for emergency action must be based on whether immediate action is crucial to remove the danger of harm to persons. The time element is referenced by the phrase ''before the danger can be abated under normal program operation procedures.'' This means the danger is imminent and time is not available for normal project contractual procedures.

(3) A limited amount of non-emergency work may be conducted in conjunction with emergency abatement if such work is cost effective in reclaiming the entire project site.

c. Emergency Project Examples. The following list shows examples of sudden situations with a high probability of causing substantial physical harm to the health, safety, and general welfare of people.

(1) Subsidence suddenly occurring in or near populated areas or roadways.

(2) Mine water ''blow-outs'' in or near highly used public areas.

(3) Landslides caused by movement of spoil material or mass movement due to drainage or seepage from abandoned coal mines threatening to destroy homes and businesses or block roads and stream channels.

(4) Actual or potential failure of unstable coal refuse impoundments, processing waste banks, or abandoned sediment control structures caused by unusual precipitation events significantly risking downstream populated areas.

(5) Mine or coal refuse fires that harm the health or safety of residents in populated areas.

d. Abatement Procedures.

(1) Reclamation procedures are site specific and often cannot be determined until after onsite inspection and evaluation of the nature of the emergency, number of people affected, resources available, and existing time restrictions.

(2) Emergency reclamation need not resemble final restoration. The goal of emergency reclamation is to stabilize the problem and remove the danger to the public. Additional reclamation, to fully reclaim the area, may be carried out under regular reclamation programs at a later date. Limited reclamation may also be performed in connection with emergency work if cost effective as noted above at Part 4.b.(3).

5. Incidental Recovery of Coal in Connection With Reclamation Activities

a. Active Mining Permit Requirements. Coal which is removed from a government financed construction undertaken as an approved AML reclamation project and which is incidental to the project is exempt from Title V regulations in accordance with section 528 of the Act and 30 CFR 707.5. Coal determined to be ''incidental'' to an approved AML reclamation project is that coal which is physically necessary to be removed in order to accomplish the reclamation of the project, i.e., necessary to address the site's identified health, safety, or environmental problems. If the AML contractor removes coal for sale or commercial use which has not been determined to be incidental to the project, the contractor must obtain a Title V permit for such coal.

b. Disposition of incidental coal. Whenever coal is to be recovered incidental to an approved AML reclamation project in which the government contribution is less than 50 percent of the cost of reclamation, the

coal may be sold and the proceeds kept by the contractor.

c. Substantial deposits of incidental coal. For AML reclamation sites with substantial deposits of incidental coal, we expect that AML contractors will reflect the anticipated sale or commercial use of such coal through a lowered project bid price. The lowered project bid price would, in turn, reduce the government's share of the total cost of the project. As a result, less public funding will be required for these sites to accomplish the same level of AML reclamation. By reducing the government's share of the cost of reclamation, AML money becomes available for other AML reclamation projects that would otherwise not be funded. The contractor makes a profit, the government saves money and B most important of all B additional abandoned sites that we could not afford to reclaim in the past are reclaimed.

d. Optional participation. Undertaking AML projects that use less than 50 percent government-financing will not be mandatory for States or Indian Tribes; they may choose not to participate in this form of AML reclamation.

6. Abandoned Structures and Equipment

a. Investigation and Report.

(1) The administering agency should perform an onsite investigation of abandoned structures or equipment and encourage the landowner(s) to recover any salvage value by disposal before the start of any reclamation project.

(2) Upon completion of the onsite investigation, a report must be prepared by the administering agency which addresses the following:

(a) The type, quantity, age, and apparent condition of all abandoned structures or equipment;

(b) The structural soundness, visual quality, historical significance, effect on proposed reclamation activities, and land uses in the area. The structural soundness of the structure should be evaluated in relation to public health, safety, general welfare, and the post reclamation;

(c) The disposal or retention of the structures or equipment in accordance with local, State, Tribal and Federal laws; and,

(d) The recommended methods to remove the safety hazards associated with structures or equipment that are retained on the reclaimed site.

b. Ownership Rights. The landowner(s) may recover any salvage value by disposal of the abandoned structures or equipment prior to the initiation of any reclamation project. The administering agency is responsible for securing consent to dispose of or modify the abandoned structures or equipment not disposed of by the landowner(s).

c. Disposal Revenues or Benefits. Any revenues or benefits received by the contractor from the sale or use of abandoned structures or equipment not disposed of by the landowner(s) should be used by the contractor to offset the cost of reclamation or deposited to the Fund pursuant to Section 401(b)(4) of the Act. All such revenue or benefits should be documented in the project file.

7. Borrow and Disposal Areas

a. Site Selection. The borrow and disposal areas created by reclamation activities should be subject to and conducted in accordance with applicable local, State, Tribal, or Federal reclamation requirements. Borrow and disposal areas should be located on the site of the reclamation project, if possible. Offsite borrow and disposal areas should be used only when no onsite area is available and it is necessary to protect the health and safety of the public. In addition, offsite areas may be used if they provide an area more suitable for reclamation and less prone to constitute a hazard in itself, produce an improved land use, or protect the environment.

b. Adverse Impacts. Adverse impacts of the selected areas should be minimized by disturbing the smallest possible area; providing adequate drainage, dust, and erosion control measures; protecting historic and cultural values; protecting visual esthetics; protecting fish and wildlife values; protecting the health and the safety of the community and the public; and reclaiming the borrow and disposal area after termination of the project.

8. Program and Project Evaluation

a. General Evaluation Considerations. Reclamation activities are to be evaluated on a regular basis to determine the effectiveness of the program/project in reclaiming abandoned lands. The objective is to identify those abatement control methodologies that have been effective over time and those with demonstrated deficiencies that need to be improved or changed. Project evaluation measures the success or failure of the applied techniques while program evaluation determines the effectiveness of the overall program, including regulations and policies. Evaluation efforts include, but are not limited to, recording accomplishments, making onsite reviews before, during, and after reclamation, and analyzing fund management.

b. Annual Evaluation Report. The administering agency will prepare a report on its findings and recommendations. Recommendations should be used to change program operations on future reclamation activities so that deficiencies will not recur. If requested, the report should be made available to other agencies in order to share information and improve the AML program nationwide.

9. Maintenance of Reclamation Work

a. Planned Maintenance. Reclamation should be done in a manner to minimize or eliminate continued maintenance. Long term maintenance requirements should be identified during the planning and design stages. These requirements must be technically and economically possible and should be developed in cooperation with the landowner(s) and/or appropriate agencies through formal agreement. Maintenance plans should include maintenance requirements, inspection schedules, technical assistance needed, and funding requirements.

b. Unplanned Maintenance. AML projects often involve conditions unforeseen during the design period that may affect the achievement of permanent reclamation and long term stability. Reclamation programs should develop and implement general policies for performing post construction monitoring to address unanticipated maintenance needs. The plan should include, at a minimum:

(1) A plan for post construction monitoring of sites to determine maintenance needs;

(2) A procedure for determining when and where not to perform additional maintenance when problems are identified in the field;

(3) A procedure to determine when a site has reached long term stability, and that future monitoring is unnecessary, including a landowner notification policy;

(4) A method for dealing with situations where landowner practices make future maintenance unproductive.

10. Non-Coal Projects

a. Guideline Applicability. States and Indian tribes with approved reclamation plans may undertake non-coal reclamation projects under the specific provisions in Section 409 of the Act or after certification that all coal related problems have been reclaimed, as authorized in Section 411 of the Act.

b. Priorities Under Section 409. Non-coal projects to be reclaimed under

Section 409 of the Act must be at the request of the Governor of the State or the governing body of an Indian tribe. They must comply with the priorities stated in Section 403(a)(1), except the term ''coal'' does not apply. The reclamation must be for the protection of public health, safety, general welfare, and property from extreme danger of adverse mining practices.

c. Priorities Under Section 411. Non-coal projects to be reclaimed under Section 411 of the Act may not proceed until the State or Indian Tribe has certified that all coal problems have been resolved. Planning and design work for reclamation of non-coal projects may commence prior to completion of all coal projects.

C. Site Considerations

1. Mine Drainage

a. General Considerations. The reclamation plan should attempt to minimize or control mine drainage and include procedures to treat impounded waters containing toxic materials before release. At-source control measures are preferred over long-term treatment methods to eliminate or minimize maintenance.

b. At-Source Control Measures. Controlling or minimizing mine drainage at its source can be accomplished by any or all of the following techniques:

(1) Mine-sealing techniques, including grout curtains and slurry trenching. Factors to be considered when planning to seal mines are the potential to develop hydrostatic heads, the accessibility of the area, and the integrity of the surrounding geologic formations;

(2) Infiltration control and water diversion. Factors to be considered include topography, control of surface water, effects on ground water, the control of water passage through openings, and the storm event design; and/or,

(3) Daylighting, the surface mining procedures and excavation processes used to expose underground mine works for partial or complete removal of the remaining mineral underlying the surface. Factors to be considered include the depth of overburden, marketability of the mineral, and safety measures.

c. Treatment Measures. Secondary treatment of mine drainage can be carried out by the addition of neutralizing agents. Permanent treatment facilities should be designed to minimize operation and maintenance costs and should only be considered if no other means exists to abate the problem. Written assurance, from the landowner or any other interested party, should be obtained to assure that the treatment facilities will be maintained after appropriations for the Abandoned Mine Land Program cease.

d. Coal Refuse Piles and Coal Waste Embankments. Methods of reclaiming land containing coal refuse, coal wastes, or abandoned workings include, but are not limited to:

(1) Removing the coal refuse or coal waste to an environmentally acceptable site, subject to all appropriate approvals;

(2) Burying the refuse or waste, diverting water away from or around the reclaimed area, whenever possible, or layering the refuse material with clay or other unpierceable material, when practical, to prevent water infiltration and contamination; and,

(3) Treating the refuse pile in place by:

(a) Diverting water around the coal refuse and/or waste;

(b) Collecting and conveying drainage from the refuse pile for safe disposition (an approved water pollution control facility should be used if needed to meet quality standards);

(c) Grading and contouring waste structures to drain water off the disposal site;

(d) Covering the refuse with a suitable thickness of nontoxic or nonacid-forming material or treating the refuse with lime or other material to prevent acid or other toxic drainage; or

(e) Any combination of the above treatments.

2. Active Slides and Slide-Prone Areas

a. Site Evaluation Factors. Factors that should be considered on a case-by-case basis in the evaluation of slides or slide-prone areas include the following:

(1) The topography of the ground surface as an indication of past landslide activity and potential instability. Topographic data collected should include contour maps at 2 to 5 foot intervals, surface drainage characteristics, locations of ponded surface water, and slope profiles;

(2) The geology of the subsurface. Rock formations and geologic structures including folds, faults, joints, and shear zones, should be identified whenever possible. This information may be useful in comparing the landslide potential of various areas;

(3) The soil or spoil material. Description of the slide-prone material should include its texture, permeability, and engineering properties as well as the related soil-rock ratios;

(4) Ground water sources. Springs and seeps, dump areas, audits, auger holes, drill holes, and coal seams should be identified;

(5) Vegetative cover. Vegetation will affect the stability of the slide or slide-prone area. Deep masses of roots may provide sufficient reinforcement to distort the geometry of the slide and trees with deep tap roots may curtail severe movement. Vegetative cover within a landslide area should be compared to that within the surrounding area and with that present at known landslide areas;

(6) Other physical factors. These include timber coverage or lack of it on slopes, parent material and volume of spoil, proximity to other slides, or other data specific to the slide area which may be helpful in designing the best structural specifications for stabilizing the area; and,

(7) U.S. Geological Survey slide-prone maps, U.S. Department of Agriculture soil maps, and other related data.

b. Remedial Measures. Reclamation and stabilization of slide areas may be achieved by one or more of the following methods:

(1) Removing unstable material or by terracing;

(2) Installing surface and/or subsurface drainage such as rip-rap channels, french drains, pumping wells, etc;

(3) Installing support and reinforcement systems such as retaining walls, gabions, vertical pilings, etc.; and,

(4) Revegetation.

3. Erosion and Sedimentation

a. Erosion and Sediment Control Considerations. Erosion and sediment control measures should be designed in accordance with Federal, State and local laws and should do the following:

(1) Minimize erosion from the reclamation site and adjacent lands, minimize water pollution from sediment, acid drainage, and other toxic materials, and provide conditions suitable for the planned land use;

(2) Maintain the soil resource within acceptable soil loss limits. Allowable sheet and rill erosion rates should be equal with the soil resulting from reclamation. Information relative to allowable soil loss limits may be obtained from the local Natural Resource Conservation Service office;

(3) Expose the least amount of land at any one time, with the more hazardous areas exposed for the shortest time and during the season when extreme rainfall is least likely to occur;

(4) Complete reclamation activities so revegetation can take place at the most advantageous time of year; and,

(5) Control foot and vehicular traffic and grazing until vegetation is established.

b. Erosion Control Practices. Well established vegetation is generally the most cost-effective means of erosion control. Other methods may include one or more of the following, in conjunction with vegetation, to achieve temporary and/or permanent erosion control.

(1) Mulches may be used for temporary erosion control and in some cases stabilizing agents such as gravel, stone, and concrete blocks may be used for permanent protection.

(2) Permanent structural measures may be used to turn runoff, reduce slope length, and provide for an effective runoff disposal system.

(3) Temporary vegetation and/or structural measures may be needed for erosion control during reclamation. Provisions should be made to remove the temporary control measures and stabilize the area when they are no longer needed.

c. Sediment Trapping Practices. When erosion controls are incapable of preventing excessive sediment buildup, either during reclamation or permanently, the excess sediment should be controlled to prevent offsite contamination.

(1) Temporary sediment control measures such as filter strips, sediment traps, and sediment basins, should be stabilized and maintained during their planned life.

(2) Permanent sediment basins should be maintained and the sediment removed when it accumulates to the design level. The use of permanent sediment basins should be minimized because of the continuing maintenance responsibility.

4. Vegetation

a. Existing Vegetation Inventory and Evaluation. The administering agency should complete an inventory and evaluation of existing vegetation and site conditions prior to developing the design and specifications for a project. The permanent vegetation selected to cover the reclaimed mine land should be compatible with the site characteristics and the intended land use of the reclaimed and surrounding land and provide adequate erosion control.

b. Vegetative Requirements. The vegetation portion of the project design and specifications should be developed considering the requirements itemized for each of the following cases.

(1) In areas where the present plant species are inadequate or undesirable and only a change in vegetation is needed.

(a) Necessary erosion and sediment control structures should be installed to protect the area from excessive erosion and sedimentation during the vegetation establishment period. Temporary vegetation may be used alone or in combination with a mulch or other stabilizing agent in accordance with the needs of the site.

(b) The newly planted area should be protected from excessive use, especially livestock grazing, during the establishment period.

(2) In areas where changes in topography and vegetation are needed.

(a) Changes in topography should be made to improve esthetic aspects of the site, permit establishment of desirable vegetative cover, and insure compatibility with the planned land use.

(b) Temporary vegetation should be used to protect stockpiles of soil materials for a short time or to provide temporary cover until the permanent vegetation is established.

(3) In areas where the present spoil material is unsuited for vegetation the spoil material should be covered or replaced with material that will support the desired vegetation. If covering or replacement costs are prohibitive, attempts should be made to create a suitable plant growth medium upon which vegetation may be established.

(4) In areas where alteration of the site to support vegetation is impractical, sediment should be confined to the immediate area, if feasible. Surface runoff should be treated to an acceptable level of quality before discharging offsite, if necessary.

5. Toxic Materials

a. Sampling and Analysis Consideration. The administering agency should sample sites suspected of containing toxic materials. Chemical and/or physical analyses may include, but are not limited to:

(1) pH (paste);

(2) SMP Buffer (tests pH of solution prior to weathering);

(3) Net acidity or alkalinity, or potential acidity;

(4) Total sulfur (sulfate and sulfide);

(5) Electrical conductivity (mmhos/cm);

(6) NKP and USDA texture class when material is to be used as post-reclamation plant growth medium;

(7) Organic matter (quantity and type); and,

(8) Visual and/or microscopic identification of potential toxic or acid forming minerals.

b. Planning Considerations. The administering agency should consider the following items in their planning efforts on projects containing toxic materials:

(1) Critical toxic limits;

(2) Containment or segregation of toxic materials using sealed pits or embankments and/or covering the toxic materials with compacted clay or some other suitable material;

(3) Site preparation, including grading, backfilling, scarification, and application of appropriate growing medium, chemical fertilizers, lime gypsum, mulches, or sludge;

(4) Water management control, including surface and subsurface drainage, sediment control, and soluble toxic elements; and,

(5) Necessary monitoring and required maintenance, if any.

c. Sites Eligible Under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). Abandoned mine land sites containing acid mine drainage or other toxic material may be eligible for clean-up under CERCLA, if included on the national priority list (NPL). Sites listed on the NPL are ineligible for AML funding.

6. Hydrologic Balance

a. Planning Considerations. After identification of areas needing restoration of the hydrologic balance, the administering agency should consider the following items in their planning.

(1) Evaluation of procedures needed to reduce or eliminate pollution to receiving surface and subsurface waters, including technical and economic constraints.

(2) Potential beneficial and/or negative effects of proposed restoration activities on offsite hydrologic systems.

(3) Post reclamation land use of the site and surrounding area.

b. Surface-Water Considerations. Restoration of surface drainage should minimize erosion and maximize ecological stability. Factors to be considered include, but are not limited to:

(1) Type of reconstruction materials to be used, stream gradient, fish and wildlife habitat, and compatibility with adjoining undisturbed surface drainage;

(2) Use of the reclaimed area as a source of ground-water recharge and the potential for downstream flooding;

(3) Feasibility of long-term, self-maintaining erosion control measures to enhance stream and flood plain stability; and,

(4) Construction of water impoundments which do not adversely affect the restoration of the hydrologic balance and are in accordance with applicable local, State, Tribal, or Federal requirements.

c. Ground-Water Considerations. Restoration of ground-water should be done in a manner that will not diminish or degrade water leaving the site. Factors to be considered include, but are not limited to:

(1) Evaluation of the re-established water table, relative to the reclaimed land surface;

(2) Evaluation of the ground-water recharge capacity, considering the underlying aquifers and backfill materials; and,

(3) Identification of toxic and/or acid forming materials and procedures to eliminate or minimize contamination of the water table.

7. Public Health and Safety

a. Dump Sites. Abandoned mine sites used as dumps are usually excellent breeding places for insect and vermin and could pose a hazard to public health. The presence of a dump in an abandoned mine site should not be considered the primary reason for reclamation, but may be considered in raising the site priority in the same objective category. Prior to any reclamation work on dumps, the local, State and/or Tribal agency should be encouraged to abate the problem under other existing authorities and consulted regarding proper disposal methods.

b. Highwall Danger. Highwalls may create a significant danger to public health or safety when there is public use of the area above or below the highwall and/or there is evidence of sloughing that may damage structures or block roads and stream channels. Reclamation techniques include, but are not limited to:

(1) Reducing the highwall height;

(2) Backfilling and grading the highwall to a stable slope; or

(3) Providing a physical barrier to limit accessibility and material movement.

c. Mine Openings and Subsidence.

(1) The administering agency should consider the following items when planning for subsidence control projects:

(a) Exploratory drilling to determine the locations, size, and condition of abandoned underground mine openings with the potential to subside (except in emergencies);

(b) Proximity to populated areas with high public use;

(c) Notification to all local, State, and Tribal land use planning agencies of potential subsidence areas; and,

(d) Restricting entry to mine openings by constructing physical barriers and/or fencing for emergency situations until the opening can be properly reclaimed.

d. Radiation Emission. Where radiation constitutes a potential public health or safety problem, the administering agency should coordinate with other pertinent agencies prior to reclamation activity. Normally, this coordination is done during the development of the State reclamation standards for radiation.

e. Domestic Water Supplies. Control measures designed to protect or restore domestic water supplies should consider the number of people affected, the type and concentration of pollutant(s), and the type and cost of control technology. Clean-up or restoration of domestic water supplies should be restricted to source control where possible.

f. Surface and Underground Mine Fires. Only fires associated with abandoned mines or in virgin seams associated with other abandoned mine reclamation problems are eligible for Title IV funding.

(1) Prior to initiating control or extinguishment efforts, geologic investigations should be carried out to determine the extent of the fire and the amount of remaining combustible material.

(2) Reclamation design and procedures should include methods to control or eliminate hazardous gases, fumes, and other types of air pollution associated with the fire.

g. Hazardous/Explosive Gases. Toxic gases, other than those associated with mine fires, may require site specific control or treatment procedures. For example, methane seeping into a residence must be vented and should be monitored for a reasonable amount of time to ensure the area is safe. Whenever possible gases should be vented or sealed off at their source.

8. Esthetics and Visual Values

Reclaimed lands should, to the extent that it is feasible, conform to the visual aspects of the surrounding landscape. The reclamation design and procedures should take into consideration the proximity to public high use areas and the visual impact within the context of the viewing distance.

a. Visual Degraders.

The administering agency determines what conditions are visually degrading and should be considered for visual improvement. Visual degraders may include, but are not limited to, highwalls, erosion, discolored water, haul roads, refuse piles, slurry ponds, spoil piles, abandoned mining equipment and structures, garbage and refuse dumps, open pits, and deforestation.

b. Esthetics Problem Solutions.

Solutions for esthetic problems may involve removal of offensive material or condition, strategic placement of screening materials, and/or the use of appropriate plant species. Guidelines and standards to evaluate visual resources developed by the U.S. Forest Service, Natural Resource Conservation Service, U.S. Bureau of Land Management, National Park Service, and other agencies should be adapted for use in evaluating and planning visual solutions.

9. Fish and Wildlife Values

a. Project Identification Requirements. The administering agency should periodically provide a list of proposed and on-going abandoned mine land activities to the conservation or land management agencies with responsibilities for fish and wildlife or their habitats and should request pertinent information and suggestions from these agencies.

b. Determining Fish and Wildlife Values and Goals. The administering agency should review information provided by the conservation and land management agencies with responsibilities for fish and wildlife or their habitats to determine the pre-reclamation fish and wildlife values of abandoned mine land sites. The administering agency should then determine the fish and wildlife goals for each project, in relation to that project's determined fish and wildlife values and the program priority objectives.

c. Planning Considerations. The administering agency should encourage the consideration of fish and wildlife values in all reclamation activities, including those whose primary purposes for reclamation are related to public health, safety, or general welfare. If fish and wildlife values are determined to be among the goals of the reclamation efforts, the administering agency should incorporate them into the reclamation plan.

d. Installing and Maintaining Established Fish and Wildlife Habitat Values. The administering agency should insure that all fish and wildlife measures contained in the selected plan are implemented and should encourage the landowner(s) to maintain them at or above the planned level.

10. Air Quality

a. Air Quality Standards. All reclamation activities should be conducted in accordance with applicable local, State, Tribal, or Federal air quality standards.

b. Coordination Requirements. Local, State, Tribal, or Federal air quality officials should be contacted prior to reclamation planning activities for requirements concerning air quality

permit procedures, applicable standards, and possible control measures.

c. Air Quality Degradation and Improvement. Long-term air quality improvements that will result from reclamation should have priority over possible short-term air quality degradation caused by reclamation construction.

[FR Doc. 01–14580 Filed 6–8–01; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

Investigations Nos. 731–TA–929–931 (Preliminary)]

Silicomanganese From India, Kazakhstan, and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from India, Kazakhstan, and Venezuela of silicomanganese that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce of affirmative preliminary determinations in the investigations under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in the investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On April 6, 2001, a petition was filed with the Commission and Commerce by Eramet Marietta Inc., Marietta, OH, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639 alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of silicomanganese from India, Kazakhstan, and Venezuela. Accordingly, effective April 6, 2001, the Commission instituted antidumping duty investigations Nos. 731–TA–929–931 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 18, 2001 (66 FR 19981). The conference was held in Washington, DC, on April 30, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 21, 2001. The views of the Commission are contained in USITC Publication 3427 (May 2001), entitled Silicomanganese from India, Kazakhstan, and Venezuela: Investigations Nos. 731–TA–929–931 (Preliminary).

Issued: June 5, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–14589 Filed 6–8–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 15, 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–364 and 731–TA–711 and 713–716 (Review) (Oil Country Tubular Goods from Argentina, Italy, Japan, Korea, and Mexico)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on June 28, 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: June 7, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–14747 Filed 6–7–01; 2:16 pm]

BILLING CODE 7020–02–M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following new information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until July 11, 2001.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen,(703) 518–6411,National Credit Union Administration,1775 Duke Street,Alexandria, VA 22314–3428,Fax No. 703–518–6433,E-mail: *jbaylen@ncua.gov.*

OMB Reviewer: Alexander T. Hunt,(202) 395–7860,Office of Management and Budget,Room 10226, New Executive Office Building,Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the: NCUA Clearance Officer,

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Dennis M. Devaney not participating.

James L. Baylen, (703) 518–6411. It is also available on the following website: *www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0024.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection.

Title: 12 C.F.R. Part 708b—Mergers of Federally Insured Credit Unions.

Description: The rule sets forth merger procedures for federally insured credit unions.

Respondents: All credit unions.

Estimated No. of Respondents/Record keepers: 304.

Estimated Burden Hours Per Response: 15 hours.

Frequency of Response: Other. Information disclosures required are made on an on-going basis.

Estimated Total Annual Burden Hours: 4,560.

Estimated Total Annual Cost: $67,853.00.

By the National Credit Union Administration Board on June 5, 2001.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–14652 Filed 6–8–01; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following new information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until July 11, 2001.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen, (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–518–6433, E-mail: *jbaylen@ncua.gov.*

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the:

NCUA Clearance Officer, James L. Baylen, (703) 518–6411. It is also available on the following website: *www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0067.

Form Number: NCUA 5310.

Type of Review: Extension of a currently approved collection.

Title: Corporate Credit Union Monthly Call Report.

Description: NCUA utilizes the information to monitor financial conditions in corporate credit unions, and to allocate supervision and examination resources. The respondents are corporate credit unions, or ''banker's banks'' for natural person credit unions.

Respondents: All corporate credit unions.

Estimated No. of Respondents/Record keepers: 36.

Estimated Burden Hours Per Response: 24 hours.

Frequency of Response: Monthly.

Estimated Total Annual Burden Hours: 864.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on June 5, 2001.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–14653 Filed 6–8–01; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following new information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until July 11, 2001.

ADDRESSES: Interested parties are invited to submit written comments to NCUA

Clearance Officer: Mr. James L. Baylen, (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–518–6433, E-mail: *jbaylen@ncua.gov.*

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the: NCUA Clearance Officer, James L. Baylen, (703) 518–6411. It is also available on the following website: *www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0101.

Form Number: N/A.

Type of Review: Reinstatement of a previously approved collection without change.

Title: 12 CFR Parts 723.5—Develop written loan policies—and 723.11—Provide waiver requests.

Description: The general purpose of the requirements imposed by the rule is to ensure that loans are made, documented, and accounted for properly and for the ultimate protection of the National Credit Union Share Insurance Fund.

Respondents: Federally insured credit unions that make member business loans.

Estimated No. of Respondents/Record keepers: 50.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: Other. Information disclosures required are made on an on-going basis.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on June 5, 2001.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–14654 Filed 6–8–01; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, June 14, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from a Federal Credit Union to Convert to a Community Charter.
2. Request from a Corporate Federal Credit Union for a Field of Membership Amendment and Expansion.
3. Interim Final Rule: Amendments to Part 707, NCUA's Rules and Regulations, Truth in Savings.
4. Proposed Rule: Request for Comments Regarding Parts 700, 701, 712, 715, 723, 725, and 790, Definitions and Technical Amendments.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, June 14, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
2. Action under Section 1785(d)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (6) and (7).
3. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–14808 Filed 6–7–01; 3:12 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

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 Cyberinfrastructure (#10719).

Date/Time: June 25, 2001, 12 pm–3 pm.

Place: Room 320, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open teleconference Meeting. Persons wishing to attend the meeting at NSF should contact Richard Hilderbrandt to arrange for a visitor's pass.

Contact Person: Dr. Richard Hilderbrandt, Program Director, Division of Advanced Computational Infrastructure and Research, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Tel: (703) 292–7093, e-mail: rhilderb@nsf.gov.

Purpose of Meeting: To develop a plan for the preparation of a report to the National Science Foundation concerning the broad topic of advanced cyberinfrastructure and the evaluation of the existing Partnerships for Advanced Computational Infrastructure.

Agenda: Tentative.

Noon—Gathering and review of agenda for meeting.

12:15 Sharing of developments since last meeting and further clarification of charge and approach. Summary of new material on worksite.

12:30 Sub-committee activities.

1:15 Develop interview list and process.

1:45 Discussion of overall flowchart of process.

2:15 Preliminary discussion of outline/structure of report.

2:45 Next steps and next meeting.

3:00 Adjourn.

Dated: June 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–14588 Filed 6–8–01; 8:45 am]

BILLING CODE 7555–01–Mst

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Department of Energy; Three Mile Island, Unit 2, Independent Spent Fuel Storage Installation; Notice of Docketing of Materials License SNM–2508 Amendment; Application

By letter dated April 2, 2001, the U.S. Department of Energy (DOE) submitted an application to the Nuclear Regulatory Commission (NRC or the Commission), in accordance with 10 CFR Part 72, requesting the amendment of the Three Mile Island, Unit 2 (TMI–2) independent spent fuel storage installation (ISFSI) license (SNM–2508) for the ISFSI located at Idaho Falls, Idaho. DOE is seeking Commission approval to amend the materials license and the ISFSI Technical Specifications to revise the Radiation Protection Technical Specification, 3.2.1 and 3.2.2, to control the total Horizontal Storage Module (HSM) dose rate, rather than just the HSM gamma dose rate. The amendment would ensure the Technical Specifications provide adequate controls for the neutron dose from the HSM, since neutron sources are a part of the approved storage cask contents. Modification of the Technical Specification is in response to a Notice of Violation (NRC Inspection Report 72–20/00–03, Docket 72–20) dated February 12, 2001. The requested changes do not appear to affect the design, operation, or maintenance of the ISFSI.

This application was docketed under 10 CFR Part 72; the ISFSI Docket No. is 72–20 and will remain the same for this action. The amendment of an ISFSI license is subject to the Commission's approval.

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) or, if a determination is made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected, take immediate action on the amendment in accordance with 10 CFR 72.46(b)(2) and provide notice of action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

For further details with respect to this application, see the application dated April 2, 2001. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* 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 (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–14601 Filed 6–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–14]

First Energy; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.48 to First Energy. The requested exemption would allow First Energy to implement the amended 10 CFR 72.48 requirements on June 30, 2001, for the Independent Spent Fuel Storage Installation (ISFSI)

at the Davis-Besse Nuclear Power Station in Ottawa County, Ohio.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated April 9, 2001, First Energy requested a scheduler exemption from the implementation date of April 5, 2001, for the revised 10 CFR 72.48. First Energy plans to implement its revised 10 CFR 50.59 and 10 CFR 72.48 programs simultaneously. The planned date for implementing the revised 10 CFR 50.59 requirements is June 30, 2001.

Need for Proposed Action: The applicant wants the implementation date of 10 CFR 50.59 and 10 CFR 72.48 to coincide. The applicant stated in the April 9, 2001, submittal that it is prudent to take a common approach in administering the implementation of 10 CFR 50.59 and 10 CFR 72.48, since there are similarities between the two requirements. Simultaneous implementation of the amended requirements will provide for an orderly transition and alignment of the programs for the revised regulations.

Environmental Impacts of the Proposed Action: There are no significant environmental impacts associated with the proposed action. The new revision of 10 CFR 72.48 is considered less restrictive than the current requirements, with the exception of the additional reporting requirements. Continued implementation of the existing 10 CFR 72.48 until June 30, 2001, is acceptable to the NRC as stated in Regulatory Issues Summary 2001–03 which states that it is the NRC's view that both the old rule and the new rule provide an acceptable level of safety. Extending the current requirements until June 30, 2001, has no significant impact on the environment.

Alternative to the Proposed Action: Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the scheduler exemption and, therefore, not allow First Energy to implement the revised 10 CFR 72.48 requirements on the desired date, June 30, 2001. However, the environmental impacts of the proposed action and the alternative would be the same.

Agencies and Persons Consulted: On May 10, 2001, Ohio state official, Ms. Carol O'Claire, Radiological Branch Chief, Ohio Emergency Management Agency, was contacted regarding the environmental assessment for the proposed action and had no comment.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.48, so that First Energy may implement the amended requirements on June 30, 2001, will not significantly impact the quality of human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed action is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72–14. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at http://www.nrc.gov/NRC/ADAMS/index.html. 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 (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 31st day of May 2001.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Deputy Director, Licensing and Inspection Directorate,Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–14602 Filed 6–8–01; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the Joint ACRS Subcommittee on Plant Operations and Fire Protection; Notice of Meeting

The ACRS Subcommittee on Plant Operations and Fire Protection will hold a joint meeting on June 28, 2001, at Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, June 28, 2001—8:30 a.m. Until the Conclusion of Business

The Subcommittees will discuss issues of mutual interest in the areas of fire protection and plant operation. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman and written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Amarjit Singh (telephone: 301/415–6899) between 7:30 a.m. and 4:30 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 5, 2001.

James E. Lyons,

Associate Director for Technical Support.

[FR Doc. 01–14600 Filed 6–8–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 19b–5 and Form PILOT; SEC File No. 270–448; OMB Control No. 3235–0507]

Submission for OMB Review; Comment Request;

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 19b–5 provides a temporary exemption from the rule-filing requirements of Section 19(b) of the Securities Exchange Act of 1934 (''Act'') to self-regulatory organizations (''SROs'') wishing to establish and operate pilot trading systems. Rule 19b–5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the Commission. During operation of the pilot trading system, the SRO must submit quarterly reports of the system's operation to the Commission, as well as timely amendments describing any material changes to the system. After two years of operating such pilot trading system under the exemption afforded by Rule 19b–5, the SRO must submit a rule filing pursuant to Section 19(b)(2) of the Act in order to obtain permanent approval of the pilot trading system from the Commission.

The collection of information is designed to allow the Commission to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b–5.

The respondents to the collection of information are SROs, as defined by the Act, including national securities exchanges and national securities associations.

Ten respondents file an average total of 6 initial reports, 24 quarterly reports, and 12 amendments per year, with an estimated total annual response burden of 252 hours. At an average hourly cost of $51.71, the aggregate related cost of compliance with Rule 19b–5 for all respondents is $13,032 per year (252 burden hours multiplied by $51.71/hour=$13,032).

Although Rule 19b–5 does not in itself impose recordkeeping burdens on SROs, it relies on existing requirements imposed by Rule 17a–1 under the Act to require SROs to retain all the rules and procedures relating to each pilot trading system operating pursuant to Rule 19b–5 and to make such records available for Commission inspection for a period of not less than five years, the first two years in an easily accessible place.

Compliance with Rule 19b–5 is mandatory. Information received in response to Rule 19b–5 shall be available only for examination by the Commission, other agencies of the federal government, state securities authorities and SROs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (b) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: June 4, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–14585 Filed 6–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44390; File No. SR–NASD–00–33]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. To Amend NASD Rule 3340 To Prohibit Publication of Quotations or Indications of Interest in a Security During a Trading Halt

June 5, 2001.

I. Introduction

On June 7, 2000, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] On August 2, 2000, NASD Regulation amended the proposal.[3] Notice of the proposed rule change, as amended, was published for comment in the **Federal Register** on October 3, 2000.[4] The Commission received one comment letter regarding the proposal.[5] This order approves the proposed rule change.

II. Description of the Proposal

NASD Regulation proposes to amend NASD Rule 3340 to expressly prohibit members from publishing quotations in a security during a trading halt.

According to NASD Regulation, the purpose of the rule change is to expressly prohibit members from publishing quotations or indications of interest in a security during a trading halt. Currently, NASD Rule 3340 prohibits members from effecting a transaction in a security during a trading halt, but does not expressly state that members are prohibited from publishing quotations or indications of interest.[6] However, NASD Rules 3310 [7]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* August 2, 2000 letter from Kathleen A. O'Mara, Assistant General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), SEC (''Amendment No. 1''). In Amendment No. 1, NASD Regulation broadened the scope of the proposed rule change.

[4] *See* Securities Exchange Act Release No. 43346 (September 26, 2000), 65 FR 59036.

[5] *See* October 30, 2000 letter from Cameron Smith, General Counsel, Island ECN, Inc. to Jonathan Katz, Secretary, SEC (''Island Letter'').

[6] The Commission may impose trading suspensions in the United States securities markets under Section 12(k) of the Act. *See* 15 U.S.C. 781(k).

NASD Rule 4120 provides that Nasdaq may halt trading: (1) In the over-the-counter market of a security listed on Nasdaq to permit the dissemination of material news; or (2) in the over-the-counter market of a security listed on a national securities exchange during a trading halt imposed by such exchange to permit the dissemination of material news; or (3) by (i) Consolidated Quotation System (''CQS'') market makers in a CQS security because of an order imbalance or influx (''operational trade halt''); or (ii) Nasdaq market makers in a security listed on Nasdaq, when the security is a derivative or component of a CQS security and a national securities exchange imposes an operational trading halt in that CQS security; or (4) in an American Depositary Receipt (''ADR'') or other security listed on Nasdaq, when the Nasdaq-listed security or the security underlying the ADR is listed on or registered with a national or foreign securities exchange or market, and the national or foreign securities exchange or market, or regulatory authority overseeing such exchange or market, halts trading in such security for regulatory reasons; or (5) in a security listed on Nasdaq when Nasdaq requests from the issuer information relating to: (i) Material news; (ii) the issuer's ability to meet Nasdaq listing qualification requirements, as set forth in NASD Rule 4300 and 4400 Series; or (iii) any other information which is necessary to protect investors and the public interest. *See also* Securities Exchange Act Release No. 42806 (May 22, 2000), 65 FR 34518 (May 30, 2000) (SR–NASD–99–33), which establishes Nasdaq's trade and quote halt authority in certain specific circumstances in securities included in the OTC Bulletin Board Service (''OTCBB''), and *Notice to Members 99–69* soliciting comments on whether NASD Regulation should have authority to halt trading in non-Nasdaq, non-OTCBB, over-the-counter securities under certain circumstances.

[7] NASD Rule 3310 states that: [n]o member shall publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or

and 3320,[8] respectively, state that members are required to enter only bona fide quotations and honor such quotations if presented with an order. Thus, if during a trading halt, a member that is publishing a quotation for a security is presented with a liability order for such security, the member would be faced with the choice of either honoring its quote and violating the rule prohibiting transactions in a security during a trading halt, or complying with the trading halt rule but violating the Firm Quote Rule.

In addition, the entry of quotations or indications of interest while there is a trading halt in a security could be potentially misleading. To prevent this from happening, NASD Regulation is proposing that NASD Rule 3340 be amended to expressly state that members are prohibited from publishing quotations or indications of interest during a trading halt.

III. Summary of Comments

The Commission received one comment letter regarding the proposal.[9] The commenter expressed concern that the proposal would cause the market to abruptly open once a trading halt is lifted without allowing a time period for market participants to enter new quotes.[10] The commenter also stated that the proposal did not provide instruction on what would happen to quotes that were in the system before a trading halt was imposed, and whether market participants would have a chance to refresh their quotes when a trading halt is lifted.[11]

The commenter suggested an alternative method of resuming trading after a trading halt, whereby participants would be allowed a five-minute period to open their quotes. If a quote were refreshed during that period, the quote would then be considered open, and subject to the Firm Quote Rule. Any remaining quotes would remain closed. If, after the five-minute period, any market participants failed to update their quotes, the quotes would be refreshed at the price established before the trading halt was imposed. If the pre-halt price would lock or cross the market, the quote would be subject to an excused withdrawal.[12]

The commenter also suggested that Nasdaq should be required to make system changes to prevent the entry of orders in SelectNet during a trading halt, rather than requiring each of the Nasdaq market participants to make the changes in their own systems.[13]

Finally, the commenter suggested that Nasdaq develop official and automated methodology to alert members about the imposition of trading halts, citing examples of two occasions where incorrect or delayed messages regarding the status of trading halts were posted on the Nasdaq News Frame.[14]

In response to the comment letter,[15] NASD Regulation stated that the proposed rule change would not alter the method by which trading is resumed when a trading halt is lifted.[16] NASD Regulation stated that Nasdaq MarketWatch provides notice of trading halts to members through the Nasdaq workstation. Simultaneously, all quotes for the security at issue are eliminated from the Nasdaq workstation interactive area. Nasdaq MarketWatch updates the status of a trading halt, and notifies members of the exact time the trading halt will be lifted. MarketWatch also notifies members that they may begin entering quotations in anticipation of the end of a trading halt (the ''grace period''). Quotations during the grace period are designated as closed by displaying a ''g'' symbol next to each quotation. The quotations remain closed until the trading halt is lifted, at which time the ''g'' symbol is removed, and quotations become firm.[17]

Regarding the commenter's suggestion that Nasdaq modify SelectNet to prevent the entry of orders in SelectNet during a trading halt, NASD Regulation stated it is a member's responsibility to ensure compliance with NASD rules.[18] While modifying SelectNet may be appropriate as a supplemental measure, NASD Regulation believes there must be fundamental prohibition of the conduct addressed by the proposed rule change.[19] NASD Regulation indicated it has forwarded the commenter's suggestion to Nasdaq, along with the commenter's request that Nasdaq develop official and automated methodology to alert members to the imposition of a trading halt.[20]

IV. Discussion and Commission Findings

The Commission has reviewed carefully the proposed rule change, the comment letter, NASD Regulation's response to the comment letter, and the entire record herein, and finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations applicable to the Association. In particular, the Commission finds that the proposal is consistent with the requirements of Sections 15A(b)(6),[21] 15A(b)(11),[22] and 11A(a)(1)(C)[23] of the Act.

Section 15A(b)(6)[24] requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission finds the proposal is consistent with these requirements.

The Commission further finds the proposed rule is consistent with Section 15A(b)(11),[25] which requires that the rules of a registered national securities association be designed to produce fair and informative quotations, prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

The Commission also finds the proposed rule is consistent with the goals expressed in Section

communication of any kind which purports * * * to quote the bid price or asked price for any security, unless such member believes that such quotation represents a bona fide bid for, or offer of, such security * * *.

NASD Rule IM–3310 states, among other things, that: [i]t would be inconsistent with the above provisions for a member, for itself or for any other person, to publish or circulate or to cause to be published or circulated, by any means whatsoever, any quotation for any security without having reasonable cause to believe that such quotation is a bona fide quotation, is not fictitious and is not published or circulated or caused to be published or circulated for any fraudulent, deceptive or manipulative purpose. IM–3310 also provides: [f]or the purposes of this interpretation, the term ''quotation'' shall include any bid or offer or any formula, such as ''bid wanted'' or ''offer wanted,'' designed to induce any person to make or submit any bid or offer.

[8] NASD Rule 3320 (''Firm Quote Rule'') states that: [n]o member shall make an offer to buy from or sell to any person any security at a stated price unless such member is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell.

[9] *See* footnote 5, supra.

[10] Island Letter, page 2.

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *See* May 10, 2001 letter from Jeffrey S. Holik, Vice President and Acting General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division, SEC (''NASD Regulation Letter'').

[16] *Id.* at page 2.

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] 15 U.S.C. 78o–3(b)(6).

[22] 15 U.S.C. 78o–3(b)(11).

[23] 15 U.S.C. 78k–1(a)(1)(C).

[24] 15 U.S.C. 78o–3(b)(6).

[25] 15 U.S.C. 78o–3(b)(11).

11A(a)(1)(C),[26] which grants the Commission the authority to require rules designed to ensure appropriate protection of investors and the maintenance of fair and orderly markets to assure: (1) Economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer.

The Commission has reviewed carefully the commenter's letter, and is not persuaded by the commenter's assertions. NASD Regulation has stated that the proposed rule change will not affect the process by which trading resumes after a trading halt is lifted for Nasdaq National Market Securities and Nasdaq SmallCap securities, and has explained in detail those procedures.[27] Additionally, NASD Regulation has stated it would not consider the entry of closed quotations into Nasdaq for these types of securities a violation of NASD Rule 3340, provided the quotations were entered in conformity with Nasdaq's resumption process.[28] The Commission also agrees that the responsibility to ensure compliance with NASD rules rests with the NASD's members, and that the proposal is important because it delineates the prohibition of specific conduct during trading halts.[29]

V. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change, as amended, is consistent with the Act, in general, and in particular with Sections 15A(b)(6),[30] 15A(b)(11),[31] and 11A(a)(1)(c)[32] of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[33] that the proposed rule change (SR–NASD–00–33), as amended, be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[34]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–14587 Filed 6–8–01; 8:45 am]

BILLING CODE 8010–01–M

[26] 15 U.S.C. 78k–1(a)(1)(C).

[27] *See* NASD Regulation Letter, page 2.

[28] *Id.*

[29] In approving this proposal, the Commission has considered the proposed rule's impact on efficiently, competition and capital formation. 15 U.S.C. 78c(f). Additionally, the Commission notes that the Association's definition of ''quotation'' under the proposal differs from the definition of ''quotation'' under Exchange Act Rule 15c2–11. 17 CFR 240.15c2–11. The Association's definition of ''quotation'' will have no impact whatsoever on the definition of ''quotation'' under Exchange Act Rule 15c2–11.

[30] 15 U.S.C. 78o–3(b)(6).

[31] 15 U.S.C. 78o–3(b)(11).

[32] 15 U.S.C. 78k–1(a)(1)(C).

[33] 15 U.S.C. 78s(b)(2).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44381; File No. SR–Phlx–2001–57]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Waiving Equity Transaction Value Charges for PACE Orders

June 1, 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 21, 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, II, and III, below, which Items have been prepared by the Phlx. 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 Phlx proposes to waive equity transaction value charges for orders that are electronically routed to the Exchange through PACE.[3] The proposed waiver of fees will be implemented on June 1, 2001.

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 Phlx 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 Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to waive equity transaction value charges for orders that are electronically routed to the Exchange through PACE.[4] Presently, orders routed to the Exchange through PACE are charged an equity transaction value charge, which is subject to a discount schedule based on the total value of monthly transactions.[5] Accordingly, all related PACE trade discounts and credits would no longer apply.

The proposed amendment is designed to promote the Exchange's reputation as a cost-effective trading forum for PACE customers and traders transacting equity business. Furthermore, the Exchange believes that the proposed amendment should encourage electronic order flow to the Exchange, which in turn should promote a more liquid equities market.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and with Section 6(b)(4),[7] in particular, by providing for the equitable allocation of reasonable dues, fees and other charges among participants. Eliminating certain charges for PACE transactions (1) alleviates a financial burden on PACE users and thus encourages the transaction of equities by the investing public, and (2) promotes competition among the various exchanges.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] PACE is the acronym for the Exchange's Automated Communication and Execution System. It is the Exchange's order routing, delivery, execution and reporting system for its equity trading floor. *See* Exchange Rule 229.

[4] Specialists would continue to be subject to the PACE Specialist Charge of $.20 per specialist trade against PACE executions (excluding PACE trades on the opening). Telephone conversation between Diana Tenenbaum, Counsel, Phlx, and Sonia Patton, Attorney, Division of Market Regulation, Commission (May 29, 2001).

[5] If the monthly transaction value of a particular customer is between $0–$25 million, a rate of $0.14 for every $1,000 of value will be charged. The rate decreases as the amount of the monthly transaction value increases. PACE users receive trade discounts based on trade size.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A) [8] of the Act and Rule 19b–4(f)(2) [9] thereunder. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2001–57 and should be submitted July 2, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–14586 Filed 6–8–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3338, Amdt. #1]

State of Illinois

In accordance with notices received from the Federal Emergency Management Agency, dated May 29 and May 31, 2001, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as occurring between April 18, 2001 and continuing through May 29, 2001. The above-numbered Declaration is also amended to include Adams, Calhoun, Mercer and Pike Counties in the State of Illinois as disaster areas caused by flooding occurring between April 18, 2001 and continuing through May 29, 2001.

In addition, applications for economic injury loans from small businesses located in Brown, Greene, Jersey, Knox, Morgan and Scott Counties in the State of Illinois; and Lincoln, Marion, Pike, Ralls and St. Charles Counties in the State of Missouri may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 9, 2001 and for economic injury the deadline is February 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 4, 2001.

Herbert L. Mitchell,

Associate Administrator For Disaster Assistance.

[FR Doc. 01–14566 Filed 6–8–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9L78]

Commonwealth of Massachusetts (and Contiguous Counties in New Hampshire)

Essex County and the contiguous county of Middlesex in the Commonwealth of Massachusetts; and Hillsborough and Rockingham Counties in the State of New Hampshire constitute an economic injury disaster loan area as a result of a fire that occurred on April 28, 2001 in Amesbury, Massachusetts. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on March 1, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd, South 3rd Floor, Niagara Falls, NY 14303.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent. The numbers assigned for economic injury for this disaster are 9L7800 for Massachusetts; and 9L7900 for New Hampshire.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: June 1, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–14565 Filed 6–8–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3345]

State of West Virginia

As a result of the President's major disaster declaration on June 3, 2001, I find that Boone, Kanawha, Logan, Mercer, Raleigh and Wyoming Counties in the State of West Virginia constitute a disaster area due to damages caused by flooding, severe storms, and landslides beginning on May 15, 2001 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 2, 2001, and for loans for economic injury until the close of business on March 4, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in West Virginia may be filed until the specified date at the above location: Clay, Fayette, Jackson, Lincoln, McDowell, Mingo, Nicholas, Putnam, Roane, and Summers; and Bland, Giles, and Tazewell Counties in Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

	Percent
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 334506. For economic injury the numbers are 9L8200 for West Virginia, and 9L8300 for Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 5, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–14564 Filed 6–8–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3339, Amdt. #1]

State of Wisconsin

In accordance with notices received from the Federal Emergency Management Agency, dated May 29 and May 30, 2001, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as occurring between April 10, 2001 and continuing through May 29, 2001. The above-numbered Declaration is also amended to include Washburn County in the State of Wisconsin as disaster areas caused by flooding occurring between April 10, 2001 and continuing through May 29, 2001.

In addition, applications for economic injury loans from small businesses located in Rusk County in the State of Wisconsin may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 10, 2001 and for economic injury the deadline is February 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 4, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–14563 Filed 6–8–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Notice of Teleconference

AGENCY: Social Security Administration (SSA).

ACTION: Notice of teleconference.

DATES: June 22, 2001, 1:30–4 p.m., EDT.

ADDRESSES: Teleconference: Ticket to Work and Work Incentives Advisory Panel Office, Social Security Administration, 400 Virginia Avenue, SW., Suite 700, Washington, DC 20024; Call-in number: 1–888–791–2132; Pass code: 12211.

SUPPLEMENTARY INFORMATION: Type of meeting: This teleconference meeting is open to the public. The public is invited to participate by coming to the address listed above or calling into the teleconference. Public testimony will not be taken.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) Advisory Panel (the Panel). Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commission on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the teleconference to conduct full Panel deliberations on the implementation of TWWIIA and conduct administrative business. Public testimony will not be taken.

The Panel will meet by teleconference commencing Friday, June 22 at 1:30 p.m. to 4 p.m., Eastern time.

Agenda: The Panel will deliberate on the Advice Report on the NPRM and SSA's Evaluation Plans as well as a conduct administrative business. The public is invited to participate by coming in to the address listed above or calling in to the scheduled teleconference to listen. No public testimony will be taken. The agenda for this meeting will be posted on the Internet at *http://www.ssa.gov/work/panel/* one week prior to the teleconference or can be received in advance electronically or by fax upon request. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff by mail addressed to Ticket to Work and Work Incentives Advisory Panel Staff, Social Security Administration, 700 Virginia Avenue, SW., Washington, DC, 20024, telephone contact with Kristen Breland at (202) 358–6423, fax at (202) 358–6440 or e-mail to *TWWIIAPanel@ssa.gov.*

Dated: June 6, 2001.

Deborah M. Morrison,

Designated Federal Officer.

[FR Doc. 01–14729 Filed 6–8–01; 8:45 am]

BILLING CODE 4191–02–M

DEPARTMENT OF STATE

[Public Notice 3695]

Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation (ECA/P); 60-Day Notice of Proposed Information Collection: Evaluation of DOS-Sponsored Educational and Cultural Exchange Programs (Formerly USIA-Sponsored Educational and Cultural Exchange Activities; USIA Participant Survey Questionnaire); OMB Control #1405–0118 (Formerly USIA #3116–0199)

ACTION: Notice.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

Type of Request: Extension of a currently approved collection, OMB Control #1405–0118.

Originating Office: Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation (ECA/P).

Title of Information Collection: Evaluation of DOS-sponsored Educational and Cultural Exchange Programs.

Frequency: Information is collected on a per evaluation project basis.

Form Number: N/A [Multiple survey questionnaires may be used for evaluation projects, on a one-time, per-project basis].

Respondents: U.S. and foreign applicants, current grantee exchange

visitor participants (J–1 visa) and alumni of the Bureau of Educational and Cultural Affairs' exchange programs, program administrators, domestic and foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with the Bureau's exchange programs.

Estimated Number of Respondents: 5,566.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 1,385 (2,770 total annual responses × .30 minutes).

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Tamara L. Martin, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, 301 4th Street, SW., (SA–44), Room 357, U.S. Department of State, Washington, DC 20547, who may be reached on (202) 619–5307.

Dated: May 25, 2001.

David Whitten,

ECA/EX, Executive Director, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–14631 Filed 6–8–01; 8:45 am]

BILLING CODE 4710–05–U

DEPARTMENT OF STATE

[Public Notice 3696]

Culturally Significant Objects Imported for Exhibition Determinations: ''Pieter Bruegel the Elder, Drawings and Prints''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Pieter Bruegel the Elder, Drawings and Prints,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY from on or about September 24, 2001 to on or about December 2, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: June 1, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–14632 Filed 6–8–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3694]

Culturally Significant Objects Imported for ExhibitionDeterminations: ''Impressionist Still Life''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*),Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No.236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Impressionist Still Life,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Phillips Collection,Washington, DC from on or about September 22, 2001 to on or about January 13,2002, and the Museum of Fine Arts, Boston, MA from on or about February 17, 2002 to on and about June 9, 2002 is in the national interest. Public Notice of theseDeterminations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address isU.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC20547–0001.

Dated: June 1, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–14630 Filed 6–8–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3693]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Art of Chola Bronzes''

AGENCY: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition ''The Art of CholaBronzes,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The object is imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit object at the Arthur M. Sackler Gallery, Washington, DC from on or about November 10, 2002 to on or about March 9, 2003 and the Dallas Museum of Art, Dallas, TX from on or about April

4, 2003 to on or about June 15, 2003, and the Cleveland Museum of Art, Cleveland, OH from on or about July 4, 2003 to on or about September 14, 2003 is in the national interest. Public Notice of theseDeterminations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser,Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6981).The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700,Washington, DC 20547–0001.

Dated: June 1, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–14629 Filed 6–8–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

Office of Defense Trade Control

[Public Notice 3692]

Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the twenty-four letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director,Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: June 4, 2001.

William J. Lowell,

Director, Office of Defense Trade Controls, U.S. Department of State.

United States Department of State

Washington, D.C. 20520, April 30, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Technical Assistance Agreement for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves ongoing activities associated with technical assistance agreements with Russia beyond those addressed in DTC 39–98 dated March 19, 1998, DTC 98–99 dated August 5, 1999, DTC 014–00 dated March 7, 2000, and DTC 034–01 dated March 1, 2001 providing for the marketing and sale of satellite launch services utilizing Proton rocket boosters and the performance of associated integration and launch services from Kazakhstan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 038–01

United States Department of State,

Washington, D.C. 20520, April 30, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Technical Assistance Agreement for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification concerns the Sea Launch joint venture, in which Norway, Ukraine, Russia and United Kingdom will also participate, to provide commercial space launch services for communications satellites from a modified oil platform in the Pacific Ocean.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 048–01

United States Department of State,

Washington, D.C. 20520, May 3, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of major defense equipment defense articles and/or defense services sold commercially under a contract in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and defense articles to Norway for the development of the Spanish Short Range Air Defense System for the Spanish Ministry of Defense, utilizing the surface launched AMRAAM Air Defense System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely, Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 012–01

United States Department of State,

Washington, D.C. 20520, May 3, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to the United Kingdom for the integration and testing of Battlefield Management Systems and Sensors in the ASTOR (Airborne Stand Off Radar) System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 039–01

United States Department of State,

Washington, D.C. 20520, May 17, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Manufacturing License Agreement with Sweden.

The transaction described in the attached certification involves the transfer of technical data and technical assistance to manufacture, assemble, test and maintain in Sweden, GRG5 Rate Gyroscopes and APS–4 Accelerometers.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 033–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and defense articles related to the operation, training, and maintenance for Saudi Arabia's ''Peace Shield'' command, control, and communications (C3) system for end use by the Royal Saudi Arabian Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 009–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance to Israel related to the development of the Tactical High Energy Laser (THEL) Advanced Concept Technology Demonstrator for end-use in the United States and Israel.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 011–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Italy and France.

The transaction contained in the attached certification involves the export of technical data and defense services to Italy to support the co-production of Mk–83 JointDirect Attack Munition (JDAM) Guidance Kits.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 032–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture in Norway of AN/APG–66/68 Fire Control Radar rack assemblies and components for the F–16 Mid Life Update Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 036–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert,Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data for the manufacture of propeller parts and components for various maritime patrol and transport aircraft manufactured by France and sold to third countries.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 040–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Japan.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of the AN/ARC–159 UHF Transceiver for end use by the Government of Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. 051–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.
The Honorable J. Dennis Hastert,
Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Germany.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of Laser Rangefinders and 1st Generation Parallel-Scan Thermal Imaging Systems. The Laser Rangefinders and Parallel-Scan Thermal Imaging Systems will be for end use by Governments of Australia, Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Luxembourg, Malaysia, The Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, and the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. 053–01

United States Department of State,

Washington, D.C. 20520, May 23, 2001.
The Honorable J. Dennis Hastert,
Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Technical Assistance Agreement for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the sale to Mexico of the SATMEX 6 commercial communications satellite. The satellite will provide telecommunications services in the western hemisphere.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 061–01

United States Department of States,

Washington D.C. 20520, May 24, 2001.

The HonorableJ. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Technical Assistance Agreement for the export of defense articles or defense services sold commercially under a contract in the amount$50,000,000 or more.

The transaction contained in the attached certification involves the launch of two (2) French-built commercial communications satellites for end use in the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

United States Department of States,

Washington D.C. 20520, May 24, 2001.
Enclosure: Transmittal No. DTC 037–01.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance to Belgium for the manufacture of F110 series military aircraft engine components.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 057–01.

United States Department of State,

Washington, D.C. 20520, May 24, 2001.
The HonorableJ. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Manufacturing License Agreement with the Republic of Korea.

The transaction described in the attached certification involves the transfer of design data, engineering information, instructions and support material for the manufacture of ADVS 1790 series engines in the Republic of Korea for the KoreanDefense Department.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs

Enclosure:Transmittal No. DTC 058–01

United States Department of State,

Washington, D.C. 20520, May 24, 2001.
The HonorableJ. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the manufacture in Japan of H–423 Inertial NavigationSystems for the Japan Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure:Transmittal No. DTC 059–01

United States Department of State,

Washington, D.C. 20520, May 24, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the manufacture and assembly in the Republic of Korea of X200–5K transmissions and components.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 060–01

United States Department of State,

Washington, D.C. 20520, May 25, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Switzerland.

The transaction contained in the attached certification involves the transfer of defense services and technical data to Switzerland for the manufacture, assembly, repair, overhaul and logistical support of the MK44 Chain Gun used in an Armored InfantryVehicle in Switzerland.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 041–01

United States Department of State,

Washington, D.C. 20520, May 25, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves launch services for the Asiasat 4 commercial communications satellite on an Atlas III launch vehicle from Cape Canaveral, Florida.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 042–01

United States Department of State,

Washington, D.C. 20520, May 25, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Canada.

The transaction contained in the attached certification involves the export of defense services and technical data for the manufacture of acoustic data recorder/reproducer and remote control units for the P–3C Orion Maritime Surveillance Aircraft in Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 043–01

United States Department of State,

Washington, D.C. 20520, May 25, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed manufacturing license agreement with Japan.

The transaction contained in the attached certification involves the export of defense services and technical data to Japan for the manufacture and sale of fifty (50) hybrid 205B(JDA) model helicopters for use by the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 045–01

United States Department of State,

Washington, D.C. 20520, May 25, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed request for the sale of defense articles or defense services sold under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of ten (10) C–130H Aircraft, ten (10) spare T–56 engines, spare parts and ground support equipment from Italy to the Government of Brazil.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 055–01

United States Department of State,

Washington, D.C. 20520, May 30, 2001.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the sale of Airborne Early Warning and Control (AEW&C) systems to Australia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification, which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 047–01

[FR Doc. 01–14628 Filed 6–8–01; 8:45 am]

BILLING CODE 4710–25–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Under the Caribbean Basin Trade Partnership Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Saint Lucia and Barbados are making substantial progress toward implementing and following the customs procedures required by the Caribbean Basin Trade Partnership Act and, therefore, imports of eligible products from Saint Lucia and Barbados qualify for the trade benefits provided under the Act.

EFFECTIVE DATE: June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Christopher Wilson, Director for Central America and the Caribbean, Office of the United States Trade Representative, (202) 395–5190.

SUPPLEMENTARY INFORMATION: The Caribbean Basin Trade Partnership Act (Title II of the Trade and Development Act of 2000, Pub. L. No. 106–200) (CBTPA) amended the Caribbean Basin Economic Recovery Act (CBERA) to provide preferential tariff treatment for imports of certain products of beneficiary Caribbean and Central American countries. The trade benefits provided by the CBTPA are available to imports of eligible products from countries that the President designates as ''CBTPA beneficiary countries,'' provided that these countries have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7351 of October 2, 2000, the President designated all 24 current beneficiaries under the CBERA as ''CBTPA beneficiary countries.'' Proclamation 7351 delegated to the United States Trade Representative (USTR) the authority to determine whether the designated CBTPA beneficiary countries have implemented and follow, or are making substantial progress toward implementing and following, the customs procedures required by the CBTPA. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS).

Based on information and commitments provided by the Governments of Saint Lucia and Barbados, I have determined that Saint Lucia and Barbados are making substantial progress toward implementing and following the customs procedures required by the CBTPA. Accordingly, pursuant to the authority vested in the USTR by Proclamation 7351, general note 17(a) to the HTS, U.S. note 7(b) to subchapter II of chapter 98 of the HTS, and U.S. note 1 to subchapter XX of chapter 98 of the HTS are each modified by inserting in alphabetical sequence in the list of eligible CBTPA beneficiary countries the names ''Barbados'' and ''Saint Lucia''. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice.

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01–14582 Filed 6–8–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations updating methods to determine load intensities and flight loads validations. This notice is to inform the public of this ARAC activity.

FOR FURTHER INFORMATION CONTACT: John McGraw, Federal Aviation Administration, Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW., Renton, Washington, 98055, (425) 227–2111, *john.mcgraw@faa.gov*

SUPPLEMENTARY INFORMATION:

Background

The FAA established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

The Task

- Review § 25.301 and JAR 25.301 for adequacy in addressing the issue of validation of flight load intensities and distribution. This review should include the consideration of:

1. FAA Advisory Circular (AC) 25–14, ''High Lift and Drag Devices;''
2. Relevant FAA issue papers and their implementation;
3. JAA Certification Review Items (CRI) addressing flight loads validation.

- Develop a report recommending any revision to the rules (including cost estimates) and any advisory materials needed to address the above issues.

Schedule: This task is to be accomplished no later than June 28, 2002.

ARAC Acceptance of Task

ARAC accepted the task and assigned the task to the General Structures Harmonization Working Group, Transport Airplane and Engine Issues. The working group serves as staff to ARAC and assists in the analysis of assigned task. ARAC must review and approve the working groups recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

Working Group Activity

The General Structures Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan, for consideration at the next meeting of the ARAC on Transport Airplane and Engine Issues held following publication of this notice.
2. Give a detail conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider transport airplanes and engine issues.

Participation in the Working Group

The General Structures Harmonization Working Group is

composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group co-chairs. Individuals will be advised whether or not their request can be accommodated.

Individuals chose for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadline. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group co-chairs.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the General Structures Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on June 5, 2001.

Brenda D. Courtney,

Acting Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–14659 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engines Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations harmonizing changes to the airworthiness standards for pilot compartment doors to include resistant to intrusion. This notice is to inform the public of this ARAC activity.

FOR FURTHER INFORMATION CONTACT: John McGraw, Federal Aviation Administration, Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW., Renton Washington 98055 (425) 227–2111, *john.mcgraw@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

The Task

As part of a current task assigned to the Design for Security Harmonization Working Group (64 FR 57921, 10/27/99), ARAC should recommend harmonized changes to the airworthiness standards for pilot compartment doors to include resistance to intrusion.

Schedule: This new task is to be completed along with the original task and is due no later than December 31, 2001.

ARAC Acceptance of Task

ARAC accepted the task and assigned the task to the existing Design for Security Harmonization Working Group, Transport Airplane and Engines Issues. The working group serves as staff to ARAC and assists in the analysis of assigned tasks. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

Working Group Activity

The Design for Security Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engines issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

Participation in the Working Group

The Design for Security Harmonization Working Group is composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than June 29, 2001. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group co-chairs. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group

activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group co-chairs.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Design for Security Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on June 5, 2001.

Brenda D. Courtney,

Acting Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–14658 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Security Advisory Committee; Meeting

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held June 21, 2001, from 10 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, DC 20591, telephone 202–267–7622.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 11), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held June 21, 2001, at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, DC. The agenda for the meeting will include: Review of Rulemaking Activities, Update on the Status of the Verification Card Program Pilot, RTCA Committee on Access Control Standards and the FAA/ACC Airport Terminal Workshop Series, Weapons of Mass Destruction/Bio-Chemical, A Common Strategy, and Aviation Security Contingency Plan Working Group. The meeting is open to the public but attendance is limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time. Persons wishing to present statements or obtain information should contact the Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–7622.

Issued in Washington, D.C., on June 6, 2001.

Lynne A. Osmus,

Deputy Associate Administrator for Civil Aviation Security.

[FR Doc. 01–14660 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2001–9270]

Petition for Waiver of Compliance; Extension of Comment Period

On April 6, 2001, the Federal Railroad Administration (FRA) published in the **Federal Register** (66 FR 18351) notice of the petition of Wabtec Railway Electronics (Wabtec) in which Wabtec seeks a permanent waiver of compliance from a provision of the ''Railroad Power Brake and Drawbars'' regulations regarding two-way end-of-train devices (49 CFR 232.23(f)(2)).

FRA invited interested parties to participate in this proceeding by submitting comments to the DOT Central Docket Management Facility by May 11, 2001. It has come to our attention that due to an administrative error on the part of the agency, an incomplete copy of Wabtec's petition was filed in the public docket (Docket No. FRA–2001–9270). That error has been corrected and a complete copy of Wabtec's submission is now filed in the docket as Document No. 5.

Inasmuch as interested parties may have had incomplete information on which to base comments in this proceeding, FRA is extending the comment period to July 11, 2001. Comments and other communications concerning this proceeding should be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments received by that date will be considered by FRA before final action is taken in this proceeding. All written communications concerning this proceeding are available for examination during regular business hours (9 a.m.–5 p.m.) at the DOT Central Docket Management Facility, Room PL–401, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on June 6, 2001.

Michael T. Haley,

Acting Chief Counsel.

[FR Doc. 01–14604 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on Thursday, July 26, 2001, beginning at 1:30 p.m. and ending at approximately 5 p.m. The deadline for interested parties to suggest agenda topics is 5 p.m. on Monday, July 2, 2001. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by Friday, July 6, 2001, to the address given below. If sufficient time is available, questions received after the July 6 date will be answered at the meeting during the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of answers to questions submitted by July 6 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Baltimore/Washington International (BWI) Airport Marriott, 1743 West Nursery Road, Baltimore, Maryland 21240, telephone number (410) 859–8300. Suggestions for specific research and development topics as described below and questions for the July 26, 2001, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh Street, SW., Washington, DC 20590. The fax number is (202) 366–5930.

SUPPLEMENTARY INFORMATION: In recent years, since April 1993, NHTSA has provided detailed information about its research and development programs in presentations at a series of public meetings. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This is the twenty-ninth meeting in that series, and it will be held on Thursday, July 26, 2001, at the BWI Airport Marriott, 1743 West Nursery Road, Baltimore, Maryland 21240.

NHTSA requests suggestions from interested parties on specific agenda topics to be presented at this meeting. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by 5 p.m. on July 2, 2001. Before the meeting, NHTSA will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the request to the telephone numbers listed in this notice, through the E-mail address listed in this notice, or from NHTSA's Web site at URL *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.*

NHTSA asks that the suggestions be limited to three topics, in priority order, so that the presentations at the July 26, 2001, meeting can be most useful to the audience. Specific research and development topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other research and development topics of specific interest to their organizations or items of general interest. Additionally, if any interested parties would like to make a presentation regarding technical issues concerning any of NHTSA's research programs, information concerning the proposed topic and speaker should be submitted in writing by 5:00 p.m. on July 2, 2001, to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh Street, SW., Washington, DC 20590. The fax number is (202) 366–5930.

Specific R&D topics are:

Fiscal Year 2001 R&D Research Efforts,
International Harmonized Research Activities (IHRA),
On-line tracking system for NHTSA's research projects, and
Crash Injury Research and Engineering Network (CIREN).

Specific Crashworthiness R&D topics are:

Preparation of new dummies for assessment of advanced air bag technology,
Improved frontal crash protection (program status, problem identification, offset testing),
Vehicle compatibility,
Upgrade side crash protection,
Child restraint/air bag interaction (CRABI) dummy testing,
Head and neck injury research,
Lower extremity injury research, and
Thorax injury research.

Specific Crash Avoidance R&D topics are:

National Advanced Driving Simulator (NADS), Intelligent vehicle initiative (the rear-end collision avoidance system operational test),
Drowsy driver monitoring,
Driver workload assessment, and
Lane change/merge collision avoidance system guidelines.

Specific National Center for Statistics and Analysis (NCSA) topics are:

Special crash investigation studies and
Crash avoidance data collection.

Separately, questions regarding research projects that have been submitted in writing not later than 5 p.m. on July 6, 2001, will be answered. The summary minutes of the meeting, copies of materials handed out at the meeting, and answers to the questions submitted for response at the meeting will be available for public inspection in the DOT Docket in Washington, DC, within 3 weeks after the meeting. Copies of this material will then be available at ten cents a page upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10 a.m. to 5 p.m. The summary minutes, handouts, and answers to the questions will also be available on NHTSA's Web site URL *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.*

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons by telephone on (202) 366–4862, by telefax on (202) 366–5930, or by E-mail at *rgibbons@nhtsa.dot.gov* by 5 p.m. July 2, 2001.

Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's Web site URL *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.* If you do not have access to the Web site, you may call for information at the contact listed below and leave your telephone or telefax number. You will be called only if the meeting is postponed or canceled.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4862. Fax number: (202) 366–5930. E-mail: *rgibbons@nhtsa.dot.gov.*

Issued: June 4,2001.

H. Keith Brewer,

Acting Associate Administrator for Research and Development.

[FR Doc. 01–14661 Filed 6–8–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub–No. 179X); STB Docket No. AB–458X]

Union Pacific Railroad Company—Abandonment Exemption—in Merced County, CA; California Northern Railroad Company—Discontinuance Exemption—in Merced County, CA

On May 22, 2001, the Union Pacific Railroad Company (UP) and the California Northern Railroad Company (CNR) jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903, permitting UP to abandon and CNR to discontinue service over a 1.10-mile segment of the Los Banos Branch, extending from milepost 140.07 to milepost 141.17 in Los Banos, Merced County, CA. There are no stations on the line, which traverses U. S. Postal Service Zip Code 93635.

The line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 7, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 2, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 179X) *et al.* and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001; (2) Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606; and (3) David L. Parkinson, 221 Gateway Road West, Suite 401, Napa, CA 94558. Replies to the exemption petition are due July 2, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.''

Decided: June 4, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–14467 Filed 6–8–01; 8:45 am]

BILLING CODE 4915–00–P

Corrections

Federal Register
Vol. 66, No. 112
Monday, June 11, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

St. Marys Falls Canal and Locks, Michigan; Use, Administration and Navigation

Correction

In rule document 01–14023 beginning on page 30063 in the issue of Tuesday, June 5, 2001, make the following correction:

§207.441 [Corrected]

On page 30063, in §207.441, in the fourth line, ''(1) *Tanker vessels–(i) Hazardous material.*'' should read ''(4)*Tanker vessels–(i) Hazardous material.*''.

[FR Doc. C1–14023 Filed 6–8–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01130]

National Program to Promote Physical Activity Among Youth; Notice of Availability of Funds; Correction

Correction

In notice document 01–13735 beginning on page 29821 in the issue of Friday June 1, 2001, make the following correction:

On page 29821, in the third column, under the heading **FOR FURTHER INFORMATION CONTACT**, in the second paragraph, in the sixth line ''[Program Announcement 011230]'' should read ''[Program Announcement 01130]''.

[FR Doc. C1–13735 Filed 6–8–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Announcement of Availability of Funds for Research in Family Planning Service Delivery Improvement

Correction

In notice document 01–13743 beginning on page 29812 in the issue of Friday, June 1, 2001, make the following corrections:

1. On page 29812, in the first column, under **SUMMARY:**, in the ninth line, ''undeserved'' should read ''underserved''.

2. On the same page, in the same column, under **DATES:**, in the third line from the bottom, ''announcement will be accepted for'' should read ''announcement will not be accepted for''.

3. On the same page, in the second column, under **SUPPLEMENTARY INFORMATION:**, in the third paragraph, in the second line, ''subject'' should read ''subjects''.

4. On the same page, in the same column, under the same heading, in the fourth paragraph, in the fourth line, ''trough'' should read ''through''.

5. On the same page, in the same column, in the same paragraph, in the sixth line, ''achieve'' should read ''archive''.

6. On the same page, in the third column, under **Underserved Populations**, in the second paragraph, in the seventh line from bottom, ''come'' should read ''some''.

7. On the same page, in the same column, in the same paragraph, in the last line, ''populations'' should read ''population''.

[FR Doc. C1–13743 Filed 6–8–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1320–EL, WYW153411]

Coal Lease Exploration License, WY

Correction

In notice document 01–13121 beginning on page 28758 in the issue of Thursday May 24, 2001, make the following correction:

On page 28759, in the first column, in the eighth and ninth lines

''Sec. 25: Lots 1–16; T. 44 N., R 71 W., 6th P.M., Wyoming''

should read;

''Sec. 25: Lots 1–16;
T. 44 N., R 71 W., 6th P.M., Wyoming''.

[FR Doc. C1–13124 Filed 6–8–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

[AAG/A Order No. 221–2001]

Privacy Act of 1974; System of Records

Correction

In notice document 01–5706 beginning on page 13966 in the issue of Thursday, March 8, 2001, make the following correction:

On page 13967, in the first column, in the sixteenth line, ''geological'' should read ''geographical''.

[FR Doc. C1–5706 Filed 6–8–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
June 11, 2001

Part II

Housing and Urban Development

Notice of Annual Factors for Determining Public Housing Agency On-Going Administrative Fees for the Housing Choice Voucher Program and the Rental Certificate and Moderate Rehabilitation Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4637–N–01]

Notice of Annual Factors for DeterminingPublic Housing Agency On-Going Administrative Fees for the Housing Choice Voucher Program and the Rental Certificate and Moderate Rehabilitation Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice announces the monthly per unit fee amounts for use in determining the on-going administrative fee for public housing agencies (PHAs) administering the housing choice voucher program, and the rental certificate and moderate rehabilitation programs (including Single Room Occupancy and Shelter Plus Care) during Federal Fiscal Year (FY) 2001. The rental certificate program terminates at the end of FY 2001.

EFFECTIVE DATE: This notice is effective upon publication. HUD will use the procedures in this Notice to approve year-end financial statements for PHA fiscal years ending on December 31, 2000; March 31, 2001; June 30, 2001; and September 30, 2001. PHAs also must use these procedures to project earned administrative fees in the annual PHA budget. The procedures in this Notice apply to on-going administrative fees earned for that portion of the PHA fiscal year that falls in Federal FY 2001 (i.e., from October 1, 2000, to September 30, 2001).

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4210, 451 Seventh Street, SW, Washington, DC 20410–8000; telephone number (202) 708–0477 (this is not a toll-free telephone number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

HUD pays administrative fees to PHAs for the costs of administering the housing choice voucher program and the rental certificate and moderate rehabilitation programs, including the Single Room Occupancy and Shelter Plus Care components. Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104–204, 110 Stat. 2874 and 2893 approved September 26, 1996) established the procedures for calculating these administrative fees before Federal Fiscal Year 1999. However, Section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)), as amended by section 547 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461 and 2605, approved October 21, 1998) (QHWRA) raised the on-going percentage of the ''base amount'' used for calculating the administrative fees for the first 600 units in a PHA's housing choice voucher program from 7.5 percent to 7.65 percent. The Department of Veterans Affairs and Housing and Urban Development and Independent Agencies FY 2001 Appropriations Act (Pub. L. 106–377, Stat. 1441, approved October 27, 2000) provides that the administrative fee authorized under section 8(q) of United States Housing Act of 1937, is the fee level in effect immediately before the enactment of the QHWRA of 1998. Before enactment of QHWRA, the on-going administrative fee percent for the first 600 units in a PHA's housing choice voucher program was 7.5 percent of the base amount.

This notice announces the methodology to be used for calculating the on-going administrative fee for PHAs administering the housing choice voucher program and the rental certificate and moderate rehabilitation programs (including Single Room Occupancy and Shelter Plus Care) during FY 2001.

A PHA's on-going administrative fee may be reduced because of PHA failure to comply with its administrative responsibilities (section 982.152(d)). For example, HUD may reduce the on-going fee if the PHA does not provide required information on program participants to the Multifamily Tenant Characteristics System as required by HUD or maintain at least a 92 percent lease-up.

II. Calculating the On-Going Monthly Administrative Fee

(a) *On-going Administrative Fee.* A public housing agency is paid an on-going administrative fee for each unit month for which a dwelling unit is covered by a housing assistance payments contract. Under the system for FY 2001, the on-going monthly administrative fee is:

1. 7.5 percent of the ''base amount'' for the first 600 units in a PHA's housing choice voucher and rental certificate programs combined, and for the first 600 units in a PHA's moderate rehabilitation program.

2. 7.0 percent of the ''base amount'' for each additional housing choice voucher, rental certificate, or moderate rehabilitation unit above the 600 unit, threshold.

3. 3.0 percent of the ''base amount'' for PHA-owned units.

(b) *The Base Amount.* The ''Base Amount'' is the higher of:

1. The FY 1993 fair market rent for a two-bedroom unit; or

2. The FY 1994 fair market rent for a two-bedroom unit, but not more than 103.5 percent of the FY 1993 fair market rent.

Note: The base amount is adjusted annually to reflect average local government wages as measured by the most recent Bureau of Labor Statistics data on local government wages (the ES–202 series).

(c) *Additional Fees.* PIH Notice 2000–28 (HA) (issued August 9, 2000) and PIH Notice 2000–49 (HA) (issued October 27, 2000) lists other authorized fees.

III. On-Going Fee Amounts

(a) *Fee Schedule.* This notice publishes the schedule of monthly per unit on-going administrative fee amounts. These on-going fee amounts shall be used by HUD and PHAs for preparation of PHA budgets and approval of fiscal year-end financial statements. The schedules are organized by the HUD-established fair market rent areas and show the monthly on-going fee amounts a PHA will earn for each unit under a housing assistance payments contract on the first day of the applicable month.

(b) *Column A: Fees for Program of 600 Units or Less.* The amount in column A is the monthly per unit on-going fee amount for the first 7,200 unit months in FY 2001 in a PHA's combined rental certificate and voucher programs combined (not including any PHA-owned units). The 7,200 unit month figure is determined by multiplying 600 units times 12 (the number of months in one year).

On-going fee amounts in column A are also used as the monthly per unit fee for the first 7,200 unit months in FY 2001 in a PHA's moderate rehabilitation program, including the moderate rehabilitation single room occupancy program. However, the column A amounts are not used to calculate on-going fees for any PHA-owned units.

The total column A on-going fee is computed by multiplying the number of unit months under a housing assistance payments contract in Federal FY 2001 by the monthly per unit fee amount in column A, up to the maximum number of unit months.

The maximum number of unit months for which the column A fee amount may be used depends on the PHA fiscal year end. Based on the applicable PHA fiscal year end, a PHA must use the following number of unit months to calculate its column A on-going administrative fee for FY 2001:

PHA fiscal year end	Maximum number of column A unit months
December 31, 2000	Up to 1,800 unit months.
March 31, 2001	Up to 3,600 unit months.
June 30, 2001	Up to 5,400 unit months.
September 30, 2001	Up to 7,200 unit months.

(c) *Column B: On-going Fees for unit months in excess of the maximum number of the Column A Unit Months.* Column B is used to determine the monthly per unit on-going fee amount for any unit months in FY 2001 in excess of the maximum number of unit months specified in the above matrix (depending on the PHA's fiscal year end). The excess unit months, based on the PHA's fiscal year end and the number of housing choice voucher, rental certificate and moderate rehabilitation (including the moderate rehabilitation single room occupancy program and the shelter plus care single room occupancy program—not including any PHA owned units) units under housing assistance payment contracts during FY 2001, are multiplied by the monthly per unit on-going fee amount in column B.

(d) *Column C: Fees for PHA-Owned Units.* The monthly per unit on-going fee amount in column C is used to calculate the on-going administrative fee for any PHA-owned units. For this purpose, multiply the number of unit months for PHA-owned units under housing assistance payment contracts during FY 2001. The column C amount is used for PHA-owned units assisted in the rental voucher, rental certificate, and moderate rehabilitation units. Column A and column B fee amounts are not used for PHA-owned units.

(e) Fees for Units Under Portability. The on-going fee amounts used for reimbursing receiving PHAs for all portable units (not absorbed by the receiving PHA) will be determined by using the monthly per unit on-going administrative fee amounts in column B for the PHA.

The receiving PHA administering the portable housing choice voucher receives 80 percent of the column B amount and the initial PHA receives 20 percent of the column B amount.

(f) *Future year publication date.* For subsequent fiscal years, HUD will publish an annual notice in the **Federal Register** establishing the monthly per unit fee amounts for use in determining the on-going administrative fees for PHAs operating the housing choice voucher program and moderate rehabilitation program in each metropolitan and each non-metropolitan fair market rent area for that Federal fiscal year. The annual change in the per-unit-month fee amounts will be based on changes in wage data or other objectively measurable data, as determined by HUD, that reflect the costs of administering the program.

The amounts in the schedule published in the **Federal Register** will not reflect the authority given to HUD to increase the fee if necessary to reflect extraordinary expenses such as the higher costs of administering small programs and programs operating over large geographic areas or expenses incurred because of difficulties some categories of families are having in finding appropriate housing. HUD will consider PHA requests for such increased administrative fees. Furthermore, the amounts will not include preliminary fees.

IV. Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and have been assigned OMB control number 2577–0149. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Environmental Impact

In accordance with 24 CFR 50.19(c)(6) of the HUD regulations, the policies and procedures contained in this notice set forth rate determinations and related external administrative requirements and procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites, and therefore are categorically excluded from the requirements of the national Environmental Policy Act.

Executive Order 13132, Federalism

Executive Order 13132 (captioned ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts State law, unless the relevant requirements of section 6 of the Executive Order are met. None of the provisions in this notice will have federalism implications and they will not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order. As a result, the notice is not subject to review under the Order

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this program is 14.850.

Dated: May 29, 2001.

Gloria Cousar,

Acting General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–P

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

A L A B A M A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Anniston, AL MSA	40.64	37.92	16.26	Calhoun
Aurburn-Opelika, Al MSA	40.64	37.92	16.26	Lee
Birmingham, AL MSA	41.72	38.94	16.69	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	40.78	38.05	16.31	Russell
Decatur, AL MSA	40.64	37.92	16.26	Lawrence, Morgan
Dothan, AL MSA	40.68	37.97	16.27	Dale, Houston
Florence, AL MSA	40.64	37.92	16.26	Colbert, Lauderdale
Gadsden, AL MSA	40.64	37.92	16.26	Etowah
Huntsville, AL MSA	42.39	39.57	16.96	Limestone, Madison
Mobile, AL MSA	42.38	39.56	16.95	Baldwin, Mobile
Montgomery, AL MSA	40.64	37.92	16.26	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	40.92	38.19	16.37	Tuscaloosa

NONMETROPOLITAN COUNTIES	A	B	C
Barbour	40.64	37.92	16.26
Bullock	40.64	37.92	16.26
Chambers	40.64	37.92	16.26
Chilton	40.64	37.92	16.26
Clarke	40.64	37.92	16.26
Cleburne	40.64	37.92	16.26
Conecuh	40.64	37.92	16.26
Covington	40.64	37.92	16.26
Cullman	40.64	37.92	16.26
Dekalb	40.64	37.92	16.26
Fayette	40.64	37.92	16.26
Geneva	40.64	37.92	16.26
Hale	40.64	37.92	16.26
Jackson	40.64	37.92	16.26
Lowndes	40.64	37.92	16.26
Marengo	40.64	37.92	16.26
Marshall	40.64	37.92	16.26
Perry	40.64	37.92	16.26
Pike	40.64	37.92	16.26
Sumter	40.64	37.92	16.26
Tallapoosa	40.64	37.92	16.26
Washington	40.64	37.92	16.26
Winston	40.64	37.92	16.26

NONMETROPOLITAN COUNTIES	A	B	C
Bibb	40.64	37.92	16.26
Butler	40.64	37.92	16.26
Cherokee	40.64	37.92	16.26
Choctaw	40.64	37.92	16.26
Clay	40.64	37.92	16.26
Coffee	40.64	37.92	16.26
Coosa	40.64	37.92	16.26
Crenshaw	40.64	37.92	16.26
Dallas	40.64	37.92	16.26
Escambia	40.64	37.92	16.26
Franklin	40.64	37.92	16.26
Greene	40.64	37.92	16.26
Henry	40.64	37.92	16.26
Lamar	40.64	37.92	16.26
Macon	40.64	37.92	16.26
Marion	40.64	37.92	16.26
Monroe	40.64	37.92	16.26
Pickens	40.64	37.92	16.26
Randolph	40.64	37.92	16.26
Talladega	40.64	37.92	16.26
Walker	40.64	37.92	16.26
Wilcox	40.64	37.92	16.26

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

A L A S K A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Anchorage, AK MSA	60.49	56.46	24.20	Anchorage

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Aleutian East	63.36	59.15	25.34	Aleutian West	63.36	59.15	25.34
Bethel	65.58	61.21	26.23	Bristol Bay	63.36	59.15	25.34
Dillingham	65.58	61.21	26.23	Fairbanks North Star	62.29	58.14	24.92
Haines	63.36	59.15	25.34	Juneau	72.68	67.84	29.07
Kenai Peninsula	58.53	54.62	23.41	Ketchikan Gateway	72.68	67.84	29.07
Kodiak Island	72.68	67.84	29.07	Lake & Peninsula	60.20	56.19	24.08
Matanuska-Susitna	53.86	50.28	21.54	Nome	65.58	61.21	26.23
North Slope	65.58	61.21	26.23	Northwest Arctic	60.20	56.19	24.08
Pr.Wales-Outer Ketchikan	63.36	59.15	25.34	Sitka	71.16	66.42	28.47
Skagway-Yakutat-Angoon	63.36	59.15	25.34	Southeast Fairbanks	52.16	48.69	20.86
Valdez-Cordova	72.68	67.84	29.07	Wade Hampton	63.36	59.15	25.34
Wrangell-Petersburg	71.16	66.42	28.47	Yukon-Koyukuk	63.36	59.15	25.34

A R I Z O N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Flagstaff, AZ	50.98	47.59	20.39	Coconino
Las Vegas, NV-AZ MSA	62.69	58.52	25.08	Mohave
Phoenix-Mesa, AZ MSA	46.63	43.51	18.65	Maricopa, Pinal
Tucson, AZ MSA	46.10	43.02	18.44	Pima
Yuma, AZ MSA	51.80	48.35	20.72	Yuma

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Apache	36.36	33.94	14.54	Cochise	37.02	34.55	14.81
Gila	37.68	35.17	15.07	Graham	37.02	34.55	14.81
Greenlee	37.02	34.55	14.81	La Paz	46.97	43.84	18.79
Navajo	36.36	33.94	14.54	Santa Cruz	38.31	35.76	15.33
Yavapai	46.15	43.07	18.46				

A R K A N S A S

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	37.49	34.99	15.00	Benton, Washington
Fort Smith, AR-OK MSA	38.01	35.47	15.20	Crawford, Sebastian
Jonesboro, AR MSA	37.49	34.99	15.00	Craighead
Little Rock-North Little Rock, AR MSA	40.90	38.18	16.36	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	43.30	40.42	17.32	Crittenden

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

A R K A N S A S continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Pine Bluff, AR MSA	37.49	34.99	15.00	Jefferson
Texarkana, TX-Texarkana, AR MSA	37.74	35.22	15.09	Miller

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Arkansas	37.45	34.94	14.98	Ashley	37.45	34.94	14.98
Baxter	37.45	34.94	14.98	Boone	37.45	34.94	14.98
Bradley	37.45	34.94	14.98	Calhoun	37.45	34.94	14.98
Carroll	37.45	34.94	14.98	Chicot	37.45	34.94	14.98
Clark	37.45	34.94	14.98	Clay	37.45	34.94	14.98
Cleburne	37.45	34.94	14.98	Cleveland	37.45	34.94	14.98
Columbia	37.45	34.94	14.98	Conway	37.45	34.94	14.98
Cross	37.45	34.94	14.98	Dallas	37.45	34.94	14.98
Desha	37.45	34.94	14.98	Drew	37.45	34.94	14.98
Franklin	37.45	34.94	14.98	Fulton	37.45	34.94	14.98
Garland	37.45	34.94	14.98	Grant	37.45	34.94	14.98
Greene	37.45	34.94	14.98	Hempstead	37.45	34.94	14.98
Hot Spring	37.45	34.94	14.98	Howard	37.45	34.94	14.98
Independence	37.45	34.94	14.98	Izard	37.45	34.94	14.98
Jackson	37.45	34.94	14.98	Johnson	37.45	34.94	14.98
Lafayette	37.45	34.94	14.98	Lawrence	37.45	34.94	14.98
Lee	37.45	34.94	14.98	Lincoln	37.45	34.94	14.98
Little River	37.45	34.94	14.98	Logan	37.45	34.94	14.98
Madison	37.45	34.94	14.98	Marion	37.45	34.94	14.98
Mississippi	37.45	34.94	14.98	Monroe	37.45	34.94	14.98
Montgomery	37.45	34.94	14.98	Nevada	37.45	34.94	14.98
Newton	37.45	34.94	14.98	Ouachita	37.45	34.94	14.98
Perry	37.45	34.94	14.98	Phillips	37.45	34.94	14.98
Pike	37.45	34.94	14.98	Poinsett	37.45	34.94	14.98
Polk	37.45	34.94	14.98	Pope	37.45	34.94	14.98
Prairie	37.45	34.94	14.98	Randolph	37.45	34.94	14.98
St. Francis	37.45	34.94	14.98	Scott	37.45	34.94	14.98
Searcy	37.45	34.94	14.98	Sevier	37.45	34.94	14.98
Sharp	37.45	34.94	14.98	Stone	37.45	34.94	14.98
Union	37.45	34.94	14.98	Van Buren	37.45	34.94	14.98
White	37.45	34.94	14.98	Woodruff	37.45	34.94	14.98
Yell	37.45	34.94	14.98				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

C A L I F O R N I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Bakersfield, CA MSA	54.30	50.68	21.72	Kern
Chico-Paradise, CA MSA	47.71	44.53	19.08	Butte
Fresno, CA MSA	49.64	46.33	19.86	Fresno, Madera
Los Angeles-Long Beach, CA PMSA	71.25	66.51	28.50	Los Angeles
Merced, CA MSA	46.65	43.54	18.66	Merced
Modesto, CA MSA	52.28	48.79	20.91	Stanislaus
Oakland, CA PMSA	71.25	66.51	28.50	Alameda, Contra Costa
Orange County, CA PMSA	71.25	66.51	28.50	Orange
Redding, CA MSA	49.64	46.33	19.86	Shasta
Riverside-San Bernardino, CA PMSA	56.84	53.05	22.74	Riverside, San Bernardino
Sacramento, CA PMSA	54.11	50.50	21.64	El Dorado, Placer, Sacramento
Salinas, CA MSA	61.38	57.29	24.55	Monterey
San Diego, CA MSA	63.70	59.45	25.48	San Diego
San Francisco, CA PMSA	71.25	66.51	28.50	Marin, San Francisco, San Mateo
San Jose, CA PMSA	71.25	66.51	28.50	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA MSA	61.67	57.57	24.67	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	69.57	64.93	27.83	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	71.25	66.51	28.50	Santa Cruz
Santa Rosa, CA PMSA	69.49	64.87	27.80	Sonoma
Stockton-Lodi, CA MSA	51.92	48.46	20.77	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	61.86	57.73	24.74	Napa, Solano
Ventura, CA PMSA	71.25	66.51	28.50	Ventura
Visalia-Tulare-Porterville, CA MSA	46.30	43.21	18.52	Tulare
Yolo, CA PMSA	54.11	50.50	21.64	Yolo
Yuba City, CA MSA	41.18	38.44	16.47	Sutter, Yuba

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alpine	54.44	50.81	21.78	Amador	54.44	50.81	21.78
Calaveras	54.44	50.81	21.78	Colusa	41.18	38.44	16.47
Del Norte	49.70	46.38	19.88	Glenn	41.18	38.44	16.47
Humboldt	51.19	47.78	20.48	Imperial	51.63	48.19	20.65
Inyo	54.44	50.81	21.78	Kings	44.78	41.80	17.91
Lake	49.70	46.38	19.88	Lassen	45.49	42.45	18.19
Mariposa	54.44	50.81	21.78	Mendocino	53.56	49.99	21.42
Modoc	45.49	42.45	18.19	Mono	56.34	52.59	22.54
Nevada	61.02	56.96	24.41	Plumas	45.49	42.45	18.19
San Benito	56.34	52.59	22.54	Sierra	61.02	56.96	24.41
Siskiyou	45.49	42.45	18.19	Tehama	45.49	42.45	18.19
Trinity	49.70	46.38	19.88	Tuolumne	54.44	50.81	21.78

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

C O L O R A D O

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	53.89	50.29	21.56	Boulder
Colorado Springs, CO MSA	44.31	41.35	17.72	El Paso
Denver, CO PMSA	47.49	44.33	19.00	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	51.07	47.67	20.43	Larimer
Grand Junction, CO MSA	55.55	51.85	22.22	Mesa
Greeley, CO PMSA	44.04	41.11	17.61	Weld
Pueblo, CO MSA	43.87	40.94	17.55	Pueblo

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alamosa	45.60	42.56	18.24	Archuleta	45.60	42.56	18.24
Baca	39.04	36.43	15.61	Bent	39.04	36.43	15.61
Chaffee	50.61	47.24	20.25	Cheyenne	39.04	36.43	15.61
Clear Creek	50.61	47.24	20.25	Conejos	45.60	42.56	18.24
Costilla	45.60	42.56	18.24	Crowley	39.04	36.43	15.61
Custer	50.61	47.24	20.25	Delta	60.28	56.26	24.11
Dolores	45.60	42.56	18.24	Eagle	62.39	58.23	24.96
Elbert	40.39	37.71	16.16	Fremont	50.61	47.24	20.25
Garfield	57.63	53.79	23.05	Gilpin	52.38	48.90	20.95
Grand	60.28	56.26	24.11	Gunnison	60.28	56.26	24.11
Hinsdale	60.28	56.26	24.11	Huerfano	45.60	42.56	18.24
Jackson	60.28	56.26	24.11	Kiowa	39.04	36.43	15.61
Kit Carson	39.04	36.43	15.61	Lake	50.61	47.24	20.25
La Plata	51.70	48:26	20.68	Las Animas	45.60	42.56	18.24
Lincoln	39.04	36.43	15.61	Logan	39.04	36.43	15.61
Mineral	45.60	42.56	18.24	Moffat	57.63	53.79	23.05
Montezuma	45.60	42.56	18.24	Montrose	60.28	56.26	24.11
Morgan	39.04	36.43	15.61	Otero	39.04	36.43	15.61
Ouray	60.28	56.26	24.11	Park	50.61	47.24	20.25
Phillips	39.04	36.43	15.61	Pitkin	62.39	58.23	24.96
Prowers	39.04	36.43	15.61	Rio Blanco	57.63	53.79	23.05
Rio Grande	45.60	42.56	18.24	Routt	60.28	56.26	24.11
Saguache	45.60	42.56	18.24	San Juan	45.60	42.56	18.24
San Miguel	62.39	58.23	24.96	Sedgwick	39.04	36.43	15.61
Summit	60.28	56.26	24.11	Teller	50.89	47.50	20.36
Washington	39.04	36.43	15.61	Yuma	39.04	36.43	15.61

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH PAGE 6

C O N N E C T I C U T

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Bridgeport, CT PMSA	64.64	60.33	25.85	Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town
Danbury, CT PMSA	69.28	64.67	27.71	Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town New Milford town, Roxbury town, Washington town
Hartford, CT MSA	60.92	56.85	24.37	Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New Haven-Meriden, CT PMSA	67.15	62.67	26.86	Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford tow, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town
New London-Norwich, CT-RI MSA	59.80	55.82	23.92	Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA	69.28	64.67	27.71	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT PMSA	54.82	51.17	21.93	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT PMSA	59.01	55.08	23.60	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Hartford	54.85	51.20	21.94	Hartland town
Litchfield	58.20	54.32	23.28	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex	65.24	60.90	26.10	Chester town, Deep River town, Essex town Westbrook town
New London	46.80	43.68	18.72	Lyme town, Voluntown town
Tolland	60.98	56.90	24.39	Union town
Windham	53.99	50.39	21.60	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Dover, DE MSA	50.81	47.41	20.32	Kent
Wilmington-Newark, DE-MD PMSA	57.68	53.84	23.07	New Castle

NONMETROPOLITAN COUNTIES	A	B	C
Sussex	50.81	47.41	20.32

D I S T . O F C O L U M B I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Washington, DC-MD-VA	71.49	66.73	28.59	District of Columbia

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

F L O R I D A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	50.18	46.84	20.07	Flagler, Volusia
Fort Lauderdale, FL PMSA	63.60	59.36	25.44	Broward
Fort Myers-Cape Coral, FL MSA	52.63	49.12	21.05	Lee
Fort Pierce-Port Lucie, FL MSA	53.33	49.78	21.33	Martin, St. Lucie
Fort Walton Beach, FL MSA	39.46	36.82	15.78	Okaloosa
Gainesville, FL MSA	44.99	41.99	18.00	Alachua
Jacksonville, FL MSA	47.42	44.25	18.97	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	41.66	38.89	16.66	Polk
Melbourne-Titusville-Palm Bay, FL MSA	48.27	45.06	19.31	Brevard
Miami, FL PMSA	67.93	63.40	27.17	Dade
Naples, FL MSA	54.77	51.11	21.91	Collier
Ocala, FL MSA	41.02	38.29	16.41	Marion
Orlando, FL MSA	52.28	48.79	20.91	Lake, Orange, Osceola, Seminole
Panama City, FL MSA	39.46	36.82	15.78	Bay
Pensacola, FL MSA	41.02	38.29	16.41	Escambia, Santa Rosa
Punta Gorda, FL MSA	51.25	47.83	20.50	Charlotte
Sarasota-Bradenton, FL MSA	54.94	51.28	21.97	Manatee, Sarasota
Tallahassee, FL MSA	44.55	41.58	17.82	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	50.06	46.72	20.02	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA	53.05	49.51	21.22	Palm Beach

NONMETROPOLITAN COUNTIES	A	B	C
Baker	38.46	35.89	15.38
Calhoun	38.46	35.89	15.38
Columbia	38.46	35.89	15.38
Dixie	38.46	35.89	15.38
Gilchrist	38.46	35.89	15.38
Gulf	38.46	35.89	15.38
Hardee	38.46	35.89	15.38
Highlands	38.46	35.89	15.38
Indian River	51.79	48.34	20.72
Jefferson	38.46	35.89	15.38
Levy	38.46	35.89	15.38
Madison	38.46	35.89	15.38
Okeechobee	38.46	35.89	15.38
Sumter	38.46	35.89	15.38
Taylor	38.46	35.89	15.38
Wakulla	38.46	35.89	15.38
Washington	38.46	35.89	15.38

NONMETROPOLITAN COUNTIES	A	B	C
Bradford	42.50	39.67	17.00
Citrus	38.46	35.89	15.38
Desoto	38.46	35.89	15.38
Franklin	38.46	35.89	15.38
Glades	48.52	45.29	19.41
Hamilton	38.46	35.89	15.38
Hendry	48.52	45.29	19.41
Holmes	38.46	35.89	15.38
Jackson	38.46	35.89	15.38
Lafayette	38.46	35.89	15.38
Liberty	38.46	35.89	15.38
Monroe	66.11	61.71	26.45
Putnam	38.46	35.89	15.38
Suwannee	38.46	35.89	15.38
Union	38.46	35.89	15.38
Walton	38.46	35.89	15.38

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

G E O R G I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Albany, GA MSA	40.78	38.05	16.31	Dougherty, Lee
Athens, GA MSA	41.43	38.68	16.57	Clarke, Madison, Oconee
Atlanta, GA MSA	55.62	51.91	22.25	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett Henry, Newton, Paulding, Pickens, Rockdale, Spalding Walton
Augusta-Aiken, GA-SC MSA	41.43	38.68	16.57	Columbia, Mcduffie, Richmond
Chattanooga, TN-GA MSA	43.12	40.24	17.25	Catoosa, Dade, Walker
Columbus, GA-AL MSA	40.78	38.05	16.31	Chattahoochee, Harris, Muscogee
Macon, GA MSA	41.08	38.34	16.43	Bibb, Houston, Jones, Peach, Twiggs
Savannah, GA MSA	42.22	39.41	16.89	Bryan, Chatham, Effingham

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Appling	40.78	38.05	16.31	Atkinson	40.78	38.05	16.31
Bacon	40.78	38.05	16.31	Baker	40.78	38.05	16.31
Baldwin	40.78	38.05	16.31	Banks	40.78	38.05	16.31
Ben Hill	40.78	38.05	16.31	Berrien	40.78	38.05	16.31
Bleckley	40.78	38.05	16.31	Brantley	40.78	38.05	16.31
Brooks	40.78	38.05	16.31	Bulloch	40.78	38.05	16.31
Burke	40.78	38.05	16.31	Butts	55.25	51.56	22.10
Calhoun	40.78	38.05	16.31	Camden	40.78	38.05	16.31
Candler	40.78	38.05	16.31	Charlton	40.78	38.05	16.31
Chattooga	40.78	38.05	16.31	Clay	40.78	38.05	16.31
Clinch	40.78	38.05	16.31	Coffee	40.78	38.05	16.31
Colquitt	40.78	38.05	16.31	Cook	40.78	38.05	16.31
Crawford	40.78	38.05	16.31	Crisp	40.78	38.05	16.31
Dawson	40.78	38.05	16.31	Decatur	40.78	38.05	16.31
Dodge	40.78	38.05	16.31	Dooly	40.78	38.05	16.31
Early	40.78	38.05	16.31	Echols	40.78	38.05	16.31
Elbert	40.78	38.05	16.31	Emanuel	40.78	38.05	16.31
Evans	40.78	38.05	16.31	Fannin	40.78	38.05	16.31
Floyd	40.78	38.05	16.31	Franklin	40.78	38.05	16.31
Gilmer	40.78	38.05	16.31	Glascock	40.78	38.05	16.31
Glynn	40.78	38.05	16.31	Gordon	40.78	38.05	16.31
Grady	40.78	38.05	16.31	Greene	40.78	38.05	16.31
Habersham	40.78	38.05	16.31	Hall	45.06	42.06	18.02
Hancock	40.78	38.05	16.31	Haralson	40.78	38.05	16.31
Hart	40.78	38.05	16.31	Heard	40.78	38.05	16.31
Irwin	40.78	38.05	16.31	Jackson	40.78	38.05	16.31
Jasper	40.78	38.05	16.31	Jeff Davis	40.78	38.05	16.31
Jefferson	40.78	38.05	16.31	Jenkins	40.78	38.05	16.31

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

G E O R G I A continued

NONMETROPOLITAN COUNTIES	A	B	C
Johnson	40.78	38.05	16.31
Lanier	40.78	38.05	16.31
Liberty	40.78	38.05	16.31
Long	40.78	38.05	16.31
Lumpkin	40.78	38.05	16.31
Macon	40.78	38.05	16.31
Meriwether	40.78	38.05	16.31
Mitchell	40.78	38.05	16.31
Montgomery	40.78	38.05	16.31
Murray	40.78	38.05	16.31
Pierce	40.78	38.05	16.31
Polk	40.78	38.05	16.31
Putnam	40.78	38.05	16.31
Rabun	40.78	38.05	16.31
Schley	40.78	38.05	16.31
Seminole	40.78	38.05	16.31
Stewart	40.78	38.05	16.31
Talbot	40.78	38.05	16.31
Tattnall	40.78	38.05	16.31
Telfair	40.78	38.05	16.31
Thomas	40.78	38.05	16.31
Toombs	40.78	38.05	16.31
Treutlen	40.78	38.05	16.31
Turner	40.78	38.05	16.31
Upson	40.78	38.05	16.31
Warren	40.78	38.05	16.31
Wayne	40.78	38.05	16.31
Wheeler	40.78	38.05	16.31
Whitfield	40.78	38.05	16.31
Wilkes	40.78	38.05	16.31
Worth	40.78	38.05	16.31

NONMETROPOLITAN COUNTIES	A	B	C
Lamar	40.78	38.05	16.31
Laurens	40.78	38.05	16.31
Lincoln	40.78	38.05	16.31
Lowndes	40.78	38.05	16.31
Mcintosh	40.78	38.05	16.31
Marion	40.78	38.05	16.31
Miller	40.78	38.05	16.31
Monroe	40.78	38.05	16.31
Morgan	40.78	38.05	16.31
Oglethorpe	40.78	38.05	16.31
Pike	40.78	38.05	16.31
Pulaski	40.78	38.05	16.31
Quitman	40.78	38.05	16.31
Randolph	40.78	38.05	16.31
Screven	40.78	38.05	16.31
Stephens	40.78	38.05	16.31
Sumter	40.78	38.05	16.31
Taliaferro	40.78	38.05	16.31
Taylor	40.78	38.05	16.31
Terrell	40.78	38.05	16.31
Tift	40.78	38.05	16.31
Towns	40.78	38.05	16.31
Troup	40.78	38.05	16.31
Union	40.78	38.05	16.31
Ware	40.78	38.05	16.31
Washington	40.78	38.05	16.31
Webster	40.78	38.05	16.31
White	40.78	38.05	16.31
Wilcox	40.78	38.05	16.31
Wilkinson	40.78	38.05	16.31

H A W A I I

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Honolulu, HI MSA	69.73	64.55	27.66	Honolulu

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

H A W A I I continued

NONMETROPOLITAN COUNTIES	A	B	C
Hawaii	61.08	57.01	24.43
Maui	68.80	64.22	27.52
Kauai	68.80	64.22	27.52

I D A H O

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Boise City, ID MSA	55.09	51.41	22.04	Ada, Canyon
Pocatello, ID MSA	44.33	41.38	17.73	Bannock

NONMETROPOLITAN COUNTIES	A	B	C
Adams	42.98	40.12	17.19
Benewah	44.48	41.52	17.79
Blaine	47.19	44.05	18.88
Bonner	44.48	41.52	17.79
Boundary	44.48	41.52	17.79
Camas	45.59	42.55	18.24
Cassia	45.59	42.55	18.24
Clearwater	44.48	41.52	17.79
Elmore	42.98	40.12	17.19
Fremont	48.10	44.89	19.24
Gooding	45.59	42.55	18.24
Jefferson	48.10	44.89	19.24
Kootenai	46.04	42.97	18.41
Lemhi	48.10	44.89	19.24
Lincoln	45.59	42.55	18.24
Minidoka	45.59	42.55	18.24
Oneida	44.48	41.52	17.79
Payette	42.98	40.12	17.19
Shoshone	44.48	41.52	17.79
Twin Falls	45.59	42.55	18.24
Washington	42.98	40.12	17.19
Bear Lake	44.48	41.52	17.79
Bingham	44.48	41.52	17.79
Boise	42.98	40.12	17.19
Bonneville	48.10	44.89	19.24
Butte	48.10	44.89	19.24
Caribou	44.48	41.52	17.79
Clark	48.10	44.89	19.24
Custer	48.10	44.89	19.24
Franklin	44.48	41.52	17.79
Gem	42.98	40.12	17.19
Idaho	44.48	41.52	17.79
Jerome	45.59	42.55	18.24
Latah	44.48	41.52	17.79
Lewis	44.48	41.52	17.79
Madison	48.10	44.89	19.24
Nez Perce	44.48	41.52	17.79
Owyhee	42.98	40.12	17.19
Power	44.48	41.52	17.79
Teton	48.10	44.89	19.24
Valley	42.98	40.12	17.19

I L L I N O I S

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Bloomington-Normal, IL MSA	44.32	41.37	17.73	Mclean
Champaign-Urbana, IL MSA	44.48	41.51	17.79	Champaign
Chicago, IL	63.11	58.90	25.24	Cook, Dupage, Kane, Lake, Mchenry, Will
Davenport-Moline-Rock Island, IA-IL MSA	48.96	45.69	19.59	Henry, Rock Island

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

I L L I N O I S continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Decatur, IL MSA	42.97	40.11	17.19	Macon
De Kalb County, IL	50.02	46.68	20.01	Dekalb
Grundy County, IL	64.37	60.07	25.75	Grundy
Kankakee, IL PMSA	43.06	40.19	17.22	Kankakee
Kendall County, Il	63.65	59.40	25.46	Kendall
Peoria-Pekin, IL MSA	49.83	46.51	19.93	Peoria, Tazewell, Woodford
Rockford, IL MSA	45.32	42.30	18.13	Boone, Ogle, Winnebago
St. Louis, MO-IL MSA	43.47	40.56	17.39	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	45.41	42.38	18.17	Menard, Sangamon

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Adams	39.22	36.60	15.69	Alexander	39.22	36.60	15.69
Bond	39.22	36.60	15.69	Brown	39.22	36.60	15.69
Bureau	41.60	38.83	16.64	Calhoun	39.22	36.60	15.69
Carroll	39.22	36.60	15.69	Cass	39.22	36.60	15.69
Christian	39.22	36.60	15.69	Clark	39.22	36.60	15.69
Clay	39.22	36.60	15.69	Coles	39.22	36.60	15.69
Crawford	39.22	36.60	15.69	Cumberland	39.22	36.60	15.69
De Witt	39.22	36.60	15.69	Douglas	39.22	36.60	15.69
Edgar	39.22	36.60	15.69	Edwards	39.22	36.60	15.69
Effingham	39.22	36.60	15.69	Fayette	39.22	36.60	15.69
Ford	39.22	36.60	15.69	Franklin	39.68	37.03	15.87
Fulton	41.60	38.83	16.64	Gallatin	39.22	36.60	15.69
Greene	39.22	36.60	15.69	Hamilton	39.22	36.60	15.69
Hancock	39.22	36.60	15.69	Hardin	39.22	36.60	15.69
Henderson	39.22	36.60	15.69	Iroquois	39.22	36.60	15.69
Jackson	39.68	37.03	15.87	Jasper	39.22	36.60	15.69
Jefferson	39.22	36.60	15.69	Jo Daviess	39.22	36.60	15.69
Johnson	39.22	36.60	15.69	Knox	40.04	37.37	16.02
La Salle	46.91	43.78	18.76	Lawrence	39.22	36.60	15.69
Lee	46.91	43.78	18.76	Livingston	39.22	36.60	15.69
Logan	39.22	36.60	15.69	Mcdonough	39.22	36.60	15.69
Macoupin	39.22	36.60	15.69	Marion	39.22	36.60	15.69
Marshall	41.60	38.83	16.64	Mason	39.22	36.60	15.69
Massac	39.22	36.60	15.69	Mercer	39.22	36.60	15.69
Montgomery	39.22	36.60	15.69	Morgan	39.22	36.60	15.69
Moultrie	39.22	36.60	15.69	Perry	39.22	36.60	15.69
Piatt	39.22	36.60	15.69	Pike	39.22	36.60	15.69
Pope	39.22	36.60	15.69	Pulaski	39.22	36.60	15.69
Putnam	41.60	38.83	16.64	Randolph	39.22	36.60	15.69

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	A	B	C
Richland	39.22	36.60	15.69
Schuyler	39.22	36.60	15.69
Shelby	39.22	36.60	15.69
Stephenson	39.22	36.60	15.69
Vermilion	39.22	36.60	15.69
Warren	39.22	36.60	15.69
Wayne	39.22	36.60	15.69
Whiteside	46.91	43.78	18.76
Saline	39.22	36.60	15.69
Scott	39.22	36.60	15.69
Stark	41.60	38.83	16.64
Union	39.22	36.60	15.69
Wabash	39.22	36.60	15.69
Washington	39.22	36.60	15.69
White	39.22	36.60	15.69
Williamson	39.68	37.03	15.87

I N D I A N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Bloomington, IN MSA	40.78	38.07	16.31	Monroe
Cincinnati, OH-KY-IN	44.75	41.76	17.90	Dearborn
Elkhart-Goshen, IN MSA	39.77	37.12	15.91	Elkhart
Evansville-Henderson, IN-KY MSA	39.50	36.86	15.80	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	41.16	38.42	16.46	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	50.24	46.89	20.10	Lake, Porter
Indianapolis, IN MSA	45.50	42.46	18.20	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	40.03	37.37	16.01	Howard, Tipton
Lafayette, IN MSA	43.94	41.01	17.58	Clinton, Tippecanoe
Louisville, KY-IN MSA	38.26	35.70	15.30	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	38.34	35.78	15.34	Delaware
Ohio County, IN	38.34	35.78	15.34	Ohio
South Bend, IN MSA	40.51	37.81	16.20	St. Joseph
Terre Haute, IN MSA	38.34	35.78	15.34	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	A	B	C
Bartholomew	41.44	38.68	16.58
Blackford	38.26	35.70	15.30
Carroll	38.26	35.70	15.30
Crawford	38.26	35.70	15.30
Decatur	40.05	37.37	16.02
Fayette	38.26	35.70	15.30
Franklin	38.26	35.70	15.30
Gibson	38.26	35.70	15.30
Greene	38.26	35.70	15.30
Jackson	40.05	37.37	16.02
Jay	38.26	35.70	15.30
Benton	38.26	35.70	15.30
Brown	41.44	38.68	16.58
Cass	38.26	35.70	15.30
Daviess	38.26	35.70	15.30
Dubois	38.26	35.70	15.30
Fountain	38.26	35.70	15.30
Fulton	38.26	35.70	15.30
Grant	38.26	35.70	15.30
Henry	38.26	35.70	15.30
Jasper	38.26	35.70	15.30
Jefferson	38.26	35.70	15.30

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

I N D I A N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Jennings	40.05	37.37	16.02
Kosciusko	38.26	35.70	15.30
La Porte	39.60	36.96	15.84
Marshall	38.26	35.70	15.30
Miami	38.26	35.70	15.30
Newton	38.26	35.70	15.30
Orange	38.26	35.70	15.30
Parke	38.26	35.70	15.30
Pike	38.26	35.70	15.30
Putnam	38.35	35.79	15.34
Ripley	38.26	35.70	15.30
Spencer	38.26	35.70	15.30
Steuben	38.26	35.70	15.30
Switzerland	38.26	35.70	15.30
Wabash	38.26	35.70	15.30
Washington	39.33	36.71	15.73
White	38.26	35.70	15.30

NONMETROPOLITAN COUNTIES	A	B	C
Knox	38.26	35.70	15.30
Lagrange	38.26	35.70	15.30
Lawrence	38.26	35.70	15.30
Martin	38.26	35.70	15.30
Montgomery	38.26	35.70	15.30
Noble	38.26	35.70	15.30
Owen	38.79	36.21	15.52
Perry	38.26	35.70	15.30
Pulaski	38.26	35.70	15.30
Randolph	38.26	35.70	15.30
Rush	38.26	35.70	15.30
Starke	38.26	35.70	15.30
Sullivan	38.26	35.70	15.30
Union	38.26	35.70	15.30
Warren	38.26	35.70	15.30
Wayne	38.26	35.70	15.30

I O W A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	47.29	44.14	18.92	Linn
Davenport-Moline-Rock Island, IA-IL MSA	48.96	45.69	19.59	Scott
Des Moines, IA MSA	48.85	45.59	19.54	Dallas, Polk, Warren
Dubuque, IA MSA	43.76	40.85	17.51	Dubuque
Iowa City, IA MSA	49.79	46.47	19.92	Johnson
Omaha, NE-IA MSA	43.79	40.87	17.52	Pottawattamie
Sioux City, IA-NE MSA	42.75	39.90	17.10	Woodbury
Waterloo-Cedar Falls, IA MSA	47.47	44.31	18.99	Black Hawk

NONMETROPOLITAN COUNTIES	A	B	C
Adair	38.62	36.04	15.45
Allamakee	38.62	36.04	15.45
Audubon	38.62	36.04	15.45
Boone	41.42	38.66	16.57
Buchanan	38.62	36.04	15.45
Butler	38.62	36.04	15.45
Carroll	38.62	36.04	15.45
Cedar	40.69	37.98	16.28
Cherokee	38.62	36.04	15.45

NONMETROPOLITAN COUNTIES	A	B	C
Adams	38.62	36.04	15.45
Appanoose	38.62	36.04	15.45
Benton	38.62	36.04	15.45
Bremer	46.20	43.11	18.48
Buena Vista	38.62	36.04	15.45
Calhoun	38.62	36.04	15.45
Cass	38.62	36.04	15.45
Cerro Gordo	38.62	36.04	15.45
Chickasaw	38.62	36.04	15.45

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

I O W A continued

NONMETROPOLITAN COUNTIES	A	B	C
Clarke	38.62	36.04	15.45
Clayton	38.62	36.04	15.45
Crawford	38.62	36.04	15.45
Decatur	38.62	36.04	15.45
Des Moines	38.62	36.04	15.45
Emmet	38.62	36.04	15.45
Floyd	38.62	36.04	15.45
Fremont	38.62	36.04	15.45
Grundy	38.62	36.04	15.45
Hamilton	38.62	36.04	15.45
Hardin	38.62	36.04	15.45
Henry	38.62	36.04	15.45
Humboldt	38.62	36.04	15.45
Iowa	38.62	36.04	15.45
Jasper	38.62	36.04	15.45
Jones	38.62	36.04	15.45
Kossuth	38.62	36.04	15.45
Louisa	38.62	36.04	15.45
Lyon	38.62	36.04	15.45
Mahaska	38.62	36.04	15.45
Marshall	38.62	36.04	15.45
Mitchell	38.62	36.04	15.45
Monroe	38.62	36.04	15.45
Muscatine	38.62	36.04	15.45
Osceola	38.62	36.04	15.45
Palo Alto	38.62	36.04	15.45
Pocahontas	38.62	36.04	15.45
Ringgold	38.62	36.04	15.45
Shelby	38.62	36.04	15.45
Story	41.96	39.16	16.78
Taylor	38.62	36.04	15.45
Van Buren	38.62	36.04	15.45
Washington	38.62	36.04	15.45
Webster	38.62	36.04	15.45
Winneshiek	38.62	36.04	15.45
Wright	38.62	36.04	15.45

NONMETROPOLITAN COUNTIES	A	B	C
Clay	38.62	36.04	15.45
Clinton	40.69	37.98	16.28
Davis	38.62	36.04	15.45
Delaware	40.69	37.98	16.28
Dickinson	38.62	36.04	15.45
Fayette	38.62	36.04	15.45
Franklin	38.62	36.04	15.45
Greene	38.62	36.04	15.45
Guthrie	38.62	36.04	15.45
Hancock	38.62	36.04	15.45
Harrison	38.62	36.04	15.45
Howard	38.62	36.04	15.45
Ida	38.62	36.04	15.45
Jackson	40.69	37.98	16.28
Jefferson	38.62	36.04	15.45
Keokuk	38.62	36.04	15.45
Lee	38.62	36.04	15.45
Lucas	38.62	36.04	15.45
Madison	38.62	36.04	15.45
Marion	38.62	36.04	15.45
Mills	38.62	36.04	15.45
Monona	38.62	36.04	15.45
Montgomery	38.62	36.04	15.45
O'Brien	38.62	36.04	15.45
Page	38.62	36.04	15.45
Plymouth	38.62	36.04	15.45
Poweshiek	38.62	36.04	15.45
Sac	38.62	36.04	15.45
Sioux	38.62	36.04	15.45
Tama	38.62	36.04	15.45
Union	38.62	36.04	15.45
Wapello	40.61	37.89	16.24
Wayne	38.62	36.04	15.45
Winnebago	38.62	36.04	15.45
Worth	38.62	36.04	15.45

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

K A N S A S

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA	42.26	39.43	16.90	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	46.00	42.94	18.40	Douglas
Topeka, KS MSA	41.63	38.86	16.65	Shawnee
Wichita, KS MSA	44.85	41.85	17.94	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Allen	37.22	34.74	14.89	Anderson	37.22	34.74	14.89
Atchison	37.22	34.74	14.89	Barber	37.22	34.74	14.89
Barton	37.22	34.74	14.89	Bourbon	37.22	34.74	14.89
Brown	37.22	34.74	14.89	Chase	37.22	34.74	14.89
Chautauqua	37.22	34.74	14.89	Cherokee	37.22	34.74	14.89
Cheyenne	37.22	34.74	14.89	Clark	37.22	34.74	14.89
Clay	37.22	34.74	14.89	Cloud	37.22	34.74	14.89
Coffey	37.22	34.74	14.89	Comanche	37.22	34.74	14.89
Cowley	37.22	34.74	14.89	Crawford	37.22	34.74	14.89
Decatur	37.22	34.74	14.89	Dickinson	37.22	34.74	14.89
Doniphan	37.22	34.74	14.89	Edwards	37.22	34.74	14.89
Elk	37.22	34.74	14.89	Ellis	37.22	34.74	14.89
Ellsworth	37.22	34.74	14.89	Finney	37.22	34.74	14.89
Ford	37.22	34.74	14.89	Franklin	37.22	34.74	14.89
Geary	37.22	34.74	14.89	Gove	37.22	34.74	14.89
Graham	37.22	34.74	14.89	Grant	37.22	34.74	14.89
Gray	37.22	34.74	14.89	Greeley	37.22	34.74	14.89
Greenwood	37.22	34.74	14.89	Hamilton	37.22	34.74	14.89
Harper	37.22	34.74	14.89	Haskell	37.22	34.74	14.89
Hodgeman	37.22	34.74	14.89	Jackson	37.22	34.74	14.89
Jefferson	37.22	34.74	14.89	Jewell	37.22	34.74	14.89
Kearny	37.22	34.74	14.89	Kingman	37.22	34.74	14.89
Kiowa	37.22	34.74	14.89	Labette	37.22	34.74	14.89
Lane	37.22	34.74	14.89	Lincoln	37.22	34.74	14.89
Linn	37.22	34.74	14.89	Logan	37.22	34.74	14.89
Lyon	37.22	34.74	14.89	Mcpherson	37.22	34.74	14.89
Marion	37.22	34.74	14.89	Marshall	37.22	34.74	14.89
Meade	37.22	34.74	14.89	Mitchell	37.22	34.74	14.89
Montgomery	37.22	34.74	14.89	Morris	37.22	34.74	14.89
Morton	37.22	34.74	14.89	Nemaha	37.22	34.74	14.89
Neosho	37.22	34.74	14.89	Ness	37.22	34.74	14.89
Norton	37.22	34.74	14.89	Osage	37.22	34.74	14.89
Osborne	37.22	34.74	14.89	Ottawa	37.22	34.74	14.89
Pawnee	37.22	34.74	14.89	Phillips	37.22	34.74	14.89

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

K A N S A S continued

NONMETROPOLITAN COUNTIES	A	B	C
Pottawatomie	37.22	34.74	14.89
Rawlins	37.22	34.74	14.89
Republic	37.22	34.74	14.89
Riley	37.22	34.74	14.89
Rush	37.22	34.74	14.89
Saline	37.22	34.74	14.89
Seward	37.22	34.74	14.89
Sherman	37.22	34.74	14.89
Stafford	37.22	34.74	14.89
Stevens	37.22	34.74	14.89
Thomas	37.22	34.74	14.89
Wabaunsee	37.22	34.74	14.89
Washington	37.22	34.74	14.89
Wilson	37.22	34.74	14.89

NONMETROPOLITAN COUNTIES	A	B	C
Pratt	37.22	34.74	14.89
Reno	37.22	34.74	14.89
Rice	37.22	34.74	14.89
Rooks	37.22	34.74	14.89
Russell	37.22	34.74	14.89
Scott	37.22	34.74	14.89
Sheridan	37.22	34.74	14.89
Smith	37.22	34.74	14.89
Stanton	37.22	34.74	14.89
Sumner	37.22	34.74	14.89
Trego	37.22	34.74	14.89
Wallace	37.22	34.74	14.89
Wichita	37.22	34.74	14.89
Woodson	37.22	34.74	14.89

K E N T U C K Y

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	44.75	41.76	17.90	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	43.87	40.95	17.55	Christian
Evansville-Henderson, IN-KY MSA	39.50	36.86	15.80	Henderson
Gallatin County, KY	35.12	32.78	14.05	Gallatin
Grant County, KY	35.12	32.78	14.05	Grant
Huntington-Ashland, WV-KY-OH MSA	39.25	36.63	15.70	Boyd, Carter, Greenup
Lexington, KY MSA	38.62	35.40	15.17	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	38.26	35.70	15.30	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	35.12	32.78	14.05	Daviess
Pendleton County, KY	35.12	32.78	14.05	Pendleton

NONMETROPOLITAN COUNTIES	A	B	C
Adair	35.12	32.78	14.05
Anderson	35.77	33.38	14.31
Barren	35.12	32.78	14.05
Bell	35.12	32.78	14.05
Bracken	35.12	32.78	14.05
Breckinridge	35.12	32.78	14.05
Caldwell	35.12	32.78	14.05
Carlisle	35.12	32.78	14.05
Casey	35.12	32.78	14.05
Clinton	35.12	32.78	14.05

NONMETROPOLITAN COUNTIES	A	B	C
Allen	35.12	32.78	14.05
Ballard	35.12	32.78	14.05
Bath	35.12	32.78	14.05
Boyle	35.12	32.78	14.05
Breathitt	35.12	32.78	14.05
Butler	35.12	32.78	14.05
Calloway	35.12	32.78	14.05
Carroll	35.12	32.78	14.05
Clay	35.12	32.78	14.05
Crittenden	35.12	32.78	14.05

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	A	B	C
Cumberland	35.12	32.78	14.05
Elliott	35.12	32.78	14.05
Fleming	35.12	32.78	14.05
Franklin	35.77	33.38	14.31
Garrard	35.12	32.78	14.05
Grayson	35.12	32.78	14.05
Hancock	35.12	32.78	14.05
Harlan	35.12	32.78	14.05
Hart	35.12	32.78	14.05
Hickman	35.12	32.78	14.05
Jackson	35.12	32.78	14.05
Knott	35.12	32.78	14.05
Larue	35.12	32.78	14.05
Lawrence	35.12	32.78	14.05
Leslie	35.12	32.78	14.05
Lewis	35.12	32.78	14.05
Livingston	35.12	32.78	14.05
Lyon	35.12	32.78	14.05
Mccreary	35.12	32.78	14.05
Magoffin	35.12	32.78	14.05
Marshall	35.12	32.78	14.05
Mason	35.12	32.78	14.05
Menifee	35.12	32.78	14.05
Metcalfe	35.12	32.78	14.05
Montgomery	35.12	32.78	14.05
Muhlenberg	35.12	32.78	14.05
Nicholas	35.12	32.78	14.05
Owen	35.12	32.78	14.05
Perry	35.12	32.78	14.05
Powell	35.12	32.78	14.05
Robertson	35.12	32.78	14.05
Rowan	35.12	32.78	14.05
Shelby	35.12	32.78	14.05
Spencer	35.12	32.78	14.05
Todd	35.12	32.78	14.05
Trimble	35.12	32.78	14.05
Warren	35.12	32.78	14.05
Wayne	35.12	32.78	14.05
Whitley	35.12	32.78	14.05

NONMETROPOLITAN COUNTIES	A	B	C
Edmonson	35.12	32.78	14.05
Estill	35.12	32.78	14.05
Floyd	35.12	32.78	14.05
Fulton	35.12	32.78	14.05
Graves	35.12	32.78	14.05
Green	35.12	32.78	14.05
Hardin	35.12	32.78	14.05
Harrison	35.12	32.78	14.05
Henry	35.12	32.78	14.05
Hopkins	35.12	32.78	14.05
Johnson	35.12	32.78	14.05
Knox	35.12	32.78	14.05
Laurel	35.12	32.78	14.05
Lee	35.12	32.78	14.05
Letcher	35.12	32.78	14.05
Lincoln	35.12	32.78	14.05
Logan	35.12	32.78	14.05
Mccracken	35.12	32.78	14.05
Mclean	35.12	32.78	14.05
Marion	35.12	32.78	14.05
Martin	35.12	32.78	14.05
Meade	35.12	32.78	14.05
Mercer	35.77	33.38	14.31
Monroe	35.12	32.78	14.05
Morgan	35.12	32.78	14.05
Nelson	35.12	32.78	14.05
Ohio	35.12	32.78	14.05
Owsley	35.12	32.78	14.05
Pike	35.12	32.78	14.05
Pulaski	35.12	32.78	14.05
Rockcastle	35.12	32.78	14.05
Russell	35.12	32.78	14.05
Simpson	35.12	32.78	14.05
Taylor	35.12	32.78	14.05
Trigg	35.12	32.78	14.05
Union	35.12	32.78	14.05
Washington	35.12	32.78	14.05
Webster	35.12	32.78	14.05
Wolfe	35.12	32.78	14.05

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

L O U I S I A N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Alexandria, LA MSA	38.32	35.76	15.33	Rapides
Baton Rouge, LA MSA	44.40	41.44	17.76	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	39.37	36.75	15.75	Lafourche, Terrebonne
Lafayette, LA MSA	38.32	35.76	15.33	Acadia, Lafayette, St. Landry, St. Martin
Lake Charles, LA MSA	38.32	35.76	15.33	Calcasieu
Monroe, LA MSA	38.32	35.76	15.33	Ouachita
New Orleans, LA	41.13	38.38	16.45	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	38.32	35.76	15.33	St. James
Shreveport-Bossier City, LA MSA	40.26	37.58	16.10	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Allen	38.32	35.76	15.33	Assumption	38.32	35.76	15.33
Avoyelles	38.32	35.76	15.33	Beauregard	38.32	35.76	15.33
Bienville	38.32	35.76	15.33	Caldwell	38.32	35.76	15.33
Cameron	38.32	35.76	15.33	Catahoula	38.32	35.76	15.33
Claiborne	38.32	35.76	15.33	Concordia	38.32	35.76	15.33
De Soto	38.32	35.76	15.33	East Carroll	38.32	35.76	15.33
East Feliciana	38.32	35.76	15.33	Evangeline	38.32	35.76	15.33
Franklin	38.32	35.76	15.33	Grant	38.32	35.76	15.33
Iberia	38.32	35.76	15.33	Iberville	38.32	35.76	15.33
Jackson	38.32	35.76	15.33	Jefferson Davis	38.32	35.76	15.33
La Salle	38.32	35.76	15.33	Lincoln	38.32	35.76	15.33
Madison	38.32	35.76	15.33	Morehouse	38.32	35.76	15.33
Natchitoches	38.32	35.76	15.33	Pointe Coupee	38.32	35.76	15.33
Red River	38.32	35.76	15.33	Richland	38.32	35.76	15.33
Sabine	38.32	35.76	15.33	St. Helena	38.32	35.76	15.33
St. Mary	38.32	35.76	15.33	Tangipahoa	38.32	35.76	15.33
Tensas	38.32	35.76	15.33	Union	38.32	35.76	15.33
Vermilion	38.32	35.76	15.33	Vernon	38.32	35.76	15.33
Washington	38.32	35.76	15.33	West Carroll	38.32	35.76	15.33
West Feliciana	38.32	35.76	15.33	Winn	38.32	35.76	15.33

M A I N E

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Bangor, ME MSA	45.98	42.91	18.39	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH PAGE 20

M A I N E continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
				Waldo county towns of Winterport town
Lewiston-Auburn, ME MSA	45.30	42.27	18.12	Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town, Sabattus town, Turner town, Wales town
Portland, ME MSA	63.30	59.08	25.32	Cumberland county towns of Cape Elizabeth tow, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow Portland city, Raymond town, Scarborough town South Portland cit, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach
Portsmouth-Rochester, NH-ME PMSA	55.68	51.98	22.27	York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Androscoggin	40.93	38.20	16.37	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook	41.33	38.58	16.53	
Cumberland	47.33	44.18	18.93	Baldwin town, Bridgton town, Brunswick town Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town
Franklin	40.57	37.86	16.23	
Hancock	42.43	39.60	16.97	
Kennebec	43.45	40.54	17.38	
Knox	43.39	40.49	17.35	
Lincoln	42.68	39.84	17.07	
Oxford	40.57	37.86	16.23	
Penobscot	41.92	39.12	16.77	Alton town, Argyle unorg., Bradford town, Bradley town Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob, East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M A I N E continued

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Piscataquis	36.41	33.99	14.57	
Sagadahoc	49.61	46.30	19.85	
Somerset	41.24	38.50	16.50	
Waldo	41.92	39.12	16.77	Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town Jackson town, Knox town, Liberty town, Lincolnville town Monroe town, Montville town, Morrill town Northport town, Palermo town, Prospect town Searsmont town, Searsport town, Stockton Springs t Swanville town, Thorndike town, Troy town, Unity town Waldo town
Washington	41.92	39.12	16.77	
York	54.46	50.82	21.78	Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town Kennebunkport town, Lebanon town, Limerick town Lyman town, Newfield town, North Berwick town Ogunquit town, Parsonsfield town, Saco city Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Baltimore, MD	49.93	46.59	19.97	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	65.98	61.58	26.39	Columbia
Cumberland, MD-WV MSA	37.78	35.26	15.11	Allegany
Hagerstown, MD PMSA	39.16	36.55	15.67	Washington
Washington, DC-MD-VA	71.49	66.73	28.59	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	57.68	53.84	23.07	Cecil

NONMETROPOLITAN COUNTIES	A	B	C
Caroline	38.25	35.70	15.30
Garrett	37.47	34.97	14.99
St. Mary's	56.38	52.62	22.55
Talbot	45.94	42.87	18.37
Worcester	41.14	38.40	16.46
Dorchester	39.91	37.25	15.97
Kent	42.04	39.24	16.82
Somerset	39.91	37.25	15.97
Wicomico	47.44	44.28	18.98

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	70.71	66.00	28.28	Barnstable county towns of Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Boston, MA-NH PMSA	70.54	65.83	28.21	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newburyport city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town Southborough town, Upton town
Brockton, MA PMSA	58.68	54.77	23.47	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
				Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town
Fitchburg-Leominster, MA MSA	59.12	55.18	23.65	Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town Templeton town, Westminster town, Winchendon town
Lawrence, MA-NH PMSA	56.67	52.90	22.67	Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA	59.20	55.25	23.68	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA PMSA	51.17	47.77	20.47	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA	54.14	50.54	21.66	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA MSA	61.40	57.30	24.56	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town
Springfield, MA MSA	53.01	49.47	21.21	Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town Hatfield town, Huntington town, Northampton city Southampton town, South Hadley town, Ware town Williamsburg town
Worcester, MA-CT PMSA	59.01	55.08	23.60	Hampden county towns of Holland town Worcester county towns of Auburn town, Barre town Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town East Brookfield to, Grafton town, Holden town Leicester town, Millbury town, Northborough town Northbridge town, North Brookfield t, Oakham town Oxford town, Paxton town, Princeton town, Rutland town Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
				Uxbridge town, Webster town, Westborough town West Boylston town, West Brookfield to, Worcester city

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Barnstable	71.15	66.41	28.46	Bourne town, Falmouth town, Provincetown town Truro town, Wellfleet town
Berkshire	47.99	44.79	19.20	Alford town, Becket town, Clarksburg town, Egremont town Florida town, Great Barrington t, Hancock town Monterey town, Mount Washington t, New Ashford town New Marlborough to, North Adams city, Otis town Peru town, Sandisfield town, Savoy town, Sheffield town Tyringham town, Washington town, West Stockbridge t Williamstown town, Windsor town
Dukes	71.15	66.41	28.46	
Franklin	54.04	50.45	21.62	Ashfield town, Bernardston town, Buckland town Charlemont town, Colrain town, Conway town Deerfield town, Erving town, Gill town, Greenfield town Hawley town, Heath town, Leverett town, Leyden town Monroe town, Montague town, New Salem town Northfield town, Orange town, Rowe town, Shelburne town Shutesbury town, Warwick town, Wendell town Whately town
Hampden	51.95	48.48	20.78	Blandford town, Brimfield town, Chester town Granville town, Tolland town, Wales town
Hampshire	65.19	60.84	26.08	Chesterfield town, Cummington town, Goshen town Middlefield town, Pelham town, Plainfield town Westhampton town, Worthington town
Nantucket	71.15	66.41	28.46	
Worcester	53.25	49.71	21.30	Athol town, Hardwick town, Hubbardston town New Braintree town, Petersham town, Phillipston town Royalston town, Warren town

M I C H I G A N

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	56.00	52.15	22.35	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	40.97	38.16	16.35	Berrien
Detroit, MI PMSA	46.99	43.77	18.76	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA	40.45	37.67	16.14	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	44.36	41.32	17.71	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	40.62	37.83	16.21	Jackson
Kalamazoo-Battle Creek, MI MSA	42.36	39.46	16.91	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	45.06	41.96	17.99	Clinton, Eaton, Ingham

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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M I C H I G A N continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Saginaw-Bay City-Midland, MI MSA	40.18	37.43	16.04	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alcona	38.19	35.64	15.28	Alger	38.19	35.64	15.28
Alpena	38.19	35.64	15.28	Antrim	40.96	38.23	16.38
Arenac	38.19	35.64	15.28	Baraga	38.19	35.64	15.28
Barry	39.80	37.15	15.92	Benzie	40.96	38.23	16.38
Branch	38.45	35.89	15.38	Cass	38.19	35.64	15.28
Charlevoix	40.96	38.23	16.38	Cheboygan	38.19	35.64	15.28
Chippewa	38.19	35.64	15.28	Clare	38.19	35.64	15.28
Crawford	38.19	35.64	15.28	Delta	38.19	35.64	15.28
Dickinson	38.19	35.64	15.28	Emmet	40.96	38.23	16.38
Gladwin	38.19	35.64	15.28	Gogebic	38.19	35.64	15.28
Grand Traverse	42.39	39.56	16.96	Gratiot	41.22	38.47	16.49
Hillsdale	40.77	38.06	16.31	Houghton	38.19	35.64	15.28
Huron	38.19	35.64	15.28	Ionia	38.28	35.73	15.31
Iosco	38.19	35.64	15.28	Iron	38.19	35.64	15.28
Isabella	41.22	38.47	16.49	Kalkaska	40.96	38.23	16.38
Keweenaw	38.19	35.64	15.28	Lake	38.19	35.64	15.28
Leelanau	42.11	39.31	16.84	Luce	38.19	35.64	15.28
Mackinac	38.19	35.64	15.28	Manistee	40.96	38.23	16.38
Marquette	40.96	38.23	16.38	Mason	38.19	35.64	15.28
Mecosta	38.19	35.64	15.28	Menominee	40.96	38.23	16.38
Missaukee	40.96	38.23	16.38	Montcalm	38.19	35.64	15.28
Montmorency	38.19	35.64	15.28	Newaygo	38.19	35.64	15.28
Oceana	38.19	35.64	15.28	Ogemaw	38.19	35.64	15.28
Ontonagon	38.19	35.64	15.28	Osceola	38.19	35.64	15.28
Oscoda	38.19	35.64	15.28	Otsego	38.19	35.64	15.28
Presque Isle	38.19	35.64	15.28	Roscommon	38.19	35.64	15.28
St. Joseph	38.45	35.89	15.38	Sanilac	38.19	35.64	15.28
Schoolcraft	38.19	35.64	15.28	Shiawassee	40.68	37.97	16.27
Tuscola	38.32	35.77	15.33	Wexford	40.96	38.23	16.38

M I N N E S O T A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	41.17	38.43	16.47	St. Louis
Fargo-Moorhead, ND-MN MSA	41.59	38.82	16.64	Clay
Grand Forks, ND-MN MSA	39.76	37.11	15.90	Polk

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M I N N E S O T A continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
La Crosse, WI-MN MSA	45.45	42.42	18.18	Houston
Minneapolis-St. Paul, MN-WI MSA	55.66	51.95	22.26	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	46.08	43.02	18.43	Olmsted
St. Cloud, MN MSA	42.41	39.58	16.96	Benton, Stearns

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Aitkin	39.36	36.73	15.74	Becker	38.12	35.57	15.25
Beltrami	38.12	35.57	15.25	Big Stone	38.12	35.57	15.25
Blue Earth	41.68	38.90	16.67	Brown	38.12	35.57	15.25
Carlton	38.12	35.57	15.25	Cass	38.12	35.57	15.25
Chippewa	38.12	35.57	15.25	Clearwater	38.12	35.57	15.25
Cook	38.12	35.57	15.25	Cottonwood	38.12	35.57	15.25
Crow Wing	38.12	35.57	15.25	Dodge	38.12	35.57	15.25
Douglas	38.12	35.57	15.25	Faribault	38.12	35.57	15.25
Fillmore	38.12	35.57	15.25	Freeborn	41.58	38.81	16.63
Goodhue	38.12	35.57	15.25	Grant	38.12	35.57	15.25
Hubbard	38.12	35.57	15.25	Itasca	38.12	35.57	15.25
Jackson	38.12	35.57	15.25	Kanabec	38.12	35.57	15.25
Kandiyohi	39.99	37.32	15.99	Kittson	38.12	35.57	15.25
Koochiching	38.12	35.57	15.25	Lac qui Parle	38.12	35.57	15.25
Lake	38.12	35.57	15.25	Lake of the Woods	38.12	35.57	15.25
Le Sueur	39.63	36.99	15.85	Lincoln	38.12	35.57	15.25
Lyon	38.12	35.57	15.25	Mcleod	39.99	37.32	15.99
Mahnomen	38.12	35.57	15.25	Marshall	38.12	35.57	15.25
Martin	38.12	35.57	15.25	Meeker	39.99	37.32	15.99
Mille Lacs	38.12	35.57	15.25	Morrison	38.12	35.57	15.25
Mower	38.12	35.57	15.25	Murray	38.12	35.57	15.25
Nicollet	40.16	37.48	16.06	Nobles	38.12	35.57	15.25
Norman	38.12	35.57	15.25	Otter Tail	38.12	35.57	15.25
Pennington	38.12	35.57	15.25	Pine	38.12	35.57	15.25
Pipestone	38.12	35.57	15.25	Pope	38.12	35.57	15.25
Red Lake	38.12	35.57	15.25	Redwood	38.12	35.57	15.25
Renville	39.99	37.32	15.99	Rice	42.83	39.98	17.13
Rock	38.12	35.57	15.25	Roseau	38.12	35.57	15.25
Sibley	39.63	36.99	15.85	Steele	41.58	38.81	16.63
Stevens	38.12	35.57	15.25	Swift	38.12	35.57	15.25
Todd	38.12	35.57	15.25	Traverse	38.12	35.57	15.25
Wabasha	38.12	35.57	15.25	Wadena	38.12	35.57	15.25
Waseca	38.12	35.57	15.25	Watonwan	38.12	35.57	15.25

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	A	B	C
Wilkin	38.12	35.57	15.25
Yellow Medicine	38.12	35.57	15.25
Winona	38.65	36.07	15.46

M I S S I S S I P P I

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	39.80	37.14	15.92	Hancock, Harrison, Jackson
Hattiesburg, MS MSA	39.80	37.14	15.92	Forrest, Lamar
Jackson, MS MSA	46.79	43.67	18.72	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	43.30	40.42	17.32	Desoto

NONMETROPOLITAN COUNTIES	A	B	C
Adams	39.80	37.14	15.92
Amite	39.80	37.14	15.92
Benton	39.80	37.14	15.92
Calhoun	39.80	37.14	15.92
Chickasaw	39.80	37.14	15.92
Claiborne	39.80	37.14	15.92
Clay	39.80	37.14	15.92
Copiah	39.80	37.14	15.92
Franklin	39.80	37.14	15.92
Greene	39.80	37.14	15.92
Holmes	39.80	37.14	15.92
Issaquena	39.80	37.14	15.92
Jasper	39.80	37.14	15.92
Jefferson Davis	39.80	37.14	15.92
Kemper	39.80	37.14	15.92
Lauderdale	39.80	37.14	15.92
Leake	39.80	37.14	15.92
Leflore	39.80	37.14	15.92
Lowndes	39.80	37.14	15.92
Marshall	39.80	37.14	15.92
Montgomery	39.80	37.14	15.92
Newton	39.80	37.14	15.92
Oktibbeha	39.80	37.14	15.92
Pearl River	39.80	37.14	15.92
Pike	39.80	37.14	15.92
Prentiss	39.80	37.14	15.92
Scott	39.80	37.14	15.92
Simpson	39.80	37.14	15.92
Alcorn	39.80	37.14	15.92
Attala	39.80	37.14	15.92
Bolivar	39.80	37.14	15.92
Carroll	39.80	37.14	15.92
Choctaw	39.80	37.14	15.92
Clarke	39.80	37.14	15.92
Coahoma	39.80	37.14	15.92
Covington	39.80	37.14	15.92
George	39.80	37.14	15.92
Grenada	39.80	37.14	15.92
Humphreys	39.80	37.14	15.92
Itawamba	39.80	37.14	15.92
Jefferson	39.80	37.14	15.92
Jones	39.80	37.14	15.92
Lafayette	39.80	37.14	15.92
Lawrence	39.80	37.14	15.92
Lee	39.80	37.14	15.92
Lincoln	39.80	37.14	15.92
Marion	39.80	37.14	15.92
Monroe	39.80	37.14	15.92
Neshoba	39.80	37.14	15.92
Noxubee	39.80	37.14	15.92
Panola	39.80	37.14	15.92
Perry	39.80	37.14	15.92
Pontotoc	39.80	37.14	15.92
Quitman	39.80	37.14	15.92
Sharkey	39.80	37.14	15.92
Smith	39.80	37.14	15.92

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH PAGE 28

M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	A	B	C
Stone	39.80	37.14	15.92
Tallahatchie	39.80	37.14	15.92
Tippah	39.80	37.14	15.92
Tunica	39.80	37.14	15.92
Walthall	39.80	37.14	15.92
Washington	39.80	37.14	15.92
Webster	39.80	37.14	15.92
Winston	39.80	37.14	15.92
Yazoo	39.80	37.14	15.92
Sunflower	39.80	37.14	15.92
Tate	39.80	37.14	15.92
Tishomingo	39.80	37.14	15.92
Union	39.80	37.14	15.92
Warren	39.80	37.14	15.92
Wayne	39.80	37.14	15.92
Wilkinson	39.80	37.14	15.92
Yalobusha	39.80	37.14	15.92

M I S S O U R I

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Columbia, MO MSA	39.95	37.28	15.98	Boone
Joplin, MO MSA	39.95	37.28	15.98	Jasper, Newton
Kansas City, MO-KS MSA	42.26	39.43	16.90	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	39.95	37.28	15.98	Andrew, Buchanan
St. Louis, MO-IL MSA	43.47	40.56	17.39	Crawford-Sullivan (part), Franklin, Jefferson, Lincoln St. Charles, St. Louis, Warren, St. Louis city
Springfield, MO MSA	39.95	37.28	15.98	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	A	B	C
Adair	39.95	37.28	15.98
Audrain	39.95	37.28	15.98
Barton	39.95	37.28	15.98
Benton	39.95	37.28	15.98
Butler	39.95	37.28	15.98
Callaway	39.95	37.28	15.98
Cape Girardeau	39.95	37.28	15.98
Carter	39.95	37.28	15.98
Chariton	39.95	37.28	15.98
Cole	39.95	37.28	15.98
Crawford	39.95	37.28	15.98
Dallas	39.95	37.28	15.98
Dekalb	39.95	37.28	15.98
Douglas	39.95	37.28	15.98
Gasconade	39.95	37.28	15.98
Grundy	39.95	37.28	15.98
Henry	39.95	37.28	15.98
Holt	39.95	37.28	15.98
Howell	39.95	37.28	15.98
Atchison	39.95	37.28	15.98
Barry	39.95	37.28	15.98
Bates	39.95	37.28	15.98
Bollinger	39.95	37.28	15.98
Caldwell	39.95	37.28	15.98
Camden	39.95	37.28	15.98
Carroll	39.95	37.28	15.98
Cedar	39.95	37.28	15.98
Clark	39.95	37.28	15.98
Cooper	39.95	37.28	15.98
Dade	39.95	37.28	15.98
Daviess	39.95	37.28	15.98
Dent	39.95	37.28	15.98
Dunklin	39.95	37.28	15.98
Gentry	39.95	37.28	15.98
Harrison	39.95	37.28	15.98
Hickory	39.95	37.28	15.98
Howard	39.95	37.28	15.98
Iron	39.95	37.28	15.98

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	A	B	C
Johnson	39.95	37.28	15.98
Laclede	39.95	37.28	15.98
Lewis	39.95	37.28	15.98
Livingston	39.95	37.28	15.98
Macon	39.95	37.28	15.98
Maries	39.95	37.28	15.98
Mercer	39.95	37.28	15.98
Mississippi	39.95	37.28	15.98
Monroe	39.95	37.28	15.98
Morgan	39.95	37.28	15.98
Nodaway	39.95	37.28	15.98
Osage	39.95	37.28	15.98
Pemiscot	39.95	37.28	15.98
Pettis	39.95	37.28	15.98
Pike	39.95	37.28	15.98
Pulaski	39.95	37.28	15.98
Ralls	39.95	37.28	15.98
Reynolds	39.95	37.28	15.98
St. Clair	39.95	37.28	15.98
St. Francois	39.95	37.28	15.98
Schuyler	39.95	37.28	15.98
Scott	39.95	37.28	15.98
Shelby	39.95	37.28	15.98
Stone	39.95	37.28	15.98
Taney	39.95	37.28	15.98
Vernon	39.95	37.28	15.98
Wayne	39.95	37.28	15.98
Wright	39.95	37.28	15.98

NONMETROPOLITAN COUNTIES	A	B	C
Knox	39.95	37.28	15.98
Lawrence	39.95	37.28	15.98
Linn	39.95	37.28	15.98
Mcdonald	39.95	37.28	15.98
Madison	39.95	37.28	15.98
Marion	39.95	37.28	15.98
Miller	39.95	37.28	15.98
Moniteau	39.95	37.28	15.98
Montgomery	39.95	37.28	15.98
New Madrid	39.95	37.28	15.98
Oregon	39.95	37.28	15.98
Ozark	39.95	37.28	15.98
Perry	39.95	37.28	15.98
Phelps	39.95	37.28	15.98
Polk	39.95	37.28	15.98
Putnam	39.95	37.28	15.98
Randolph	39.95	37.28	15.98
Ripley	39.95	37.28	15.98
Ste. Genevieve	39.95	37.28	15.98
Saline	39.95	37.28	15.98
Scotland	39.95	37.28	15.98
Shannon	39.95	37.28	15.98
Stoddard	39.95	37.28	15.98
Sullivan	39.95	37.28	15.98
Texas	39.95	37.28	15.98
Washington	39.95	37.28	15.98
Worth	39.95	37.28	15.98

M O N T A N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Billings, MT MSA	50.16	46.81	20.06	Yellowstone
Great Falls, MT MSA	44.41	41.46	17.76	Cascade
Missoula, MT MSA	45.14	42.13	18.06	Missoula

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

M O N T A N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Beaverhead	42.46	39.62	16.98
Blaine	39.48	36.85	15.79
Carbon	40.00	37.34	16.00
Chouteau	39.48	36.85	15.79
Daniels	39.48	36.85	15.79
Deer Lodge	42.46	39.62	16.98
Fergus	40.00	37.34	16.00
Gallatin	47.62	44.45	19.05
Glacier	39.48	36.85	15.79
Granite	42.46	39.62	16.98
Jefferson	42.46	39.62	16.98
Lake	43.33	40.44	17.33
Liberty	39.48	36.85	15.79
Mccone	40.00	37.34	16.00
Meagher	42.46	39.62	16.98
Musselshell	40.00	37.34	16.00
Petroleum	40.00	37.34	16.00
Pondera	39.48	36.85	15.79
Powell	42.46	39.62	16.98
Ravalli	43.33	40.44	17.33
Roosevelt	39.48	36.85	15.79
Sanders	43.33	40.44	17.33
Silver Bow	42.46	39.62	16.98
Sweet Grass	40.00	37.34	16.00
Toole	39.48	36.85	15.79
Valley	39.48	36.85	15.79
Wibaux	40.00	37.34	16.00

NONMETROPOLITAN COUNTIES	A	B	C
Big Horn	40.00	37.34	16.00
Broadwater	42.46	39.62	16.98
Carter	40.00	37.34	16.00
Custer	40.00	37.34	16.00
Dawson	40.00	37.34	16.00
Fallon	40.00	37.34	16.00
Flathead	43.33	40.44	17.33
Garfield	40.00	37.34	16.00
Golden Valley	40.00	37.34	16.00
Hill	39.48	36.85	15.79
Judith Basin	40.00	37.34	16.00
Lewis and Clark	49.37	46.09	19.75
Lincoln	43.33	40.44	17.33
Madison	42.46	39.62	16.98
Mineral	43.33	40.44	17.33
Park	42.46	39.62	16.98
Phillips	39.48	36.85	15.79
Powder River	40.00	37.34	16.00
Prairie	40.00	37.34	16.00
Richland	40.00	37.34	16.00
Rosebud	40.00	37.34	16.00
Sheridan	39.48	36.85	15.79
Stillwater	40.00	37.34	16.00
Teton	39.48	36.85	15.79
Treasure	40.00	37.34	16.00
Wheatland	40.00	37.34	16.00

N E B R A S K A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Lincoln, NE MSA	43.22	40.33	17.29	Lancaster
Omaha, NE-IA MSA	43.79	40.87	17.52	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	42.75	39.90	17.10	Dakota

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Adams	39.07	36.46	15.63	Antelope	39.07	36.46	15.63
Arthur	39.07	36.46	15.63	Banner	39.07	36.46	15.63
Blaine	39.07	36.46	15.63	Boone	39.07	36.46	15.63
Box Butte	39.07	36.46	15.63	Boyd	39.07	36.46	15.63
Brown	39.07	36.46	15.63	Buffalo	39.07	36.46	15.63
Burt	39.07	36.46	15.63	Butler	39.07	36.46	15.63
Cedar	39.07	36.46	15.63	Chase	39.07	36.46	15.63
Cherry	39.07	36.46	15.63	Cheyenne	39.07	36.46	15.63
Clay	39.07	36.46	15.63	Colfax	39.07	36.46	15.63
Cuming	39.07	36.46	15.63	Custer	39.07	36.46	15.63
Dawes	39.07	36.46	15.63	Dawson	39.07	36.46	15.63
Deuel	39.07	36.46	15.63	Dixon	39.07	36.46	15.63
Dodge	39.07	36.46	15.63	Dundy	39.07	36.46	15.63
Fillmore	39.07	36.46	15.63	Franklin	39.07	36.46	15.63
Frontier	39.07	36.46	15.63	Furnas	39.07	36.46	15.63
Gage	39.07	36.46	15.63	Garden	39.07	36.46	15.63
Garfield	39.07	36.46	15.63	Gosper	39.07	36.46	15.63
Grant	39.07	36.46	15.63	Greeley	39.07	36.46	15.63
Hall	39.07	36.46	15.63	Hamilton	39.07	36.46	15.63
Harlan	39.07	36.46	15.63	Hayes	39.07	36.46	15.63
Hitchcock	39.07	36.46	15.63	Holt	39.07	36.46	15.63
Hooker	39.07	36.46	15.63	Howard	39.07	36.46	15.63
Jefferson	39.07	36.46	15.63	Johnson	39.07	36.46	15.63
Kearney	39.07	36.46	15.63	Keith	39.07	36.46	15.63
Keya Paha	39.07	36.46	15.63	Kimball	39.07	36.46	15.63
Knox	39.07	36.46	15.63	Lincoln	39.07	36.46	15.63
Logan	39.07	36.46	15.63	Loup	39.07	36.46	15.63
Mcpherson	39.07	36.46	15.63	Madison	39.07	36.46	15.63
Merrick	39.07	36.46	15.63	Morrill	39.07	36.46	15.63
Nance	39.07	36.46	15.63	Nemaha	39.07	36.46	15.63
Nuckolls	39.07	36.46	15.63	Otoe	39.07	36.46	15.63
Pawnee	39.07	36.46	15.63	Perkins	39.07	36.46	15.63
Phelps	39.07	36.46	15.63	Pierce	39.07	36.46	15.63
Platte	39.07	36.46	15.63	Polk	39.07	36.46	15.63
Red Willow	39.07	36.46	15.63	Richardson	39.07	36.46	15.63
Rock	39.07	36.46	15.63	Saline	39.07	36.46	15.63
Saunders	39.07	36.46	15.63	Scotts Bluff	39.07	36.46	15.63
Seward	39.07	36.46	15.63	Sheridan	39.07	36.46	15.63
Sherman	39.07	36.46	15.63	Sioux	39.07	36.46	15.63
Stanton	39.07	36.46	15.63	Thayer	39.07	36.46	15.63

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	A	B	C
Thomas	39.07	36.46	15.63
Valley	39.07	36.46	15.63
Webster	39.07	36.46	15.63
York	39.07	36.46	15.63
Thurston	39.07	36.46	15.63
Wayne	39.07	36.46	15.63
Wheeler	39.07	36.46	15.63

N E V A D A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	62.69	58.52	25.08	Clark, Nye
Reno, NV MSA	54.34	50.72	21.74	Washoe

NONMETROPOLITAN COUNTIES	A	B	C
Churchill	54.34	50.72	21.74
Elko	54.34	50.72	21.74
Eureka	54.34	50.72	21.74
Lander	54.34	50.72	21.74
Lyon	54.34	50.72	21.74
Pershing	54.34	50.72	21.74
White Pine	54.34	50.72	21.74
Douglas	56.24	52.50	22.50
Esmeralda	54.34	50.72	21.74
Humboldt	54.34	50.72	21.74
Lincoln	54.34	50.72	21.74
Mineral	54.34	50.72	21.74
Storey	54.34	50.72	21.74
Carson City	54.34	50.72	21.74

N E W H A M P S H I R E

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Boston, MA-NH PMSA	70.54	65.83	28.21	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA	56.67	52.90	22.67	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA	59.20	55.25	23.68	Hillsborough county towns of Pelham town
Manchester, NH PMSA	53.77	50.19	21.51	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allenstown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA	57.12	53.32	22.85	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA	55.68	51.98	22.27	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N E W H A M P S H I R E continued

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
				Kensington town, New Castle town, Newfields town Newington town, Newmarket town, North Hampton town Portsmouth city, Rye town, Stratham town Strafford county towns of Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Belknap	51.30	47.88	20.52	
Carroll	51.56	48.13	20.62	
Cheshire	60.86	56.80	24.34	
Coos	46.68	43.57	18.67	
Grafton	52.95	49.42	21.18	
Hillsborough	66.08	61.67	26.43	Antrim town, Bennington town, Deering town Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town Windsor town
Merrimack	65.12	60.78	26.05	Andover town, Boscawen town, Bow town, Bradford town Canterbury town, Chichester town, Concord city Danbury town, Dunbarton town, Epsom town, Franklin city Henniker town, Hill town, Hopkinton town, Loudon town Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town Sutton town, Warner town, Webster town, Wilmot town
Rockingham	63.82	59.56	25.53	Deerfield town, Northwood town, Nottingham town
Strafford	58.85	54.93	23.54	Middleton town, New Durham town, Strafford town
Sullivan	49.73	46.42	19.89	

N E W J E R S E Y

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	63.70	59.46	25.48	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	77.14	72.01	30.86	Bergen, Passaic
Jersey City, NJ PMSA	64.29	60.01	25.72	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	77.14	72.01	30.86	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	75.52	70.48	30.21	Monmouth, Ocean
Newark, NJ PMSA	75.32	70.30	30.13	Essex, Morris, Sussex, Union, Warren
Philadelphia, PA-NJ PMSA	58.86	54.94	23.55	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	74.01	69.08	29.60	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	61.24	57.16	24.50	Cumberland

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N E W M E X I C O

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Albuquerque, NM MSA	51.72	48.27	20.69	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	41.04	38.31	16.42	Dona Ana
Santa Fe, NM MSA	61.20	57.12	24.48	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	A	B	C
Catron	38.03	35.49	15.21
Cibola	38.03	35.49	15.21
Curry	38.03	35.49	15.21
Eddy	42.47	39.64	16.99
Guadalupe	38.03	35.49	15.21
Hidalgo	38.03	35.49	15.21
Lincoln	38.47	35.90	15.39
Mckinley	49.13	45.86	19.65
Otero	38.47	35.90	15.39
Rio Arriba	38.03	35.49	15.21
San Juan	49.13	45.86	19.65
Sierra	38.47	35.90	15.39
Taos	40.55	37.85	16.22
Union	38.03	35.49	15.21

NONMETROPOLITAN COUNTIES	A	B	C
Chaves	38.47	35.90	15.39
Colfax	38.03	35.49	15.21
Debaca	38.03	35.49	15.21
Grant	38.03	35.49	15.21
Harding	38.03	35.49	15.21
Lea	42.47	39.64	16.99
Luna	38.03	35.49	15.21
Mora	38.03	35.49	15.21
Quay	38.03	35.49	15.21
Roosevelt	38.03	35.49	15.21
San Miguel	38.03	35.49	15.21
Socorro	38.47	35.90	15.39
Torrance	38.03	35.49	15.21

N E W Y O R K

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	50.82	47.44	20.33	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	44.35	41.39	17.74	Broome, Tioga
Buffalo-Niagara Falls, NY PMSA	43.72	40.81	17.49	Erie, Niagara
Dutchess County, NY PMSA	70.03	65.36	28.01	Dutchess
Elmira, NY MSA	45.16	42.14	18.07	Chemung
Glens Falls, NY MSA	48.12	44.91	19.25	Warren, Washington
Jamestown, NY MSA	41.83	39.05	16.73	Chautauqua
Nassau-Suffolk, NY PMSA	72.81	67.96	29.12	Nassau, Suffolk
New York, NY PMSA	63.28	59.06	25.31	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	72.81	67.96	29.12	Westchester
Newburgh, NY-PA PMSA	65.05	60.71	26.02	Orange
Rochester, NY MSA	53.51	49.94	21.40	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	46.77	43.66	18.71	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	42.82	39.97	17.13	Herkimer, Oneida

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N E W Y O R K continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Allegany	38.70	36.13	15.48	Cattaraugus	38.70	36.13	15.48
Chenango	45.47	42.44	18.19	Clinton	43.46	40.55	17.38
Columbia	44.88	41.89	17.95	Cortland	47.33	44.17	18.93
Delaware	42.49	39.66	17.00	Essex	41.78	38.99	16.71
Franklin	41.78	38.99	16.71	Fulton	38.88	36.29	15.55
Greene	48.11	44.91	19.24	Hamilton	41.78	38.99	16.71
Jefferson	47.15	44.00	18.86	Lewis	45.03	42.03	18.01
Otsego	42.49	39.66	17.00	St. Lawrence	42.93	40.07	17.17
Schuyler	43.37	40.47	17.35	Seneca	46.18	43.10	18.47
Steuben	43.37	40.47	17.35	Sullivan	50.80	47.42	20.32
Tompkins	48.98	45.72	19.59	Ulster	56.08	52.35	22.43
Wyoming	42.93	40.07	17.17	Yates	43.10	40.23	17.24

N O R T H C A R O L I N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Asheville, NC MSA	40.36	37.66	16.14	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	44.17	41.22	17.67	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	40.97	38.25	16.39	Cumberland
Goldsboro, NC MSA	40.36	37.66	16.14	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	41.72	38.95	16.69	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	40.36	37.66	16.14	Pitt
Hickory-Morganton, NC MSA	42.48	39.65	16.99	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	40.36	37.66	16.14	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	48.48	45.24	19.39	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	48.17	44.95	19.27	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	40.36	37.66	16.14	Edgecombe, Nash
Wilmington, NC MSA	40.36	37.66	16.14	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Alleghany	40.36	37.66	16.14	Anson	40.36	37.66	16.14
Ashe	40.36	37.66	16.14	Avery	40.36	37.66	16.14
Beaufort	40.36	37.66	16.14	Bertie	40.36	37.66	16.14
Bladen	40.36	37.66	16.14	Camden	40.36	37.66	16.14
Carteret	40.36	37.66	16.14	Caswell	40.36	37.66	16.14
Cherokee	40.36	37.66	16.14	Chowan	40.36	37.66	16.14
Clay	40.36	37.66	16.14	Cleveland	40.36	37.66	16.14
Columbus	40.36	37.66	16.14	Craven	40.36	37.66	16.14
Dare	40.36	37.66	16.14	Duplin	40.36	37.66	16.14
Gates	40.36	37.66	16.14	Graham	40.36	37.66	16.14

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N O R T H C A R O L I N A continued

NONMETROPOLITAN COUNTIES	A	B	C
Granville	40.36	37.66	16.14
Halifax	40.36	37.66	16.14
Haywood	40.36	37.66	16.14
Hertford	40.36	37.66	16.14
Hyde	40.36	37.66	16.14
Jackson	40.36	37.66	16.14
Lee	40.73	38.01	16.29
Mcdowell	40.36	37.66	16.14
Martin	40.36	37.66	16.14
Montgomery	40.36	37.66	16.14
Northampton	40.36	37.66	16.14
Pasquotank	40.36	37.66	16.14
Perquimans	40.36	37.66	16.14
Polk	40.36	37.66	16.14
Robeson	40.36	37.66	16.14
Rutherford	40.36	37.66	16.14
Scotland	40.36	37.66	16.14
Surry	40.36	37.66	16.14
Transylvania	40.36	37.66	16.14
Vance	40.36	37.66	16.14
Washington	40.36	37.66	16.14
Wilkes	41.11	38.36	16.44
Yancey	40.36	37.66	16.14

NONMETROPOLITAN COUNTIES	A	B	C
Greene	40.36	37.66	16.14
Harnett	40.36	37.66	16.14
Henderson	40.36	37.66	16.14
Hoke	40.36	37.66	16.14
Iredell	44.03	41.10	17.61
Jones	40.36	37.66	16.14
Lenoir	40.36	37.66	16.14
Macon	40.36	37.66	16.14
Mitchell	40.36	37.66	16.14
Moore	40.36	37.66	16.14
Pamlico	40.36	37.66	16.14
Pender	40.36	37.66	16.14
Person	40.36	37.66	16.14
Richmond	40.36	37.66	16.14
Rockingham	40.36	37.66	16.14
Sampson	40.36	37.66	16.14
Stanly	40.36	37.66	16.14
Swain	40.36	37.66	16.14
Tyrrell	40.36	37.66	16.14
Warren	40.36	37.66	16.14
Watauga	49.03	45.76	19.61
Wilson	40.36	37.66	16.14

N O R T H D A K O T A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Bismarck, ND MSA	41.68	38.89	16.67	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	41.59	38.82	16.64	Cass
Grand Forks, ND-MN MSA	39.76	37.11	15.90	Grand Forks

NONMETROPOLITAN COUNTIES	A	B	C
Adams	37.53	35.03	15.01
Benson	37.53	35.03	15.01
Bottineau	37.53	35.03	15.01
Burke	37.53	35.03	15.01
Dickey	37.53	35.03	15.01
Dunn	37.53	35.03	15.01
Emmons	37.53	35.03	15.01
Golden Valley	37.53	35.03	15.01

NONMETROPOLITAN COUNTIES	A	B	C
Barnes	37.53	35.03	15.01
Billings	37.53	35.03	15.01
Bowman	37.53	35.03	15.01
Cavalier	37.53	35.03	15.01
Divide	37.53	35.03	15.01
Eddy	37.53	35.03	15.01
Foster	37.53	35.03	15.01
Grant	37.53	35.03	15.01

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

N O R T H D A K O T A continued

NONMETROPOLITAN COUNTIES	A	B	C
Griggs	37.53	35.03	15.01
Kidder	37.53	35.03	15.01
Logan	37.53	35.03	15.01
Mcintosh	37.53	35.03	15.01
Mclean	37.53	35.03	15.01
Mountrail	37.53	35.03	15.01
Oliver	37.53	35.03	15.01
Pierce	37.53	35.03	15.01
Ransom	37.53	35.03	15.01
Richland	37.53	35.03	15.01
Sargent	37.53	35.03	15.01
Sioux	37.53	35.03	15.01
Stark	37.53	35.03	15.01
Stutsman	37.53	35.03	15.01
Traill	37.53	35.03	15.01
Ward	37.53	35.03	15.01
Williams	37.53	35.03	15.01

NONMETROPOLITAN COUNTIES	A	B	C
Hettinger	37.53	35.03	15.01
Lamoure	37.53	35.03	15.01
Mchenry	37.53	35.03	15.01
Mckenzie	37.53	35.03	15.01
Mercer	37.53	35.03	15.01
Nelson	37.53	35.03	15.01
Pembina	37.53	35.03	15.01
Ramsey	37.53	35.03	15.01
Renville	37.53	35.03	15.01
Rolette	37.53	35.03	15.01
Sheridan	37.53	35.03	15.01
Slope	37.53	35.03	15.01
Steele	37.53	35.03	15.01
Towner	37.53	35.03	15.01
Walsh	37.53	35.03	15.01
Wells	37.53	35.03	15.01

O H I O

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Akron, OH PMSA	45.46	42.43	18.19	Portage, Summit
Brown County, OH	39.25	36.63	15.70	Brown
Canton-Massillon, OH MSA	39.25	36.63	15.70	Carroll, Stark
Cincinnati, OH-KY-IN	44.75	41.76	17.90	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA	46.21	43.13	18.48	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	43.83	40.91	17.53	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	40.82	38. 0	16.33	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	46.50	43.41	18.60	Butler
Huntington-Ashland, WV-KY-OH MSA	39.25	36.63	15.70	Lawrence
Lima, OH MSA	39.81	37.16	15.92	Allen, Auglaize
Mansfield, OH MSA	39.25	36.63	15.70	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	39.25	36.63	15.70	Washington
Steubenville-Weirton, OH-WV MSA	40.08	37.41	16.03	Jefferson
Toledo, OH MSA	45.93	42.88	18.37	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	39.63	36.98	15.85	Belmont
Youngstown-Warren, OH MSA	39.81	37.16	15.92	Columbiana, Mahoning, Trumbull

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

O H I O continued

NONMETROPOLITAN COUNTIES	A	B	C
Adams	39.25	36.63	15.70
Athens	39.25	36.63	15.70
Clinton	39.25	36.63	15.70
Darke	39.25	36.63	15.70
Erie	40.90	38.17	16.36
Gallia	39.25	36.63	15.70
Hancock	39.34	36.72	15.74
Harrison	39.25	36.63	15.70
Highland	39.25	36.63	15.70
Holmes	39.25	36.63	15.70
Jackson	39.25	36.63	15.70
Logan	39.25	36.63	15.70
Meigs	39.25	36.63	15.70
Monroe	39.25	36.63	15.70
Morrow	39.25	36.63	15.70
Noble	39.25	36.63	15.70
Paulding	40.35	37.66	16.14
Pike	39.25	36.63	15.70
Putnam	39.25	36.63	15.70
Sandusky	40.90	38.17	16.36
Seneca	39.25	36.63	15.70
Tuscarawas	39.25	36.63	15.70
Van Wert	39.25	36.63	15.70
Wayne	39.43	36.81	15.77
Wyandot	39.25	36.63	15.70

NONMETROPOLITAN COUNTIES	A	B	C
Ashland	39.25	36.63	15.70
Champaign	39.25	36.63	15.70
Coshocton	39.25	36.63	15.70
Defiance	40.35	37.66	16.14
Fayette	39.25	36.63	15.70
Guernsey	39.25	36.63	15.70
Hardin	39.25	36.63	15.70
Henry	40.35	37.66	16.14
Hocking	39.25	36.63	15.70
Huron	39.25	36.63	15.70
Knox	39.25	36.63	15.70
Marion	39.25	36.63	15.70
Mercer	39.25	36.63	15.70
Morgan	39.25	36.63	15.70
Muskingum	39.25	36.63	15.70
Ottawa	41.26	38.51	16.51
Perry	39.25	36.63	15.70
Preble	39.34	36.72	15.74
Ross	39.25	36.63	15.70
Scioto	39.25	36.63	15.70
Shelby	40.15	37.48	16.06
Union	43.74	40.83	17.49
Vinton	39.25	36.63	15.70
Williams	40.35	37.66	16.14

O K L A H O M A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Enid, OK MSA	42.98	40.11	17.19	Garfield
Fort Smith, AR-OK MSA	38.01	35.47	15.20	Sequoyah
Lawton, OK MSA	38.89	36.29	15.56	Comanche
Oklahoma City, OK MSA	39.98	37.32	15.99	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	38.89	36.29	15.56	Creek, Osage, Rogers, Tulsa, Wagoner

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

O K L A H O M A continued

NONMETROPOLITAN COUNTIES	A	B	C
Adair	38.01	35.47	15.20
Atoka	38.01	35.47	15.20
Beckham	38.01	35.47	15.20
Bryan	38.01	35.47	15.20
Carter	38.01	35.47	15.20
Choctaw	38.01	35.47	15.20
Coal	38.01	35.47	15.20
Craig	38.01	35.47	15.20
Delaware	38.01	35.47	15.20
Ellis	38.01	35.47	15.20
Grady	38.01	35.47	15.20
Greer	38.01	35.47	15.20
Harper	38.01	35.47	15.20
Hughes	38.01	35.47	15.20
Jefferson	38.01	35.47	15.20
Kay	38.01	35.47	15.20
Kiowa	38.01	35.47	15.20
Le Flore	38.01	35.47	15.20
Love	38.01	35.47	15.20
Mcintosh	38.01	35.47	15.20
Marshall	38.01	35.47	15.20
Murray	38.01	35.47	15.20
Noble	38.01	35.47	15.20
Okfuskee	38.01	35.47	15.20
Ottawa	38.01	35.47	15.20
Payne	38.01	35.47	15.20
Pontotoc	38.01	35.47	15.20
Roger Mills	38.01	35.47	15.20
Stephens	38.01	35.47	15.20
Tillman	38.01	35.47	15.20
Washita	38.01	35.47	15.20
Woodward	38.01	35.47	15.20

NONMETROPOLITAN COUNTIES	A	B	C
Alfalfa	38.01	35.47	15.20
Beaver	38.01	35.47	15.20
Blaine	38.01	35.47	15.20
Caddo	38.01	35.47	15.20
Cherokee	38.01	35.47	15.20
Cimarron	38.01	35.47	15.20
Cotton	38.01	35.47	15.20
Custer	38.01	35.47	15.20
Dewey	38.01	35.47	15.20
Garvin	38.01	35.47	15.20
Grant	38.01	35.47	15.20
Harmon	38.01	35.47	15.20
Haskell	38.01	35.47	15.20
Jackson	38.01	35.47	15.20
Johnston	38.01	35.47	15.20
Kingfisher	38.01	35.47	15.20
Latimer	38.01	35.47	15.20
Lincoln	38.01	35.47	15.20
Mccurtain	38.01	35.47	15.20
Major	38.01	35.47	15.20
Mayes	38.01	35.47	15.20
Muskogee	38.01	35.47	15.20
Nowata	38.01	35.47	15.20
Okmulgee	38.01	35.47	15.20
Pawnee	38.01	35.47	15.20
Pittsburg	38.01	35.47	15.20
Pushmataha	38.01	35.47	15.20
Seminole	38.01	35.47	15.20
Texas	38.01	35.47	15.20
Washington	38.01	35.47	15.20
Woods	38.01	35.47	15.20

O R E G O N

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Corvallis, OR MSA	52.81	49.29	21.13	Benton
Eugene-Springfield, OR MSA	57.03	53.22	22.81	Lane
Medford-Ashland, OR MSA	56.66	52.88	22.66	Jackson

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

O R E G O N continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Portland-Vancouver, OR-WA PMSA	49.62	46.31	19.85	Clackamas, Columbia, Multnomah, Washington, Yamhill
Salem, OR PMSA	53.28	49.73	21.31	Marion, Polk

NONMETROPOLITAN COUNTIES	A	B	C
Baker	51.07	47.67	20.43
Coos	53.39	49.83	21.35
Curry	53.39	49.83	21.35
Douglas	53.39	49.83	21.35
Grant	51.07	47.67	20.43
Hood River	54.04	50.43	21.62
Josephine	53.39	49.83	21.35
Lake	48.76	45.51	19.50
Linn	52.10	48.62	20.84
Morrow	51.07	47.67	20.43
Tillamook	49.68	46.37	19.87
Union	51.07	47.67	20.43
Wasco	54.04	50.43	21.62

NONMETROPOLITAN COUNTIES	A	B	C
Clatsop	49.68	46.37	19.87
Crook	54.04	50.43	21.62
Deschutes	54.04	50.43	21.62
Gilliam	51.07	47.67	20.43
Harney	48.76	45.51	19.50
Jefferson	54.04	50.43	21.62
Klamath	48.76	45.51	19.50
Lincoln	49.68	46.37	19.87
Malheur	48.76	45.51	19.50
Sherman	54.04	50.43	21.62
Umatilla	51.07	47.67	20.43
Wallowa	51.07	47.67	20.43
Wheeler	51.07	47.67	20.43

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	50.13	46.79	20.05	Carbon, Lehigh, Northampton
Altoona, PA MSA	43.42	40.52	17.37	Blair
Erie, PA MSA	49.87	46.55	19.95	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	51.30	47.89	20.52	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	42.16	39.35	16.86	Cambria, Somerset
Lancaster, PA MSA	52.11	48.64	20.85	Lancaster
Newburgh, NY-PA PMSA	65.05	60.71	26.02	Pike
Philadelphia, PA-NJ PMSA	58.86	54.94	23.55	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	41.09	38.35	16.43	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	48.89	45.63	19.55	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	40.03	37.37	16.01	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	46.28	43.20	18.51	Mercer
State College, PA MSA	55.89	52.16	22.36	Centre
Williamsport, PA MSA	42.16	39.35	16.86	Lycoming
York, PA MSA	47.09	43.96	18.84	York

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

P E N N S Y L V A N I A continued

NONMETROPOLITAN COUNTIES	A	B	C
Adams	48.31	45.10	19.33
Bedford	40.03	37.37	16.01
Cameron	41.69	38.91	16.68
Clearfield	42.61	39.77	17.05
Crawford	42.24	39.43	16.90
Forest	40.77	38.05	16.31
Fulton	40.03	37.37	16.01
Huntingdon	40.03	37.37	16.01
Jefferson	42.61	39.77	17.05
Lawrence	42.24	39.43	16.90
Mifflin	42.15	39.34	16.86
Montour	42.61	39.77	17.05
Potter	41.69	38.91	16.68
Snyder	41.23	38.48	16.49
Susquehanna	41.13	38.39	16.45
Union	48.22	45.01	19.29
Warren	42.24	39.43	16.90

NONMETROPOLITAN COUNTIES	A	B	C
Armstrong	49.52	46.21	19.81
Bradford	41.13	38.39	16.45
Clarion	40.77	38.05	16.31
Clinton	41.32	38.57	16.53
Elk	41.69	38.91	16.68
Franklin	45.55	42.52	18.22
Greene	42.61	39.77	17.05
Indiana	49.52	46.21	19.81
Juniata	41.23	38.48	16.49
Mc Kean	41.69	38.91	16.68
Monroe	54.39	50.76	21.75
Northumberland	42.61	39.77	17.05
Schuylkill	46.01	42.95	18.41
Sullivan	41.13	38.39	16.45
Tioga	41.13	38.39	16.45
Venango	40.77	38.05	16.31
Wayne	50.44	47.07	20.17

R H O D E I S L A N D

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	59.80	55.82	23.92	Washington county towns of Hopkinton town, Westerly town
Providence-Fall River-Warwick, RI-MA MSA	61.40	57.30	24.56	Bristol county towns of Barrington town, Bristol town Warren town Kent county towns of Coventry town, East Greenwich tow Warwick city, West Greenwich tow, West Warwick town Newport county towns of Jamestown town Little Compton tow, Tiverton town Providence county towns of Burrillville town Central Falls city, Cranston city, Cumberland town East Providence ci, Foster town, Glocester town Johnston town, Lincoln town, North Providence t North Smithfield t, Pawtucket city, Providence city Scituate town, Smithfield town, Woonsocket city Washington county towns of Charlestown town, Exeter town Narragansett town, North Kingstown to, Richmond town South Kingstown to

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

R H O D E I S L A N D continued

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Newport	72.30	67.48	28.92	Middletown town, Newport city, Portsmouth town
Washington	55.27	51.59	22.11	New Shoreham town

S O U T H C A R O L I N A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	41.43	38.68	16.57	Aiken, Edgefield
Charleston-North Charleston, SC MSA	43.28	40.39	17.31	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	44.17	41.22	17.67	York
Columbia, SC MSA	43.74	40.82	17.50	Lexington, Richland
Florence, SC MSA	38.83	36.24	15.53	Florence
Greenville-Spartanburg-Anderson, SC MSA	38.83	36.24	15.53	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	38.83	36.24	15.53	Horry
Sumter, SC MSA	38.83	36.24	15.53	Sumter

NONMETROPOLITAN COUNTIES	A	B	C
Abbeville	38.83	36.24	15.53
Bamberg	38.83	36.24	15.53
Beaufort	39.63	36.98	15.85
Chester	38.83	36.24	15.53
Clarendon	38.83	36.24	15.53
Darlington	38.83	36.24	15.53
Fairfield	38.83	36.24	15.53
Greenwood	38.83	36.24	15.53
Jasper	38.83	36.24	15.53
Lancaster	38.83	36.24	15.53
Lee	38.83	36.24	15.53
Marion	38.83	36.24	15.53
Newberry	38.83	36.24	15.53
Orangeburg	38.83	36.24	15.53
Union	38.83	36.24	15.53

NONMETROPOLITAN COUNTIES	A	B	C
Allendale	38.83	36.24	15.53
Barnwell	38.83	36.24	15.53
Calhoun	38.83	36.24	15.53
Chesterfield	38.83	36.24	15.53
Colleton	38.83	36.24	15.53
Dillon	38.83	36.24	15.53
Georgetown	38.83	36.24	15.53
Hampton	38.83	36.24	15.53
Kershaw	38.83	36.24	15.53
Laurens	38.83	36.24	15.53
Mccormick	38.83	36.24	15.53
Marlboro	38.83	36.24	15.53
Oconee	38.83	36.24	15.53
Saluda	38.83	36.24	15.53
Williamsburg	38.83	36.24	15.53

S O U T H D A K O T A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Rapid City, SD MSA	40.03	37.37	16.01	Pennington
Sioux Falls, SD MSA	42.76	39.91	17.10	Lincoln, Minnehaha

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

S O U T H D A K O T A continued

NONMETROPOLITAN COUNTIES	A	B	C
Aurora	38.22	35.66	15.29
Bennett	38.22	35.66	15.29
Brookings	38.22	35.66	15.29
Brule	38.22	35.66	15.29
Butte	38.22	35.66	15.29
Charles Mix	38.22	35.66	15.29
Clay	38.22	35.66	15.29
Corson	38.22	35.66	15.29
Davison	38.22	35.66	15.29
Deuel	38.22	35.66	15.29
Douglas	38.22	35.66	15.29
Fall River	38.22	35.66	15.29
Grant	38.22	35.66	15.29
Haakon	38.22	35.66	15.29
Hand	38.22	35.66	15.29
Harding	38.22	35.66	15.29
Hutchinson	38.22	35.66	15.29
Jackson	38.22	35.66	15.29
Jones	38.22	35.66	15.29
Lake	38.22	35.66	15.29
Lyman	38.22	35.66	15.29
Mcpherson	38.22	35.66	15.29
Meade	38.22	35.66	15.29
Miner	38.22	35.66	15.29
Perkins	38.22	35.66	15.29
Roberts	38.22	35.66	15.29
Shannon	38.22	35.66	15.29
Stanley	41.51	38.74	16.61
Todd	38.22	35.66	15.29
Turner	38.22	35.66	15.29
Walworth	38.22	35.66	15.29
Ziebach	38.22	35.66	15.29

NONMETROPOLITAN COUNTIES	A	B	C
Beadle	38.22	35.66	15.29
Bon Homme	38.22	35.66	15.29
Brown	38.22	35.66	15.29
Buffalo	38.22	35.66	15.29
Campbell	38.22	35.66	15.29
Clark	38.22	35.66	15.29
Codington	38.22	35.66	15.29
Custer	38.22	35.66	15.29
Day	38.22	35.66	15.29
Dewey	38.22	35.66	15.29
Edmunds	38.22	35.66	15.29
Faulk	38.22	35.66	15.29
Gregory	38.22	35.66	15.29
Hamlin	38.22	35.66	15.29
Hanson	38.22	35.66	15.29
Hughes	41.51	38.74	16.61
Hyde	38.22	35.66	15.29
Jerauld	38.22	35.66	15.29
Kingsbury	38.22	35.66	15.29
Lawrence	38.22	35.66	15.29
Mccook	38.22	35.66	15.29
Marshall	38.22	35.66	15.29
Mellette	38.22	35.66	15.29
Moody	38.22	35.66	15.29
Potter	38.22	35.66	15.29
Sanborn	38.22	35.66	15.29
Spink	38.22	35.66	15.29
Sully	38.22	35.66	15.29
Tripp	38.22	35.66	15.29
Union	38.22	35.66	15.29
Yankton	38.22	35.66	15.29

T E N N E S S E E

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	43.12	40.24	17.25	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA	43.87	40.95	17.55	Montgomery
Jackson, TN MSA	40.12	37.44	16.05	Chester, Madison

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

T E N N E S S E E continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Johnson City-Kingsport-Bristol, TN-VA MSA.....	40.12	37.44	16.05	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA.....	40.40	37.70	16.16	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA.....	43.30	40.42	17.32	Fayette, Shelby, Tipton
Nashville, TN MSA.....	47.99	44.79	19.19	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Bedford.....	39.74	37.08	15.89	Benton.....	39.74	37.08	15.89
Bledsoe.....	39.74	37.08	15.89	Bradley.....	39.74	37.08	15.89
Campbell.....	39.74	37.08	15.89	Cannon.....	39.74	37.08	15.89
Carroll.....	39.74	37.08	15.89	Claiborne.....	39.74	37.08	15.89
Clay.....	39.74	37.08	15.89	Cocke.....	39.74	37.08	15.89
Coffee.....	39.74	37.08	15.89	Crockett.....	39.74	37.08	15.89
Cumberland.....	39.74	37.08	15.89	Decatur.....	39.74	37.08	15.89
Dekalb.....	39.74	37.08	15.89	Dyer.....	39.74	37.08	15.89
Fentress.....	39.74	37.08	15.89	Franklin.....	39.74	37.08	15.89
Gibson.....	39.74	37.08	15.89	Giles.....	39.74	37.08	15.89
Grainger.....	39.74	37.08	15.89	Greene.....	39.74	37.08	15.89
Grundy.....	39.74	37.08	15.89	Hamblen.....	39.74	37.08	15.89
Hancock.....	39.74	37.08	15.89	Hardeman.....	39.74	37.08	15.89
Hardin.....	39.74	37.08	15.89	Haywood.....	39.74	37.08	15.89
Henderson.....	39.74	37.08	15.89	Henry.....	39.74	37.08	15.89
Hickman.....	39.74	37.08	15.89	Houston.....	39.74	37.08	15.89
Humphreys.....	39.74	37.08	15.89	Jackson.....	39.74	37.08	15.89
Jefferson.....	39.74	37.08	15.89	Johnson.....	39.74	37.08	15.89
Lake.....	39.74	37.08	15.89	Lauderdale.....	39.74	37.08	15.89
Lawrence.....	39.74	37.08	15.89	Lewis.....	39.74	37.08	15.89
Lincoln.....	39.74	37.08	15.89	Mcminn.....	39.74	37.08	15.89
Mcnairy.....	39.74	37.08	15.89	Macon.....	39.74	37.08	15.89
Marshall.....	39.74	37.08	15.89	Maury.....	39.74	37.08	15.89
Meigs.....	39.74	37.08	15.89	Monroe.....	39.74	37.08	15.89
Moore.....	39.74	37.08	15.89	Morgan.....	39.74	37.08	15.89
Obion.....	39.74	37.08	15.89	Overton.....	39.74	37.08	15.89
Perry.....	39.74	37.08	15.89	Pickett.....	39.74	37.08	15.89
Polk.....	39.74	37.08	15.89	Putnam.....	39.74	37.08	15.89
Rhea.....	39.74	37.08	15.89	Roane.....	39.74	37.08	15.89
Scott.....	39.74	37.08	15.89	Sequatchie.....	42.70	39.85	17.08
Smith.....	39.74	37.08	15.89	Stewart.....	39.74	37.08	15.89
Trousdale.....	39.74	37.08	15.89	Van Buren.....	39.74	37.08	15.89
Warren.....	39.74	37.08	15.89	Wayne.....	39.74	37.08	15.89

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

T E N N E S S E E continued

NONMETROPOLITAN COUNTIES	A	B	C
Weakley	39.74	37.08	15.89
White	39.74	37.08	15.89

T E X A S

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Abilene, TX MSA	37.74	35.22	15.09	Taylor
Amarillo, TX MSA	37.74	35.22	15.09	Potter, Randall
Austin-San Marcos, TX MSA	49.09	45.82	19.64	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	43.11	40.23	17.24	Hardin, Jefferson, Orange
Brazoria, TX PMSA	48.09	44.88	19.24	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	38.26	35.71	15.31	Cameron
Bryan-College Station, TX MSA	50.42	47.07	20.17	Brazos
Corpus Christi, TX MSA	43.99	41.06	17.60	Nueces, San Patricio
Dallas, TX	50.34	46.98	20.13	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	41.70	38.92	16.68	El Paso
Fort Worth-Arlington, TX PMSA	46.90	43.77	18.76	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	43.25	40.37	17.30	Galveston
Henderson County, TX	37.74	35.22	15.09	Henderson
Houston, TX PMSA	44.53	41.56	17.81	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	37.74	35.22	15.09	Bell, Coryell
Laredo, TX MSA	37.74	35.22	15.09	Webb
Longview-Marshall, TX MSA	42.32	39.49	16.93	Gregg, Harrison, Upshur
Lubbock, TX MSA	37.74	35.22	15.09	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	37.82	35.30	15.13	Hidalgo
Odessa-Midland, TX MSA	48.49	45.25	19.39	Ector, Midland
San Angelo, TX MSA	37.74	35.22	15.09	Tom Green
San Antonio, TX MSA	43.15	40.29	17.26	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	37.74	35.22	15.09	Grayson
Texarkana, TX-Texarkana, AR MSA	37.74	35.22	15.09	Bowie
Tyler, TX MSA	43.03	40.16	17.21	Smith
Victoria, TX MSA	52.28	48.79	20.91	Victoria
Waco, TX MSA	37.74	35.22	15.09	Mclennan
Wichita Falls, TX MSA	38.62	36.04	15.45	Archer, Wichita

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Anderson	37.59	35.08	15.04	Andrews	37.59	35.08	15.04
Angelina	37.59	35.08	15.04	Aransas	37.59	35.08	15.04
Armstrong	37.59	35.08	15.04	Atascosa	37.59	35.08	15.04
Austin	37.68	35.16	15.07	Bailey	37.59	35.08	15.04
Bandera	37.59	35.08	15.04	Baylor	37.59	35.08	15.04
Bee	37.59	35.08	15.04	Blanco	37.59	35.08	15.04
Borden	37.59	35.08	15.04	Bosque	37.59	35.08	15.04
Brewster	37.59	35.08	15.04	Briscoe	37.59	35.08	15.04
Brooks	37.59	35.08	15.04	Brown	37.59	35.08	15.04
Burleson	37.59	35.08	15.04	Burnet	37.59	35.08	15.04
Calhoun	37.59	35.08	15.04	Callahan	37.59	35.08	15.04
Camp	37.59	35.08	15.04	Carson	37.59	35.08	15.04
Cass	37.59	35.08	15.04	Castro	37.59	35.08	15.04
Cherokee	37.59	35.08	15.04	Childress	37.59	35.08	15.04
Clay	37.59	35.08	15.04	Cochran	37.59	35.08	15.04
Coke	37.59	35.08	15.04	Coleman	37.59	35.08	15.04
Collingsworth	37.59	35.08	15.04	Colorado	37.68	35.16	15.07
Comanche	37.59	35.08	15.04	Concho	37.59	35.08	15.04
Cooke	37.59	35.08	15.04	Cottle	37.59	35.08	15.04
Crane	37.59	35.08	15.04	Crockett	37.59	35.08	15.04
Crosby	37.59	35.08	15.04	Culberson	37.59	35.08	15.04
Dallam	37.59	35.08	15.04	Dawson	37.59	35.08	15.04
Deaf Smith	37.59	35.08	15.04	Delta	37.59	35.08	15.04
Dewitt	37.59	35.08	15.04	Dickens	37.59	35.08	15.04
Dimmit	37.59	35.08	15.04	Donley	37.59	35.08	15.04
Duval	37.59	35.08	15.04	Eastland	37.59	35.08	15.04
Edwards	37.59	35.08	15.04	Erath	37.59	35.08	15.04
Falls	37.59	35.08	15.04	Fannin	37.59	35.08	15.04
Fayette	37.59	35.08	15.04	Fisher	37.59	35.08	15.04
Floyd	37.59	35.08	15.04	Foard	37.59	35.08	15.04
Franklin	37.59	35.08	15.04	Freestone	37.59	35.08	15.04
Frio	37.59	35.08	15.04	Gaines	37.59	35.08	15.04
Garza	37.59	35.08	15.04	Gillespie	37.59	35.08	15.04
Glasscock	37.59	35.08	15.04	Goliad	37.59	35.08	15.04
Gonzales	37.59	35.08	15.04	Gray	37.59	35.08	15.04
Grimes	37.59	35.08	15.04	Hale	37.59	35.08	15.04
Hall	37.59	35.08	15.04	Hamilton	37.59	35.08	15.04
Hansford	37.59	35.08	15.04	Hardeman	37.59	35.08	15.04
Hartley	37.59	35.08	15.04	Haskell	37.59	35.08	15.04
Hemphill	37.59	35.08	15.04	Hill	37.59	35.08	15.04

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Hockley	37.59	35.08	15.04	Hopkins	37.59	35.08	15.04
Houston	37.59	35.08	15.04	Howard	37.59	35.08	15.04
Hudspeth	37.59	35.08	15.04	Hutchinson	37.59	35.08	15.04
Irion	37.59	35.08	15.04	Jack	37.59	35.08	15.04
Jackson	37.59	35.08	15.04	Jasper	37.59	35.08	15.04
Jeff Davis	37.59	35.08	15.04	Jim Hogg	37.59	35.08	15.04
Jim Wells	37.59	35.08	15.04	Jones	37.59	35.08	15.04
Karnes	37.59	35.08	15.04	Kendall	37.59	35.08	15.04
Kenedy	37.59	35.08	15.04	Kent	37.59	35.08	15.04
Kerr	37.59	35.08	15.04	Kimble	37.59	35.08	15.04
King	37.59	35.08	15.04	Kinney	37.59	35.08	15.04
Kleberg	37.59	35.08	15.04	Knox	37.59	35.08	15.04
Lamar	37.59	35.08	15.04	Lamb	37.59	35.08	15.04
Lampasas	37.59	35.08	15.04	La Salle	37.59	35.08	15.04
Lavaca	37.59	35.08	15.04	Lee	37.59	35.08	15.04
Leon	37.59	35.08	15.04	Limestone	37.59	35.08	15.04
Lipscomb	37.59	35.08	15.04	Live Oak	37.59	35.08	15.04
Llano	37.59	35.08	15.04	Loving	37.59	35.08	15.04
Lynn	37.59	35.08	15.04	Mcculloch	37.59	35.08	15.04
Mcmullen	37.59	35.08	15.04	Madison	37.59	35.08	15.04
Marion	37.59	35.08	15.04	Martin	37.59	35.08	15.04
Mason	37.59	35.08	15.04	Matagorda	37.68	35.16	15.07
Maverick	37.59	35.08	15.04	Medina	37.59	35.08	15.04
Menard	37.59	35.08	15.04	Milam	37.59	35.08	15.04
Mills	37.59	35.08	15.04	Mitchell	37.59	35.08	15.04
Montague	37.59	35.08	15.04	Moore	37.59	35.08	15.04
Morris	37.59	35.08	15.04	Motley	37.59	35.08	15.04
Nacogdoches	38.20	35.66	15.28	Navarro	37.59	35.08	15.04
Newton	37.59	35.08	15.04	Nolan	37.59	35.08	15.04
Ochiltree	37.59	35.08	15.04	Oldham	37.59	35.08	15.04
Palo Pinto	37.59	35.08	15.04	Panola	37.59	35.08	15.04
Parmer	37.59	35.08	15.04	Pecos	37.59	35.08	15.04
Polk	37.59	35.08	15.04	Presidio	37.59	35.08	15.04
Rains	37.59	35.08	15.04	Reagan	37.59	35.08	15.04
Real	37.59	35.08	15.04	Red River	37.59	35.08	15.04
Reeves	37.59	35.08	15.04	Refugio	37.59	35.08	15.04
Roberts	37.59	35.08	15.04	Robertson	37.59	35.08	15.04
Runnels	37.59	35.08	15.04	Rusk	37.59	35.08	15.04
Sabine	37.59	35.08	15.04	San Augustine	37.59	35.08	15.04
San Jacinto	37.59	35.08	15.04	San Saba	37.59	35.08	15.04

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

T E X A S continued

NONMETROPOLITAN COUNTIES	A	B	C
Schleicher	37.59	35.08	15.04
Shackelford	37.59	35.08	15.04
Sherman	37.59	35.08	15.04
Starr	37.59	35.08	15.04
Sterling	37.59	35.08	15.04
Sutton	37.59	35.08	15.04
Terrell	37.59	35.08	15.04
Throckmorton	37.59	35.08	15.04
Trinity	37.59	35.08	15.04
Upton	37.59	35.08	15.04
Val Verde	37.59	35.08	15.04
Walker	39.99	37.33	16.00
Washington	37.59	35.08	15.04
Wheeler	37.59	35.08	15.04
Willacy	37.59	35.08	15.04
Wise	37.68	35.16	15.07
Yoakum	37.59	35.08	15.04
Zapata	37.59	35.08	15.04

NONMETROPOLITAN COUNTIES	A	B	C
Scurry	37.59	35.08	15.04
Shelby	37.59	35.08	15.04
Somervell	37.59	35.08	15.04
Stephens	37.59	35.08	15.04
Stonewall	37.59	35.08	15.04
Swisher	37.59	35.08	15.04
Terry	37.59	35.08	15.04
Titus	37.59	35.08	15.04
Tyler	37.59	35.08	15.04
Uvalde	37.59	35.08	15.04
Van Zandt	37.59	35.08	15.04
Ward	37.59	35.08	15.04
Wharton	37.68	35.16	15.07
Wilbarger	37.59	35.08	15.04
Winkler	37.59	35.08	15.04
Wood	37.59	35.08	15.04
Young	37.59	35.08	15.04
Zavala	37.59	35.08	15.04

U T A H

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Kane County, UT	46.25	43.16	18.50	Kane
Provo-Orem, UT MSA	45.16	42.15	18.07	Utah
Salt Lake City-Ogden, UT MSA	45.16	42.15	18.07	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	A	B	C
Beaver	49.12	45.84	19.65
Cache	45.16	42.15	18.07
Daggett	55.87	52.14	22.35
Emery	55.87	52.14	22.35
Grand	55.87	52.14	22.35
Juab	49.12	45.84	19.65
Morgan	55.87	52.14	22.35
Rich	45.16	42.15	18.07
Sanpete	49.12	45.84	19.65
Summit	57.83	53.97	23.13
Uintah	55.87	52.14	22.35
Washington	53.17	49.62	21.27

NONMETROPOLITAN COUNTIES	A	B	C
Box Elder	45.16	42.15	18.07
Carbon	55.87	52.14	22.35
Duchesne	55.87	52.14	22.35
Garfield	49.12	45.84	19.65
Iron	49.12	45.84	19.65
Millard	49.12	45.84	19.65
Piute	49.12	45.84	19.65
San Juan	55.87	52.14	22.35
Sevier	49.12	45.84	19.65
Tooele	45.16	42.15	18.07
Wasatch	55.87	52.14	22.35
Wayne	49.12	45.84	19.65

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

V E R M O N T

METROPOLITAN FMR AREAS	A	B	C	Components of FMR AREA within STATE
Burlington, VT MSA	58.40	54.50	23.36	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond town St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES	A	B	C	Towns within non metropolitan counties
Addison	46.11	43.04	18.44	
Bennington	47.72	44.54	19.09	
Caledonia	39.17	36.56	15.67	
Chittenden	53.38	49.82	21.35	Bolton town, Buels gore, Huntington town, Underhill town Westford town
Essex	39.17	36.56	15.67	
Franklin	43.91	40.98	17.56	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Grand Isle	39.17	36.56	15.67	Alburg town, Isle La Motte town, North Hero town
Lamoille	47.38	44.21	18.95	
Orange	46.95	43.82	18.78	
Orleans	39.17	36.56	15.67	
Rutland	50.93	47.54	20.37	
Washington	47.21	44.06	18.88	
Windham	49.23	45.96	19.69	
Windsor	50.42	47.06	20.17	

V I R G I N I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Charlottesville, VA MSA	49.17	45.90	19.67	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	39.23	36.62	15.69	Clarke
Culpeper County, VA	40.87	38.15	16.35	Culpeper
Danville, VA MSA	37.73	35.21	15.09	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	40.12	37.44	16.05	Scott, Washington, Bristol city
King George County, VA	45.75	42.70	18.30	King George
Lynchburg, VA MSA	39.14	36.53	15.66	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	48.48	45.24	19.39	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

V I R G I N I A continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
				Suffolk city, Virginia Beach city, Williamsburg city
Richmond-Petersburg, VA MSA	43.98	41.04	17.59	Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	38.70	36.12	15.48	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	39.23	36.62	15.69	Warren
Washington, DC-MD-VA	71.49	66.73	28.59	Arlington, Fairfax, Fauquier, Loudoun, Prince William Spotsylvania, Stafford, Alexandria city, Fairfax city Falls Church city, Fredericksburg city, Manassas city Manassas Park city

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Accomack	37.29	34.80	14.91	Alleghany	37.37	34.88	14.95
Amelia	37.29	34.80	14.91	Appomattox	37.29	34.80	14.91
Augusta	37.37	34.88	14.95	Bath	37.37	34.88	14.95
Bland	37.29	34.80	14.91	Brunswick	37.29	34.80	14.91
Buchanan	37.29	34.80	14.91	Buckingham	37.29	34.80	14.91
Caroline	45.21	42.20	18.08	Carroll	37.29	34.80	14.91
Charlotte	37.29	34.80	14.91	Craig	37.29	34.80	14.91
Cumberland	37.29	34.80	14.91	Dickenson	37.29	34.80	14.91
Essex	37.29	34.80	14.91	Floyd	37.29	34.80	14.91
Franklin	37.29	34.80	14.91	Frederick	38.76	36.18	15.51
Giles	37.29	34.80	14.91	Grayson	37.29	34.80	14.91
Greensville	37.29	34.80	14.91	Halifax	37.29	34.80	14.91
Henry	37.46	34.96	14.98	Highland	37.37	34.88	14.95
King and Queen	37.29	34.80	14.91	King William	37.29	34.80	14.91
Lancaster	37.29	34.80	14.91	Lee	37.29	34.80	14.91
Louisa	39.03	36.42	15.61	Lunenburg	37.29	34.80	14.91
Madison	39.63	36.99	15.85	Mecklenburg	37.29	34.80	14.91
Middlesex	37.29	34.80	14.91	Montgomery	45.30	42.28	18.12
Nelson	37.29	34.80	14.91	Northampton	37.29	34.80	14.91
Northumberland	37.29	34.80	14.91	Nottoway	37.29	34.80	14.91
Orange	40.39	37.70	16.16	Page	37.46	34.96	14.98
Patrick	37.29	34.80	14.91	Prince Edward	37.29	34.80	14.91
Pulaski	37.29	34.80	14.91	Rappahannock	40.39	37.70	16.16
Richmond	37.29	34.80	14.91	Rockbridge	37.37	34.88	14.95
Rockingham	38.68	36.10	15.47	Russell	37.29	34.80	14.91
Shenandoah	38.76	36.18	15.51	Smyth	37.29	34.80	14.91
Southampton	37.29	34.80	14.91	Surry	37.29	34.80	14.91
Sussex	37.29	34.80	14.91	Tazewell	37.29	34.80	14.91

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	A	B	C
Westmoreland	37.29	34.80	14.91
Wythe	37.29	34.80	14.91
Wise	37.29	34.80	14.91

W A S H I N G T O N

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Bellingham, WA MSA	55.55	51.85	22.22	Whatcom
Bremerton, WA PMSA	51.69	48.24	20.68	Kitsap
Olympia, WA PMSA	53.40	49.83	21.36	Thurston
Portland-Vancouver, OR-WA PMSA	49.62	46.31	19.85	Clark
Richland-Kennewick-Pasco, WA MSA	45.14	42.13	18.06	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	58.52	54.61	23.41	Island, King, Snohomish
Spokane, WA MSA	44.96	41.96	17.98	Spokane
Tacoma, WA PMSA	49.70	46.38	19.88	Pierce
Yakima, WA MSA	46.94	43.80	18.78	Yakima

NONMETROPOLITAN COUNTIES	A	B	C
Adams	37.75	35.23	15.10
Chelan	45.42	42.39	18.17
Columbia	48.68	45.44	19.47
Douglas	45.42	42.39	18.17
Garfield	48.68	45.44	19.47
Grays Harbor	48.95	45.68	19.58
Kittitas	41.37	38.61	16.55
Lewis	45.42	42.39	18.17
Mason	48.95	45.68	19.58
Pacific	48.95	45.68	19.58
San Juan	51.67	48.22	20.67
Skamania	45.42	42.39	18.17
Wahkiakum	45.42	42.39	18.17
Whitman	48.68	45.44	19.47
Asotin	48.68	45.44	19.47
Clallam	48.95	45.68	19.58
Cowlitz	39.16	36.55	15.66
Ferry	37.75	35.23	15.10
Grant	37.75	35.23	15.10
Jefferson	48.95	45.68	19.58
Klickitat	45.42	42.39	18.17
Lincoln	37.75	35.23	15.10
Okanogan	41.37	38.61	16.55
Pend Oreille	37.75	35.23	15.10
Skagit	49.92	46.59	19.97
Stevens	37.75	35.23	15.10
Walla Walla	48.68	45.44	19.47

W E S T V I R G I N I A

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Berkeley County, WV	38.33	35.77	15.33	Berkeley
Charleston, WV MSA	46.00	42.93	18.40	Kanawha, Putnam
Cumberland, MD-WV MSA	37.78	35.26	15.11	Mineral
Huntington-Ashland, WV-KY-OH MSA	39.25	36.63	15.70	Cabell, Wayne
Jefferson County, WV	38.48	35.91	15.39	Jefferson

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Parkersburg-Marietta, WV-OH MSA	39.25	36.63	15.70	Wood
Steubenville-Weirton, OH-WV MSA	40.08	37.41	16.03	Brooke, Hancock
Wheeling, WV-OH MSA	39.63	36.98	15.85	Marshall, Ohio

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Barbour	37.78	35.26	15.11	Boone	37.78	35.26	15.11
Braxton	37.78	35.26	15.11	Calhoun	38.56	36.00	15.43
Clay	37.78	35.26	15.11	Doddridge	37.78	35.26	15.11
Fayette	37.78	35.26	15.11	Gilmer	38.12	35.58	15.25
Grant	37.78	35.26	15.11	Greenbrier	37.78	35.26	15.11
Hampshire	37.78	35.26	15.11	Hardy	37.78	35.26	15.11
Harrison	38.56	36.00	15.43	Jackson	38.56	36.00	15.43
Lewis	37.78	35.26	15.11	Lincoln	37.78	35.26	15.11
Logan	37.78	35.26	15.11	Mcdowell	37.78	35.26	15.11
Marion	41.48	38.71	16.59	Mason	37.78	35.26	15.11
Mercer	37.78	35.26	15.11	Mingo	37.78	35.26	15.11
Monongalia	41.48	38.71	16.59	Monroe	37.78	35.26	15.11
Morgan	37.78	35.26	15.11	Nicholas	37.78	35.26	15.11
Pendleton	37.78	35.26	15.11	Pleasants	37.78	35.26	15.11
Pocahontas	37.78	35.26	15.11	Preston	41.48	38.71	16.59
Raleigh	37.78	35.26	15.11	Randolph	37.78	35.26	15.11
Ritchie	37.78	35.26	15.11	Roane	38.56	36.00	15.43
Summers	37.78	35.26	15.11	Taylor	37.78	35.26	15.11
Tucker	37.78	35.26	15.11	Tyler	37.78	35.26	15.11
Upshur	37.78	35.26	15.11	Webster	37.78	35.26	15.11
Wetzel	37.78	35.26	15.11	Wirt	37.78	35.26	15.11
Wyoming	37.78	35.26	15.11				

W I S C O N S I N

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	40.00	37.33	16.00	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	41.17	38.43	16.47	Douglas
Eau Claire, WI MSA	39.11	36.50	15.65	Chippewa, Eau Claire
Green Bay, WI MSA	39.81	37.16	15.93	Brown
Janesville-Beloit, WI MSA	44.08	41.14	17.63	Rock
Kenosha, WI PMSA	49.12	45.85	19.65	Kenosha
La Crosse, WI-MN MSA	45.45	42.42	18.18	La Crosse
Madison, WI MSA	52.87	49.35	21.15	Dane

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

W I S C O N S I N continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Milwaukee-Waukesha, WI PMSA	47.50	44.33	19.00	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	55.66	51.95	22.26	Pierce, St. Croix
Racine, WI PMSA	43.39	40.50	17.36	Racine
Sheboygan, WI MSA	39.37	36.75	15.75	Sheboygan
Wausau, WI MSA	39.11	36.50	15.65	Marathon

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Adams	39.75	37.10	15.90	Ashland	39.11	36.50	15.65
Barron	39.11	36.50	15.65	Bayfield	39.11	36.50	15.65
Buffalo	39.11	36.50	15.65	Burnett	39.11	36.50	15.65
Clark	39.11	36.50	15.65	Columbia	39.11	36.50	15.65
Crawford	39.11	36.50	15.65	Dodge	39.11	36.50	15.65
Door	39.11	36.50	15.65	Dunn	39.11	36.50	15.65
Florence	39.11	36.50	15.65	Fond du Lac	41.03	38.30	16.41
Forest	39.11	36.50	15.65	Grant	39.11	36.50	15.65
Green	39.11	36.50	15.65	Green Lake	39.20	36.59	15.68
Iowa	39.11	36.50	15.65	Iron	39.11	36.50	15.65
Jackson	39.11	36.50	15.65	Jefferson	41.49	38.72	16.60
Juneau	39.75	37.10	15.90	Kewaunee	39.11	36.50	15.65
Lafayette	39.11	36.50	15.65	Langlade	39.11	36.50	15.65
Lincoln	39.11	36.50	15.65	Manitowoc	39.11	36.50	15.65
Marinette	39.11	36.50	15.65	Marquette	39.11	36.50	15.65
Menominee	39.11	36.50	15.65	Monroe	39.11	36.50	15.65
Oconto	39.11	36.50	15.65	Oneida	39.11	36.50	15.65
Pepin	39.11	36.50	15.65	Polk	39.11	36.50	15.65
Portage	39.84	37.18	15.94	Price	39.11	36.50	15.65
Richland	39.11	36.50	15.65	Rusk	39.11	36.50	15.65
Sauk	39.75	37.10	15.90	Sawyer	39.11	36.50	15.65
Shawano	39.11	36.50	15.65	Taylor	39.11	36.50	15.65
Trempealeau	39.11	36.50	15.65	Vernon	39.11	36.50	15.65
Vilas	39.11	36.50	15.65	Walworth	42.94	40.07	17.17
Washburn	39.11	36.50	15.65	Waupaca	39.11	36.50	15.65
Waushara	39.11	36.50	15.65	Wood	39.75	37.10	15.90

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

W Y O M I N G

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Casper, WY MSA	52.64	49.13	21.05	Natrona
Cheyenne, WY MSA	43.69	40.78	17.47	Laramie

NONMETROPOLITAN COUNTIES	A	B	C
Albany	37.16	34.68	14.86
Campbell	36.51	34.07	14.60
Converse	36.51	34.07	14.60
Fremont	36.51	34.07	14.60
Hot Springs	36.51	34.07	14.60
Lincoln	36.51	34.07	14.60
Park	36.51	34.07	14.60
Sheridan	49.38	46.08	19.75
Sweetwater	36.51	34.07	14.60
Uinta	36.51	34.07	14.60
Weston	36.51	34.07	14.60

NONMETROPOLITAN COUNTIES	A	B	C
Big Horn	36.51	34.07	14.60
Carbon	36.51	34.07	14.60
Crook	36.51	34.07	14.60
Goshen	36.51	34.07	14.60
Johnson	36.51	34.07	14.60
Niobrara	36.51	34.07	14.60
Platte	36.51	34.07	14.60
Sublette	36.51	34.07	14.60
Teton	54.42	50.78	21.77
Washakie	36.51	34.07	14.60

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES	A	B	C
Pacific Islands	72.68	67.84	29.07

P U E R T O R I C O

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
Aguadilla, PR MSA	43.73	40.81	17.49	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA	48.01	44.81	19.20	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA	43.73	40.81	17.49	Caguas Municipio, Cayey Municipio, Cidra Municipio Gurabo Municipio, San Lorenzo Municipio
Mayaguez, PR MSA	43.73	40.81	17.49	Anasco Municipio, Cabo Rojo Municipio Hormigueros Municipio, Mayaguez Municipio Sabana Grande Municipio, San German Municipio
Ponce, PR MSA	46.99	43.85	18.80	Guayanilla Municipio, Juana Diaz Municipio Penuelas Municipio, Ponce Municipio, Villalba Municipio Yauco Municipio
San Juan-Bayamon, PR PMSA	46.99	43.85	18.80	Aguas Buenas Municipio, Barceloneta Municipio Bayamon Municipio, Canovanas Municipio Carolina Municipio, Catano Municipio, Ceiba Municipio Comerio Municipio, Corozal Municipio, Dorado Municipio Fajardo Municipio, Florida Municipio, Guaynabo Municipio Humacao Municipio, Juncos Municipio Las Piedras Municipio, Loiza Municipio Luquillo Municipio, Manati Municipio, Morovis Municipio

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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ADMINISTRATIVE FEES DOLLAR AMOUNT PER UNIT MONTH

P U E R T O R I C O continued

METROPOLITAN FMR AREAS	A	B	C	Counties of FMR AREA within STATE
				Naguabo Municipio, Naranjito Municipio Rio Grande Municipio, San Juan Municipio Toa Alta Municipio, Toa Baja Municipio Trujillo Alto Municipio, Vega Alta Municipio Vega Baja Municipio, Yabucoa Municipio

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Adjuntas Municipio.....	43.73	40.81	17.49	Aibonito Municipio.....	43.73	40.81	17.49
Arroyo Municipio.....	43.73	40.81	17.49	Barranquitas Municipio..	43.73	40.81	17.49
Ciales Municipio.....	43.73	40.81	17.49	Coamo Municipio.....	43.73	40.81	17.49
Culebra Municipio.....	43.73	40.81	17.49	Guanica Municipio.....	43.73	40.81	17.49
Guayama Municipio.....	43.73	40.81	17.49	Isabela Municipio.....	43.73	40.81	17.49
Jayuya Municipio.....	43.73	40.81	17.49	Lajas Municipio.....	43.73	40.81	17.49
Lares Municipio.....	43.73	40.81	17.49	Las Marias Municipio....	43.73	40.81	17.49
Maricao Municipio.....	43.73	40.81	17.49	Maunabo Municipio.....	43.73	40.81	17.49
Orocovis Municipio.....	43.73	40.81	17.49	Patillas Municipio.....	43.73	40.81	17.49
Quebradillas Municipio..	48.01	44.81	19.20	Rincon Municipio.....	43.73	40.81	17.49
Salinas Municipio.....	43.73	40.81	17.49	San Sebastian Municipio.	43.73	40.81	17.49
Santa Isabel Municipio..	43.73	40.81	17.49	Utuado Municipio.....	43.73	40.81	17.49
Vieques Municipio.....	43.73	40.81	17.49				

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES	A	B	C	NONMETROPOLITAN COUNTIES	A	B	C
Virgin Islands.....	58.14	54.27	23.26				

Note: A = First 600 units; B = Remainder of units; c = PHA owned units.

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Federal Register

Monday,
June 11, 2001

Part III

Department of Education

Office of Postsecondary Education; Talent Search and Educational Opportunity Centers Programs; Notice

DEPARTMENT OF EDUCATION

[CFDA Nos: 84.044 and 84.066]

Office of Postsecondary Education

Talent Search and Educational Opportunity Centers Programs

Notice inviting applications for new awards for fiscal year (FY) 2002 and Notice of Technical Assistance Workshops.

Purpose of Programs

The *Talent Search Program* provides grants to enable applicants to conduct projects designed to (1) identify qualified youths with potential for education at the postsecondary level, and encourage such youths to complete secondary school and to undertake a program of postsecondary education; (2) publicize the availability of student financial assistance available to persons who pursue a program of postsecondary education; and (3) encourage persons who have not completed programs of education at the secondary or postsecondary level, but who have the ability to complete such programs, to reenter such programs.

The *Educational Opportunity Centers Program* provides grants to conduct projects designed (1) to provide information with respect to financial and academic assistance available for individuals desiring to pursue a program of postsecondary education; and (2) to provide assistance to such persons in applying for admission to institutions at which a program of postsecondary education is offered, including preparing necessary applications for use by admissions and financial aid officers.

Eligible Applicants: Institutions of higher education, public and private agencies and organizations, combinations of institutions, agencies, and organizations, and, in exceptional cases, secondary schools if there are no other applicants capable of providing a Talent Search or Educational Opportunity Centers project in the proposed target area.

Applications Available: August 1, 2001.

Deadline for Transmittal of Applications: September 28, 2001—Educational Opportunity Centers Program; October 19, 2001—Talent Search.

Deadline for Intergovernmental Review: November 28, 2001—Educational Opportunity Centers Program; December 19, 2001—Talent Search Program.

Estimated Available Funds: The Administration has requested $125,532,000 for the Talent Search Program and $37,890,000 for the Educational Opportunity Centers Program for FY 2002. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for these programs.

Estimated Range of Awards: $190,000–$553,000 for year 1 of a Talent Search project; $190,000–$953,000 for year 1 of an Educational Opportunity Centers project.

Estimated Average Size of Awards: $317,000 for the Talent Search Program; $421,000 for the Educational Opportunity Centers Program.

Estimated Number of Awards: 396 for the Talent Search Program; 90 for the Educational Opportunity Centers Program.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months for both the Talent Search and Educational Opportunity Centers Programs.

Page Limit for Talent Search and Educational Opportunity Centers Programs: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, 86, 97, 98, and 99; and (b) The regulations for the Talent Search program in 34 CFR part 643 and the regulations for the Educational Opportunity Centers Program in 34 CFR part 644.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: http://www.ed.gov/pubs/edpubs.html.

Or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA No. 84.044 (Talent Search) or CFDA No. 84.066 (Educational Opportunity Centers).

Technical Assistance Workshops: We will conduct 10 technical assistance workshops for these programs. At these workshops, Department of Education staff will assist prospective applicants in developing proposals and will provide budget information regarding these programs. The dates and sites for the technical assistance workshops, which will be held in August, will be posted on the TRIO Web site in June. The TRIO Web site is: http://www.ed.gov/offices/OPE/HEP/trio

Assistance to Individuals With Disabilities at the Technical Assistance Workshops

The technical assistance workshops sites are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the workshop (e.g., interpreting service, assistive listening device, or materials in an alternative format), notify one of the contact persons listed under *For Further Information Contact* at least two weeks before the scheduled workshop date.

For Further Information Contact: Talent Search Program: Clinton Black, Federal TRIO Programs, U.S. Department of Education, 1990 K Street, NW, Suite 7000, Washington, DC 20006–8510. Telephone: (202) 502–7600 or via Internet: TRIO@ed.gov; Clinton.Black@ed.gov.

Educational Opportunity Centers Program: Margaret A. Wingfield, Federal TRIO Programs, U.S. Department of Education, 1990 K Street, NW, Suite 7000, Washington, DC 20006–8510. Telephone: (202) 502–7600 or via Internet: TRIO@ed.gov; Margaret.Wingfield@ed.gov.

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

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Program Authority: 20 U.S.C. 1070a–11 and 20 U.S.C. 1070a–12 for the Talent Search Program; and 20 U.S.C. 1070a–16 for the Educational Opportunity Centers Program.

Dated: June 6, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

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Federal Register

Monday,
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Part IV

Federal Emergency Management Agency

Radiological Emergency Preparedness: Exercise Evaluation Methodology; Alert and Notification; Notices

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness: Exercise Evaluation Methodology

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) proposes to revise the Radiological Emergency Preparedness Exercise Manual (REP–14) dated September 1991 by adopting the six Exercise Evaluation Areas described in this notice in place of the 33 REP–14 Objectives that are set out in Section D of REP–14. If the Exercise Evaluation Areas described in this notice are adopted, Radiological Emergency Preparedness exercises conducted pursuant to 44 CFR 350.9 will be evaluated against the criteria set out in this notice. The proposed frequency with which each of the proposed Exercise Evaluation Areas will be evaluated is also contained in this notice. Adoption of the proposed changes to REP–14 will render a companion manual entitled Radiological Emergency Preparedness Exercise Evaluation Methodology (REP–15) dated September 1991 obsolete. If the proposed changes to REP–14 are adopted, FEMA plans to rescind REP–15 and utilize a new form entitled ''Evaluation Module'' to document evaluations. We invite comments on the Exercise Evaluation Areas and the proposed frequency for exercising each area and the Evaluation Module form.

DATES: FEMA must receive comments on or before August 10, 2001.

ADDRESSES: You may submit your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, or send them by e-mail to *rules@fema.gov.* Please reference ''REP Exercise Evaluation Areas'' in the subject line of your e-mail or comment letter.

FOR FURTHER INFORMATION CONTACT: Vanessa Quinn, Chief, Radiological Emergency Preparedness Branch, Chemical and Radiological Preparedness Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; telephone: (202) 646–3664, or e-mail: *vanessa.quinn@fema.gov*, or Nathan S. Bergerbest, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, telephone: (202) 646–2685, or (e-mail) *nathan.bergerbest@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to revise the Radiological Emergency Preparedness Exercise Manual (REP–14) [1] dated September 1991 by adopting the six Exercise Evaluation Areas described in this notice and deleting the thirty-three REP–14 Objectives that are set out in Section D of REP–14. If the Exercise Evaluation Areas described in this notice are adopted, Radiological Emergency Preparedness exercises conducted pursuant to 44 CFR 350.9 will be evaluated against the criteria set out in this notice.[2]

Adoption of the proposed changes to REP–14 will render a companion manual entitled Radiological Emergency Preparedness Exercise Evaluation Methodology (REP–15) dated September 1991 obsolete. If the proposed changes to REP–14 are adopted, FEMA plans to rescind REP–15 and utilize a new form entitled ''Evaluation Module'' to document evaluation activities. The rescission will be effective on the same date upon which the changes to REP–14 are effective and the Evaluation Module form will be effective on the same date. We invite comments on the Exercise Evaluation Areas and the proposed frequency for exercising each area and the Evaluation Module form.

Background on Exercise Evaluation

FEMA, through its Radiological Emergency Preparedness Program (REP) conducts exercises to evaluate the ability of Offsite Response Organizations (OROs) to respond to an emergency involving a commercial nuclear power plant. These exercises are conducted in accordance with FEMA regulations, which appear in 44 CFR part 350.[3] Although § 350.9 is the portion of Part 350 that primarily speaks to exercises, it does not specifically address the standards under which exercises are to be conducted and performance is to be evaluated. These standards are addressed in 44 CFR 350.5(a) which states:

> Section 50.47 of [the Nuclear Regulatory Commission's] Emergency Planning Rule [10 CFR Parts 50 [Appendix E] and 70 as amended and the joint FEMA-Nuclear Regulatory Commission *Criteria for Preparation and Evaluation of Radiological Response Plants and Preparedness In Support of Nuclear Power Plants* (NUREG–0654/FEMA REP–1, Rev 1 November, 1980) * * * are to be used in reviewing, evaluating and approving State and local radiological emergency plans and preparedness and in making any findings and determinations with respect to the adequacy of the plans and the capabilities of state and local government to implement them. Both the planning and preparedness standards and related criteria contained in NUREG–0654/FEMA REP–1, Rev. 1 are to be used by FEMA and the [Nuclear Regulatory Commission] in reviewing and evaluating State and local government radiological emergency plans and preparedness.[4]

Planning Standard N of NUREG–0654/FEMA REP 1, Rev. 1 addresses the conduct of exercises. The Planning Standard states that ''Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities * * * and deficiencies identified as a result of exercises * * * are (will be) corrected.'' Evaluation criterion 1.a defines an exercise as ''an event that tests the integrated capability and a major portion of the basic elements existing within emergency preparedness plans and organizations.''

The Planning Standard N criteria contain several requirements for exercises. All exercises must simulate an emergency that results in offsite radiological emergency releases, which would require response by offsite authorities. Scenarios should be varied from year to year and conducted under various weather conditions; some exercises or drills should be unannounced.[5] In other respects, the Planning Standard N criteria contemplate that exercises will be conducted as set forth in Nuclear Regulatory Commission and FEMA rules and in exercise evaluation guidance.[6]

In September 1991, FEMA published the current exercise evaluation guidance, which is REP–14. REP–14

[1] FEMA is planning to consolidate REP–14 into a new reference book. The contents of REP–14, including any changes resulting from final action on the issues discussed in this notice, will be incorporated into this new reference book. At this time, we are proposing to revise not withdraw REP–14. We expect to formally withdraw REP–14 when the new reference book is available.

[2] Adoption of the proposed Evaluation Criteria will also render much of § C.2 of REP–14 obsolete. Pages C.2–3 and C.2–4 of REP–14 speak to the frequency with which particular REP–14 objectives will be exercised. FEMA proposes to adopt the Federal Exercise Evaluation Matrix, which appears later in this document as Table 2 in place of the exercise objective groupings which appear on Pages C.2–3 and C–2.4 of REP–14.

[3] The preamble to 44 CFR part 350 is published at 48 FR 44332 (September 28, 1983).

[4] *See also*, 44 CFR 350.13(a) which states in relevant part ''The basis upon which [FEMA] makes the determination for withdrawal of approval [of a State or local radiological emergency plan] is the same basis used in reviewing plans and exercises, i.e. the planning standards and related criteria in NUREG 0654/FEMA REP–1, Rev. 1.''

[5] *See,* Planning Standard N, evaluation criteria 1.a and 1.b

[6] *See*, Planning Standard N, evaluation criteria 1.a (rules) and 3 (exercise evaluation guidance).

established a series of 33 objectives (REP–14 Objectives) that interpret and apply the guidance contained in NUREG–0654/FEMA REP–1, Rev. 1. A companion document, REP–15 contained a series of forms and checklists keyed to the 33 REP–14 Objectives for use by exercise evaluators in documenting performance. FEMA circulated both documents for public comment.[7]

REP–14 also established the frequency with which each of the objectives would be demonstrated in exercises. The 33 REP–14 Objectives were divided into three groups. Thirteen objectives in the first group would need to be demonstrated in every exercise. Nine objectives in the second group should be demonstrated in every exercise by some but not all responding organizations as the scenario dictates, provided that all responding organizations must demonstrate the objective once every six years. Another eleven objectives must be demonstrated once every six years.[8]

Strategic Review Process

In June 1996, the Director of the Federal Emergency Management Agency initiated a strategic review of the REP Program. This review was announced in the **Federal Register** in June 1996 and suggestions for improvement in the REP Program were solicited from the public. The respondents raised 180 issues. Seventy comments specifically addressed the conduct of exercises. Many commenters suggested that FEMA make exercise evaluation criteria outcome-based and less prescriptive. These commenters, representing States, local governments, and industry, suggested that evaluations should stress successful completion of basic health and safety objectives, with the specifics of accomplishing this left up to the OROs.

The comments were turned over to a Strategic Review Steering Committee for review.[9] Due to the large number of comments received on the conduct of exercises, the Strategic Review Steering Committee commissioned a concept paper on exercise streamlining. The concept paper was released to the public[10] and comments were received at stakeholder meetings in St. Louis, San Francisco and Washington DC in 1997.[11]

The concept paper identified several key issues for further consideration.

- REP–14 and REP–15 should be revised to support a ''results oriented'' exercise evaluation process.
- REP exercises should concentrate on radiological issues.
- REP–14 and REP–15 could be streamlined by combining similar objectives and points of review without harming the evaluation process.
- REP–14 and REP–15 are out of date due to changes in federal regulations, guidance and terminology.
- The required demonstration frequency of objectives should be reevaluated. Some objectives should be demonstrated more frequently and others less frequently.[12]

On September 9, 1998, FEMA published the draft final recommendations of the Strategic Review Steering Committee for public comment. Recommendation 1.1 addressed the 33 REP–14 Objectives. The Strategic Review Steering Committee noted:

> Exercises are currently evaluated in an ''objective based format.'' * * * This system is very structured and leaves little latitude for satisfying the objective by alternate means. Stakeholders have identified the obvious similarities between objectives. Experience in exercise evaluations indicates that several objectives can easily be combined, and others deleted, without weakening the evaluation process. * * * [We recommend] the consolidation of current objectives into * * * six Evaluation Areas * * * These Evaluation Areas would be established to support a ''results oriented'' evaluation process. Results oriented evaluation allows FEMA to focus on the outcome of actions taken by players in the implementation of their plans and procedures. This approach will give the exercise players more latitude to reach the desired results. Evaluators would then concentrate on the results of an exercise activity, not on the steps taken to arrive at a result. Within each Evaluation Area, objectives would be combined and duplicative Points of Review would be eliminated.''[13]

The Strategic Review Steering Committee recommended the consolidation of 29 of the 33 REP–14 Exercise Objective into six Exercise Evaluation Areas with sub-criteria. It also recommended the elimination of four of the REP–14 Objectives.[14]

Recommendation 1.2 addressed the frequency of demonstrations. The frequency for exercising each of the evaluation areas and sub criteria was set out in a table which accompanied Recommendation 1.2.[15]

Respondents to FEMA's request for public comment generally favored Recommendations 1.1 and 1.2.[16] On March

[7] On March 27, 1991, FEMA noticed the availability for REP–14 and REP–15 for public comment in the **Federal Register** [56 FR 12734]. It responded to public comments in a third publication, REP–18. *See*, 57 FR 4880 (February 10, 1992) corrected by 57 FR 10956 (March 31, 1992).

[8] *See*, REP–14, pages C–2.3 to C–2.4.

[9] The Strategic Review Steering Committee was composed of federal employees from FEMA headquarters, FEMA regional offices and the Nuclear Regulatory Commission.

[10] The concept paper can be reviewed at *http://www.fema.gov/pte/rep/exercise.htm* (viewed on May 22, 2001).

[11] The transcripts of the three public meetings can be reviewed at *http://www.fema.gov/pte/rep/trans.htm* (viewed on May 22, 2001).

[12] FEMA is proposing to address each of these issues through the changes described in this notice. Other issues identified in the concept paper will not be addressed through this notice. The concept paper observed that some aspects of radiological emergency preparedness can be demonstrated separate and apart from the exercise. It suggested that FEMA should provide guidance on when ''out of sequence'' demonstrations are permissible. FEMA has issued a policy statement on this issue which was made effective October 1, 1999. The policy statement may be viewed at *http://www.fema.gov/pte/rep/fnlpl-3.htm* (viewed May 30, 2001). The concept paper also observed that some aspects of radiological emergency preparedness are satisfactorily demonstrated by actual responses to disasters and emergencies or through other exercises in which OROs participate and credit should be given for demonstrated performance outside of a REP exercise. FEMA is still considering this issue. The concept paper suggested that FEMA should explore alternative approaches to evaluating emergency preparedness in addition to exercises. For example, it is suggested that maintenance and calibration of equipment that must be maintained under a radiological emergency response plan, can and should be verified separate and apart from an exercise. FEMA currently requires that OROs certify that various aspects of the radiological emergency response plans are functional through an ''Annual Letter of Certification.'' FEMA reserves the right to audit an ORO's representations in the Annual Letter of Certification. Some of the evaluation criteria contained in NUREG–0654/FEMA REP–1, Rev. 1 will not be exercised under the proposed Exercise Evaluation Areas described in this notice. This is because these criteria are most appropriately verified, in FEMA's judgment, through the Annual Letter of Certification and audits pursuant thereto. The concept paper recommended that FEMA expand its program of staff assistance visits to regularly provide feedback on emergency preparedness issues. FEMA is expanding this program.

[13] 63 Fed. Reg. 48225 (September 9, 1998).

[14] These were REP–14 Objectives 23, 31, 32 and 33. FEMA is proposing to eliminate REP–14 Objectives 23 and 31 in their entirety. Objective 23 tested the ORO's ability to identify and utilize federal and voluntary agency resources. FEMA plans to take lead responsibility for identifying available federal resources. The decision on whether to use these resources belongs to the ORO. A determination of whether the ORO is effectively utilizing voluntary agency resources is more appropriately made in reviewing the ORO's plans. Objective 31 tested the ORO's ability to evacuate non-essential personnel from the nuclear power plant site. We have concluded that the emergency preparedness benefit of evaluating this capability separate and apart from the capability to evacuate members of the general public is negligible. However, Objectives 32 (demonstrate the capability to carry out emergency response functions in an unannounced exercise or drill) and 33 (demonstrate the capability to carry out emergency response functions during an off-hours drill or exercise) are not proposed for elimination. These REP–14 Objectives would be folded into Exercise Evaluation Area 5.a.2, which provides for an unannounced drill of an incident requiring urgent response action by ORO's (also known as a ''fast breaker''). The drill may occur during off-hours.

[15] 63 Fed. Reg. 58226–58227 (September 9, 1998).

[16] A compilation of comments and the Strategic Review Steering Committee's response appears on

Continued

25, 1999, the strategic review recommendations, including Recommendations 1.1 and 1.2 were turned over to the REP Program by Kay C. Goss, CEM, Associate Director for Preparedness, Training and Exercises for further consideration. This notice addresses the proposed implementation of Recommendations 1.1 and 1.2.

Implementation of Strategic Review Steering Committee Recommendation 1.1

FEMA proposes to implement Recommendation 1.1 through adoption of the Exercise Evaluation Areas described in this notice. Two drafts of the Exercise Evaluation Area have already been released for public comment on the REP website. The first draft was released in November 1999. These comments and responses from the drafting group have been placed on the REP website.[17] A second draft was released in March 2000.[18]

During the fall of 2000, FEMA conducted pilot tests of the six draft Exercise Evaluation Areas at four nuclear power plants in different FEMA regions. A Pilot Evaluation Team, comprised of REP Regional Assistance Committee Chairs and FEMA headquarters REP staff, observed and assessed the pilot exercises. The team was instructed to identify any evaluation areas that needed revision. It was also asked to consider whether the new evaluation methodology provided an equal if not more robust review of State and local emergency response plans and procedures than the objective ''checklist approach.''

The conclusions drawn by the Pilot Evaluation Team are consistent with the comments FEMA has received since the inception of the strategic review process. Based upon these comments and reports from the Pilot Evaluation Team, FEMA has concluded:

- The current REP–14 and REP–15 evaluation methodology resulted in predictable exercises, judged against checklists; exercises under the proposed criteria will be based on emergency response plans, not the checklists, and should facilitate better coordination, communication, decisionmaking and implementation.
- Utilization of the new methodology will facilitate the introduction of more challenging scenarios geared to the particular community being evaluated. It will reduce the artificiality of exercises and more closely replicate responses to real incidents.
- The proposed methodology, which focuses on results, will increase ORO enthusiasm for exercise participation and substantially reduce the perception that the evaluators are nit-picking performance.
- The proposed methodology is more demanding on evaluators than the current checklists. It requires that they explain in narrative form what was observed and whether performance was adequate. This will result in more effective communication between evaluators and OROs about exercise issues and plan shortcomings. It will also provide the REP Program with better data from which to draw conclusions about emergency preparedness on a national level.
- Emergency preparedness can be significantly enhanced through better focused exercise evaluation criteria, coupled with FEMA's renewed emphasis on the Annual Letter of Certification and more frequent staff assistance visits.

Highlights of the Proposed Exercise Evaluation Areas

Evaluation Area 1—Emergency Operations Management

Evaluation Area 1 has five sub-elements: (a) mobilization, (b) facilities, (c) direction and control, (d) communications equipment and (e) equipment and supplies to support operations.

Criterion 1.a.1 requires that the OROs use effective procedures to alert, notify and mobilize emergency personnel and activate facilities in a timely manner. One of the more difficult issues to arise from the strategic review is how OROs demonstrate their twenty-four hour staffing capability in an exercise. The evaluation criteria associated with Planning Standard ''A'' of NUREG–0654/FEMA REP–1, Rev. 1 require that ''each principal organization shall be capable of continuous (twenty-four-hour) operations for a protracted period.''[19] These criteria also require that each State and local response organization be capable of twenty-four-hour emergency response.[20]

REP–14 Objective 30.1, which implements these criteria, presently requires all agencies responsible for providing twenty-four-hour staffing demonstrate a shift change once every six years. The shift change is demonstrated by providing a ''one-for-one replacement . . . of key staff responsible for communications, direction and control of operations, alert and notification for the public and the media, radiological monitoring, protective response and medical and public health support.''[21]

REP–14 Objective 30.2 requires that outgoing staff members should demonstrate their capability to brief their replacements on the current status of the simulated emergency. The purpose of this demonstration is to assure that the transition from the outgoing to incoming shift is accomplished without discontinuity in operations.

The dissatisfaction within the REP community about Objective 30 seems to stem from time constraints associated with the exercise. OROs will bring a second shift (often composed of volunteers who must take time away from other responsibilities) in for the exercise, only to discover that there is little time left in the exercise for the second shift to actually demonstrate their capabilities.

FEMA is sympathetic to the dissatisfaction with the present approach. However, we are equally uneasy about simply eliminating the shift change requirement. NUREG–0654/FEMA REP–1, Rev. 1, requires that we verify that response organizations have sufficient trained people in the key positions to perform twenty-four-hour operations. Moreover, we are concerned that our present approach offers those on the second and the third shift little opportunity to train for a real emergency through exercise participation.

Our proposed criterion 1.a.1 eliminates the requirement that OROs demonstrate a shift change once every six years. In order to assure that OROs have sufficient staffing to support twenty-four hour operations, we propose that the exercise evaluators inspect the procedures for twenty-four hour staffing at each facility and a staff roster to determine whether the response organization has identified the necessary personnel to carry out critical functions. These critical functions are the same functions named in REP–14 Objective 30.1. The inspection would occur during each exercise.[22] This approach is consistent with Planning Standard ''A'' of NUREG–0654/FEMA REP–1, Rev. 1. and its associated criteria. Neither requires the demonstration of a shift change.

However our consideration of the shift change issue leaves us mindful of the need to assure that key personnel on the off-hours shifts can perform as well as the primary responders. Without an opportunity to observe the performance of these personnel in an exercise, we are uncertain about whether the key personnel on the off-hours shifts can perform up to the standard that those who regularly exercise do. Moreover, we are concerned that our present exercise approach denies those in key positions on off-hours shifts an opportunity to train through meaningful exercise participation.

For this reason, FEMA is inclined to require that OROs demonstrate their twenty-four hour response capability by alternating the personnel that participate in the biennial exercises from among the shifts.[23] For example, the first biennial exercise of each six year cycle might involve personnel from the first twelve-hour shift. The second biennial exercise in the six year cycle would involve personnel from the second twelve-hour shift. The third biennial exercise in the six year cycle would involve personnel from the third shift (if the ORO uses three shifts in its plan) or the first shift (if the ORO uses two shifts in its plan) This would provide an opportunity for the key personnel on all shifts to have an opportunity to train by participating in an exercise as well as an opportunity for FEMA to evaluate the performance of all of the individuals who will play key roles in an actual response.

the REP Internet site, *http://www.fema.gov/pte/rep/finalrecc10 99.doc* (visited May 22, 2001).

[17] *http://www.fema.gov/pte/rep/comments.doc* (viewed May 22, 2001).

[18] *http://www.fema.gov/pte/rep/recini.htm* (viewed May 22, 2001).

[19] Planning Standard A, evaluation criterion A.4.

[20] Planning Standard A, evaluation criterion A.1.e

[21] REP–14 page D.30–1

[22] Additional assurance that OROs have sufficient trained personnel to support twenty-four-hour response and operations is contained in the Annual Letter of Certification. FEMA may audit the ORO's representations in the Annual Letter of Certification.

[23] We define key positions in this proposal in the same way that they are defined in REP–14 Objective 30.1, i.e. communications, direction and control of operations, alert and notification of the public, accident assessment, information for the public and the media, radiological monitoring, protective response, and medical and public health support functions.

We recognize that a limited number of key personnel, such as a county Emergency Management Director, intend to remain involved in an actual emergency response on a twenty-four-hour basis until the incident is resolved. We are prepared to accommodate the participation of these individuals in every exercise, but expect that each will have their designated successor participate in the exercise. An exercise scenario might provide that a county Emergency Management Director is unable to perform his or her duties and an alternate must step in to take over the operation.

FEMA believes it is crucial for all personnel expected to perform key roles in a radiological emergency response to exercise in their roles. However, we are not prepared to move forward with a definitive plan to achieve this objective without your comments. If you do not agree with the proposal described above, we would appreciate your identification of alternative means through which FEMA can assure that the key personnel who are expected to work the off-hours shifts are as well trained as those who work the shift that most often exercises. We are interested in your comments about whether FEMA needs to make any changes in the way it conducts exercises, i.e. commencing exercises on weekends, holidays or off-hours, to facilitate participation from those who would serve on the off-hours shifts in the event of an actual emergency. We also seek your views on whether or not this proposal will result in a net benefit to emergency preparedness.

Our review of the issues associated with the shift change also leads us to believe that the briefing required by Objective 30.2, which presently needs to be demonstrated only once every six years, should be demonstrated at every exercise in the future. This provision has been written into proposed criterion 1.a.1. We propose to give OROs the option of bringing in a second shift of key responders to receive the briefing or to provide the briefing to the evaluators.

Criterion 1.b.1 requires that the ORO demonstrate that its facilities are sufficient to support the emergency response. Under the proposed exercise methodology, facilities will only be evaluated if they are new or have substantial changes in structure or mission. It seems redundant to require the re-evaluation of a facility every two years if the facility has not changed. This change does not affect the current requirement that OROs certify in the Annual Letter of Certification that their facilities are available and adequate to meet emergency response needs. FEMA reserves the right to audit the representations made in the Annual Letter of Certification.

Criterion 1.c.1 requires that key personnel with leadership roles for the ORO provide direction and control to that part of the overall response for which they are responsible. This requirement is identical to that in Objective 3.1 [24] of REP–14.

Criterion 1.d requires that communications capabilities are managed in support of emergency operations with communication links established and maintained with appropriate locations. The proper functioning of communications equipment is essential to success in any exercise, just as it is essential to success in any response. FEMA expects that both the primary and backup communications systems, which are required by Planning Standard F, Evaluation Criteria F.1 of NUREG–0654/FEMA REP–1 Rev. 1, will be fully functional at the commencement of an exercise. Under REP–14 the functionality of these systems were tested at each exercise. Consistent with the spirit of the proposed Exercise Evaluation Areas, FEMA will not verify that the primary and backup communications systems are operational as a stand-alone evaluation item. However, we will craft exercise scenarios which call for the use of the primary system and scenarios which assume the failure of the primary system and require the use of the backup system. The ORO will not know prior to the start of the exercise whether one or both systems will be tested as part of the scenario. While an ORO may not be penalized if a communications system fails, so long as the other is operational, FEMA will take note of all communications system failures. They will be reported to Director of the REP Program and to the appropriate FEMA Regional Director and Regional Assistance Committee Chair as a planning issue.[25] The ORO is expected to correct any communication systems failure within 60 days of the conclusion of the exercise.

Criterion 1.e requires that equipment, dosimetry, supplies of potassium iodide and other required supplies are sufficient to support emergency operations. The requirements are similar to those in REP–14 Objectives 2.1, 5.1, 8.2 and 14.2. FEMA may or may not verify that these items are available and in good repair as a stand-alone item in every exercise. However, our exercise scenarios ordinarily require that the equipment and supplies be put to use. If equipment and supplies are unavailable or non-functional then the ORO may not be able to perform the emergency response activity at an acceptable level. Equipment and supplies that are not checked during an exercise will be checked during a staff assistance visit. Additional assurance that equipment and supplies are available in appropriate quantities and are properly maintained will be obtained in the Annual Letter of Certification. The representations contained in the Annual Letter of Certification are subject to audit.

Evaluation Area 2—Protective Action Decisionmaking

Evaluation Area 2 assesses the ORO's ability to render decisions about what protective actions members of the public and emergency workers need to take in the wake of an incident. It has five sub-elements: emergency worker exposure control, radiological assessment and protective action recommendations and decisions for the plume phase of the emergency,[26] protective action decision considerations for the protection of special populations, radiological assessment and decisionmaking for the ingestion pathway exposure[27] and radiological assessment and decisionmaking concerning relocation, re-entry and return.

The criteria in Evaluation Area 2 are generally similar to those in REP–14. We believe that proposed criterion 2.e.1 improves upon REP–14 Objectives 28.1 and 28.3 by eliminating the cumbersome standard and optional approaches to re-entry and relocation decisionmaking in REP–14. Criterion 2.e.1 contains a single approach to evaluating decisions in these areas

Evaluation Area 3—Protective Action Implementation

Evaluation Area 3 assesses the ORO's ability to implement protective actions, including evacuation. It contains six sub-elements: implementation of emergency worker exposure control, implementation of potassium iodide decisions, implementation of protective actions for special populations, implementation of traffic and access control, implementation of ingestion pathway decisions and implementation of relocation, re-entry and return decisions.

Criterion 3.a.1 requires that emergency workers demonstrate their ability to read dosimetry and understand the protective actions that they must take in response to specified levels. This requirement is similar to Objectives 5.1 and 5.2 in REP–14. Under the former evaluation methodology, emergency workers were subjected to the equivalent of a ''closed book examination'' on these matters. The proposed methodology makes it clear that emergency workers can refer to published procedures and confer with co-workers in responding to evaluator inquiries, just as they would, if necessary, in a real incident.

Criterion 3.b.1 tests the capability to distribute potassium iodide and appropriately instruct recipients on its use, in accordance with the ORO's emergency response plan. Potassium iodide is a non-prescription thyroid-blocking agent, which has been found effective in preventing thyroid cancer in those exposed to radiation during a nuclear plant incident. Criterion 3.b.1 also requires OROs to demonstrate their ability to maintain records on the administration of potassium iodide. Criterion 3.b.1 does not require that potassium iodide actually be administered. It requires only that OROs be able to demonstrate the functionality of this aspect of the plan.

Criterion 3.c.1 evaluates the protective action decisions that are implemented for special populations other than schools within areas subject to protective actions. OROs must demonstrate a capability to alert and notify special populations, transportation providers (including special resources for people with disabilities), and

[24] References to the REP–14 Objectives will appear in this form throughout this notice. REP–14 Objective 3.1 is Objective 3, Criterion 1.

[25] See, pages B.12 and B.21 of the Federal Emergency Management Agency, Radiological Emergency Preparedness Program, Standard Exercise Report Format (October 1995).

[26] The plume phase of the emergency focuses on preventing exposure of a population to radiation through direct contact with the plume.

[27] The ingestion pathway phase focuses on preventing exposure of a population to radiation through ingestion of foods that may have been exposed to radiation.

establish reception facilities. The availability of resources to transport special populations out of the plume exposure pathway is key. For this reason, proposed criterion 3.c.1 requires that OROs actually contact at least ⅓ of their transportation providers during each exercise to determine whether buses and drivers would be available if the exercise were an actual emergency.

Criterion 3.c.2 evaluates the capability to implement protective action decisions for schools. The proposed criterion requires that OROs contact each public school system, licensed day care provider and participating private school which would be required to implement a protective action decision if the exercise scenario were an actual emergency. Simulation of these calls is not allowed.

REP–14 Objective 16.2 presently requires that a single school bus be mobilized to drive an evacuation route as part of an exercise. FEMA does not believe that this demonstration achieves any significant emergency preparedness objective and is proposing to delete it. We do reserve the right to interview bus drivers to determine their familiarity with evacuation routes.

Criterion 3.d.1 evaluates the capability to establish and maintain appropriate traffic control and access points. REP–14 Objective 17.2 requires an actual deployment to test staffing capabilities. The proposed new criterion would not require an actual deployment. Capability could be established through an evaluative interview with appropriate public safety personnel. The decision to no longer require actual deployment stems from the recognition that public safety agencies regularly establish traffic and access control points in response to non-radiological incidents. The new criterion does not deprive FEMA of the ability to request a demonstration of actual deployment capability where appropriate. It simply establishes that actual deployment will not be required as a matter of course.

Criterion 3.d.2 evaluates the capability to remove impediments to evacuation. REP–14 Objective 17.4 required that actual telephone calls be placed to resources which might assist in removing the impediments, e.g., tow truck contractors. However, REP–14 did not require that tow trucks actually respond and remove the impediments. While there is some value in determining whether OROs maintain an accurate list of telephone numbers, it is not necessary to mandate regular testing of the ability to telephone a tow operator. The tow operators that might be relied upon in a nuclear power plant incident are similar to those who might be called upon in a traffic accident. Emergency dispatchers can reasonably be presumed to know how to contact tow operators.

Criterion 3.e.1 tests the availability and appropriate use of adequate information regarding water, food supplies, milk and agricultural production within the ingestion exposure pathway zone for implementation of protective actions. REP–14 Objective 27.1 requires that various maps and information sources required by Planning Standard J of NUREG–0654/REP–1 Rev 1 be available. The proposed criterion does not change the requirement that these information sources be available. However, it does not require that an evaluator specifically check off that they are present. Ingestion pathway exercises will be evaluated based upon whether OROs effectively use the information that must be available in addressing the exercise scenario. If the information is not available, OROs may not be able to meet the new ''results oriented'' criterion.

Criterion 3.e.2 evaluates measures, strategies and pre-printed instructional material for implementing protective action decisions for contaminated water, food products, milk and agricultural production. REP 14 Objective 11.4 requires that evaluators check off whether a distribution list is maintained and Objective 27.3 contains specific instructions on how implementation of ingestion pathway decisions should be evaluated. Through its level of detail, REP–14 established a single correct way to implement ingestion pathway decisions, notwithstanding that alternative approaches would also adequately protect public health and safety. FEMA believes that it is appropriate to give OROs the flexibility to implement ingestion pathway decisions in a way that they deem prudent. OROs will be evaluated on the basis of whether their decisions adequately protect public health and safety.

Criterion 3.f evaluates decisions regarding controlled re-entry of emergency workers and relocation and return. This criterion consolidates REP–14 Objectives 29.1, 29.2, 29.3 and 29.4.

Evaluation Area 4—Field Measurement and Analysis

Evaluation Area 4 assesses the ability of OROs to conduct and analyze field radiation measurements. It has three sub-elements: plume phase field measurement and analysis, post plume phase field measurements and sampling, and laboratory operations. The evaluation criteria are similar to those that appear in REP–14. The proposed evaluation criterion encourages OROs to utilize resources offered by federal agencies, where appropriate.

Evaluation Area 5—Emergency Notification and Public Information

Evaluation Area 5 looks at the ORO's ability to notify the public of an incident and to effectively communicate protective action recommendations. It contains two sub-elements: activation of the prompt alert and notification system and emergency information and instructions for the public and the media.

Proposed criteria 5.a.1, 5.a.2 and 5.a.3 address activation of the prompt alert and notification system. We believe that the proposed criteria represent a significant improvement in exercise methodology over REP–14. Plume exposure exercises under the REP–14 methodology have followed a familiar pattern—they all involved a scenario that incrementally escalates from a situation requiring no action by the public to a situation requiring urgent action by the public. The REP–14 methodology did not test the ability of ORO decisionmakers to reach a decision on activating the prompt alert and notification system in an atmosphere of uncertainty. The scenario left no discretion to the decisionmakers.

Proposed criteria 5.a.1 and 5.a.2 remedy this artificiality by requiring that alert and notification decisionmaking be tested under two different scenarios—one in which urgent action is not immediately required and one in which it is. Proposed criterion 5.a.1 addresses the situation in which urgent action by the public is not immediately required. Proposed criterion 5.a.2 addresses the situation in which urgent action by the public is immediately required due to quickly deteriorating conditions at the plant. This second scenario is known as the ''fast breaker.''

Proposed criterion 5.a.1 requires that the alert and notification system be activated in a timely manner following notification to the ORO by the nuclear power plant of an incident that requires activation of the alert and notification system but does not immediately require urgent action by the public. Whether decisionmakers initiate the alert and notification system in a ''timely manner'' will be judged in relation to the scenario. We will also evaluate the quality of the public notification.

Proposed criterion 5.a.2 requires that activities associated with the alert and notification system in a ''fast breaker'' situation must be completed within fifteen minutes of the time that the ORO has received verified notification from the nuclear power plant of a situation that immediately requires urgent public action. The fifteen-minute requirement derives from Nuclear Regulatory Commission regulations which appear at 10 CFR 50.47, Appendix E.IV.D. Since fast breaking situations are by their nature unpredictable, FEMA proposes to evaluate the ''fast breaker'' response in an unannounced drill, separate and apart from regular exercises. OROs will be notified of the week in which the drill will occur, but not the specific day or time. The ''fast breaker'' drill can occur during off-hours. In formulating criteria 5.a.1 and 5.a.2, FEMA considered comments made at ''fast breaker workshops'' during the April 2000 National Radiological Emergency Preparedness Conference [28] as well as comments submitted in the strategic review. We are especially interested in receiving written comments on proposed criteria 5.a.1 and 5.a.2 from those interested in ''fast breaker'' issues.

Proposed criteria 5.a.1 and 5.a.2 do not address what information must be contained in an initial instructional memorandum to the public. Under current FEMA guidance, [29] an initial instructional message must contain five elements at a minimum. These five elements include a coded ''Emergency

[28] The National Radiological Preparedness Conference is an annual meeting of individuals with an interest in radiological emergency preparedness. The conference is sponsored by an independent non-profit organization and is open to the public.

[29] The current guidance entitled ''Radiological Emergency Preparedness (REP) Guidance To Support Implementation of the Emergency Alert System (EAS)'' dated February 2, 1999 can be viewed at *http://www.fema.gov/pte/rep/easrep.htm* (viewed May 31, 2001). The guidance is contained in Attachment ''B'' to the memorandum entitled ''Background on the Emergency Alert System (EAS).''

Classification Level'' [30] and a protective action recommendation. Concerns have been expressed in the strategic review process that disclosure of an Emergency Classification Level in an initial message does not provide the public with useful information. Serious questions have been raised about when a protective action recommendation must be made, particularly if evacuation routes need to be cleared and reception facilities need to be opened to support a safe and orderly evacuation. For these reasons, FEMA is requesting comments in a notice, which appears in the same edition of the **Federal Register** as this one about whether its current guidance should be changed. We hope to complete our review of this guidance contemporaneously with our decision on whether to implement the proposed Exercise Evaluation Areas so that any changes concerning the content of initial messages can be incorporated into criteria 5.a.1 and 5.a.2.

Proposed criterion 5.a.3 addresses notification of people living in very remote areas, also known as ''exception areas,'' who are not reached by alert sirens or tone alert radios. People who reside in exception areas are notified of an incident by mobile teams called ''backup route alerting teams.'' Proposed criterion 5.a.3 is similar to the REP–14 criterion with respect to notification of people in ''exception areas.''

Proposed criterion 5.a.3 also addresses backup alerting and notification of the general public in the event of a failure in the primary alert and notification system. Criterion 5.a.3 requires that the completion of backup alerting and notification within 45 minutes of the decision by offsite emergency officials to notify the public of an emergency situation. REP–14 required completion of the notification within ''approximately'' 45 minutes after the decision. The proposed criterion more closely conforms to the requirement set forth in Appendix 3 to NUREG–0654/FEMA REP–1, Rev. 1.

Proposed criterion 5.b.1 tests whether OROs provide accurate emergency information and instructions to the public and the news media in a timely fashion. While FEMA is considering whether technical information such as Emergency Classification Levels should be included in alert and notification system messages, it believes that this information should be made available to the news media with a plain Language explanation. The ORO should be prepared to explain the Emergency Classification Level and related technical information in plain Language during an exercise.

Evaluation Area 6: Support Operations/ Facilities

Evaluation Area 6 assesses the ability of OROs to account for, monitor and decontaminate evacuees, emergency workers, and emergency worker equipment, to provide temporary care of evacuees and to assure that capabilities exist for transporting and treating injured individuals who have been exposed to radiation. These competencies are tested in the four sub-elements associated with Evaluation Area 6. The proposed Criteria are consistent with REP–14. While REP–14 establishes a series of prescriptive procedures that must be followed by the ORO, the proposed criteria describe the result which must be obtained, without instructing the ORO on how to obtain it.

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA

Evaluation area/Sub-element/Criterion	NUREG 0654 Criteria	REP–14/15 Objective and Criterion
1—Emergency Operations Management		1, 2, 3, 4, 5, 8, 14, 30
1.a—Mobilization		
1.a.1: OROs use effective proceduresto alert, notify, and mobilize emergency personnel and activate facilities in a timely manner.	A.4; D.3, 4; E.1, 2; H.4	1.1, 1.2; 30
1.b—Facilities		
1.b.1: Facilities are sufficient to support the emergency response	H.3	2.1
1.c—Direction and Control		
1.c.1: Key personnel with leadership roles for the ORO provide direction and control to that part of the overall response effort for which they are responsible.	A.1.d; A.2.a, b	3.1
1.d—Communications Equipment		
1.d.1: At least two communication systems are available and at least one operates properly, and communication links are established with appropriate locations. Communications capabilities are managed in support of emergency operations.	F.1, 2	4.1
1.e—Equipment and Supplies to Support Operations		
1.e.1: Equipment, maps, displays, dosimetry, potassium iodide (KI), and other supplies are sufficient to support emergency operations.	H.7; J.10.a, b, e, J.11; K.3.a.	2.1; 5.1; 8.2; 14.2
2—Protective Action Decision Making		5, 7, 9, 14, 15, 16, 26, 28
2.a—Emergency Worker Exposure Control		
2.a.1: OROs use a decision making process, considering relevant factors and appropriate coordination, to insure that an exposure control system, including the use of KI, is in place for emergency workers including provisions to authorize radiation exposure in excess of administrative limits or protective action guides.	J.10.e, f; K.4	5.1, 5.3; 14.1
2.b—Radiological Assessment and Protective Action Recommendations and Decisions for the Plume Phase of the Emergency		
2.b.1: Appropriate protective action recommendations are based on available information on plant conditions, field monitoring data, and licensee and ORO dose projections, as well as knowledge of on-site and off-site environmental conditions.	I.8,10; Supp. 3	7.1
2.b.2: A decision-making process involving consideration of appropriate factors and necessary coordination is used to make protective action decisions (PADs) for the general public (including the recommendation for the use of KI, if ORO policy).	J.9; J.10.f, m	9.1; 14.1
2.c—Protective Action Decisions for the Protection of Special Populations		
2.c.1: Protective action decisions are made, as appropriate, for special population groups.	J.9; J.10.	9.1; 15.1

[30] Emergency Classification Levels are a standard way through which nuclear power plants communicate the severity of incidents with onsite and offsite responders and regulatory agencies. *See*, Planning Standard D, NUREG–0654/REP–1, Rev. 1.

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA—Continued

Evaluation area/Sub-element/Criterion	NUREG 0654 Criteria	REP–14/15 Objective and Criterion
2.d—Radiological Assessment and Decision-Making for the Ingestion Exposure Pathway		
2.d.1: Radiological consequences for the ingestion pathway are assessed and appropriate protective action decisions are made based on the ORO planning criteria.	J.11	26.1, 26.2
2.e—Radiological Assessment and Decision-Making Concerning Relocation, Re-entry, and Return		
2.e.1: Timely relocation re-entry, and return decisions are made and coordinated as appropriate, based on assessments of radiological conditions and criteria in the ORO's plan and/or procedures.	M.1	28.1, 28.2, 28.3, 28.4, 28.5
3. Protective Action Implementation		5, 11, 14, 15, 16, 17, 27, 29
3.a—Implementation of Emergency Worker Exposure Control		
3.a.1: The OROs issues appropriate dosimetry and procedures, and manage radiological exposure to emergency workers in accordance with the plan and procedures. Emergency workers periodically and at the end of each mission read their dosimeters and record the readings on the appropriate exposure record or chart.	K.3.a, 3.b	5.1, 5.2
3.b—Implementation of KI Decision		
3.b.1: KI and appropriate instructions are made available should a decision to recommend use of KI be made. Appropriate record keeping of the administration of KI for emergency workers and institutionalized individuals (not the general public) is maintained.	J.10.e	14.1, 14.3
3.c—Implementation of Protective Actions for Special Populations		
3.c.1: Protective action decisions are implemented for special population groups within areas subject to protective actions.	J.10.c, d, g	15.1, 15.2
3.c.2: ORO/School officials decide upon and implement protective actions for schools.	J.10.c, d, g	16.1, 16.2, 16.3
3.d—Implementation of Traffic and Access Control		
3.d.1: Appropriate traffic and access control is established. Accurate instructions are provided to traffic and access personnel.	J.10.g, j	17.1, 17.2, 17.3
3.d.2: Impediments to evacuation are identified and resolved	J.10.k	17.4
3.e—Implementation of Ingestion Pathway Decisions		
3.e.1: The ORO demonstrates the availability and appropriate use of adequate information regarding water, food supplies, milk and agricultural production within the ingestion exposure pathway emergency planning zone for implementation of protective actions.	J.9,11	27.1
3.e.2: Appropriate measures, strategies and pre-printed instructional material are developed for implementing protective action decisions for contaminated water, food products, milk, and agricultural production.	E.; J.9,11	11.4; 27.2; 27.3
3.f—Implementation of Relocation, Re-entry, and Return Decisions		
3.f.1: Decisions regarding controlled re-entry of emergency workers and relocation and return of the public are coordinated with appropriate organizations and implemented.	M.1, 3	29.1, 29.2, 29.3, 29.4
4—Field Measurement and Analysis		6, 8, 24, 25
4.a—Plume Phase Field Measurement and Analyses		
4.a.1: The field teams are equipped to perform field measurements of direct radiation exposure (cloud and ground shine) and to sample airborne radioiodine and particulates.	H.10, I.8, 9	6.1; 8.1, 8.2
4.a.2: Field teams are managed to obtain sufficient information to help characterize the release and to control radiation exposure.	I.8,11; J.10.a	6.3, 6.4
4.a.3: Ambient radiation measurements are made and recorded at appropriate locations, and radioiodine and particulate samples are collected. Teams will move to an appropriate low background location to determine whether any significant (as specified in the plan and/or procedures) amount of radioactivity has been collected on the sampling media.	I.9	6.4, 6,5; 8.3, 8.4, 8.5, 8.6
4.b—Post Plume Phase Field Measurements and Sampling		
4.b.1: The field teams demonstrate the capability to make appropriate measurements and to collect appropriate samples (e.g., food crops, milk, water, vegetation, and soil) to support adequate assessments and protective action decision-making.	I.8; J.11	24.1
4.c—Laboratory Operations		
4.c.1: The laboratory is capable of performing required radiological analyses to support protective action decisions.	C.3; J.11	25.1, 25.2
5—Emergency Notification and Public Information		10, 11, 12, 13
5.a—Activation of the Prompt Alert and Notification System		

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA—Continued

Evaluation area/Sub-element/Criterion	NUREG 0654 Criteria	REP–14/15 Objective and Criterion
5.a.1: Activities associated with primary alerting and notification of the public are completed in a timely manner following the initial decision by authorized off-site emergency officials to notify the public of an emergency situation. The initial instructional message to the public must include as a minimum: (1) identification of the State or local government organization and the official with the authority for providing the alert signal and instructional message; (2) identification of the commercial nuclear power plant and a statement than an emergency situation exists at the plant; (3) reference to REP-specific emergency information (e.g., brochures and information in telephone books) for use by the general public during an emergency; and (4) a closing statement asking the affected and potentially affected population to stay tuned for additional information.	10 CFR Part 50, Appendix E; E.5, 6.	10.1
5.a.2: Activities associated with primary alerting and notification of the public are completed within 15 minutes of verified notification from the utility of an emergency situation requiring urgent action (fast-breaking situation). The initial instructional message to the public must include as a minimum: (1) identification of the State or local government organization and the official with the authority for providing the alert signal and instructional message; (2) identification of the commercial nuclear power plant and a statement than an emergency situation exists at the plant; (3) reference to REP-specific emergency information (e.g., brochures and information in telephone books) for use by the general public during an emergency; and (4) a closing statement asking the affected and potentially affected population to say tuned for additional information. In addition, the ORO must demonstrate the capability to contact, in a timely manner, an authorized offsite decision maker relative to the nature and severity of the event, in accordance with plans and procedures.	10 CFR Part 50, Appendix E; E.5, 6.	10.1
5.a.3: Activities associated with FEMA approved exception areas (where applicable) are completed within 45 minutes of the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. Backup alert and notification of the public is completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system.	Appendix 3: B.2.c; E.6	10.2, 10.3
5.b—Emergency Information and Instructions for the Public and the Media		
5.b.1: OROs provide accurate emergency information and instructions to the public and the news media in a timely manner.	E.5, 7; G.3.a; G.4.c	11.1, 11.2, 11.3; 12.1, 12.2; 13.1, 13.2
6—Support Operation/Facilities	.....	18, 19, 20, 21, 22
6.a—Monitoring and Decontamination of Evacuees and Emergency Workers, and Registration of Evacuees		
6.a.1: The reception center/emergency worker facility has appropriate space, adequate resources, and trained personnel to provide monitoring, decontamination, and registration of evacuees and/or emergency workers.	J.10.h; J.12; K.5.a, b	18.1, 18.2, 18.3, 18.4, 18.5; 22.1, 22.2
6.b—Monitoring and Decontamination of Emergency Worker Equipment		
6.b.1: The facility/ORO has adequate procedures and resources for the accomplishment of monitoring and decontamination of emergency worker equipment including vehicles.	K.5.a, b	22.1; 22.3
6.c—Temporary Care of Evacuees		
6.c.1: Managers of congregate care facilities demonstrate that the centers have resources to provide services and accommodations consistent with American Red Cross planning guidelines. Managers demonstrate the procedures to assure that evacuees have been monitored for contamination and have been decontaminated as appropriate prior to entering congregate care facilities.	J.10.h; J.12	19.1, 19.2
6.d—Transportation and Treatment of Contaminated Injured Individuals		
6.d.1: The facility/ORO has the appropriate space, adequate resources, and trained personnel to provide transport, monitoring decontamination, and medical services to contaminated injured individuals.	F.2; H.10; K.5.a, b; L.1; L.4	20.1, 20.2, 20.3, 20.4, 20.5; 21.1, 21.2, 21.3, 21.4

Replacement of REP–15 With the Evaluation Module Form

Adoption of the proposed Exercise Evaluation Areas will render REP–15 which contains checklists keyed to the 33 REP–14 Objectives obsolete. FEMA plans to utilize new forms called ''Evaluation Modules'' in place of the REP–15 checklists. The Evaluation Modules will be keyed to the Exercise Evaluation Areas. A sample Evaluation Module appears below.

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SAMPLE EVALUATION MODULE

This is a sample of the REP exercise evaluation module for one evaluation area criterion.

EVALUATION AREA number and title

Sub-element number and title

Criterion number, description, and NUREG-0654 reference(s)

- Was this Criterion adequately demonstrated?
  YES_____ **NO**_____ **N/A**_____

  If **NO**, identify all exercise issues by addressing the elements listed on the attached **ISSUES FOR CRITERION** form.
  Remember, if there is no effect or potential effect, there is no exercise issue.

- **Reminder:** Provide a complete evaluator packet to the Team Leader with a written narrative summary, timeline of observations, and all forms and information used during the exercise. Cite outstanding performance where observed.

- The following **INTENT** and **EXTENT OF PLAY** information is provided for general reference only. Consult the site-specific extent of play agreement and your Team Leader for how it applies to your assigned location.

  INTENT

  Sub-element INTENT, as stated in the Evaluation Area

  EXTENT OF PLAY

  Criterion EXTENT OF PLAY, as stated in the Evaluation Area

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

NARRATIVE SUMMARY FOR CRITERION:

[Evaluator must write a narrative and insert it here]

ISSUES FOR CRITERION:

Address the following elements:

CONDITION (describe the inadequacy):

POSSIBLE CAUSE (what is responsible):

REFERENCE (cite the specific NUREG-0654 element, regulation, etc.):

EFFECT (what resulted, or could have resulted, from this issue):

RECOMMENDATION (how to correct it):

BILLING CODE 6718–06–C

Implementation of Strategic Review Steering Committee Recommendation 1.2

The REP–14 objectives are currently evaluated at the frequency described on Pages C–2.3 and C–2.4. Adoption of the proposed Exercise Evaluation Areas will render these pages obsolete. In Table 2 proposes the minimum frequency with each of the Exercise Evaluation Areas would be exercised. FEMA is open to ORO proposals to voluntarily exercise certain criteria more frequently than the minimums listed below.

TABLE 2.—FEDERAL EVALUATION PROCESS MATRIX

Proposed evaluation area and sub-elements	Consolidates REP–14 objective	Minimum frequency
1. Emergency Operations Management	1, 2, 3, 4, 5, 8, 14, 17, 30	
a. Mobilization		Every Exercise.
b. Facilities		Once if new.[1]
c. Direction and Control		Every Exercise.
d. Communications Equipment		Every Exercise.
e. Equipment and Supplies to Support Operations		Every Exercise.
2. Protective Action Decisionmaking	5, 7, 9, 14, 15, 16, 26, 28	
a. Emergency Worker Exposure Control		Every Exercise.
b. Radiological Assessment & Protective Action Recommendations & Decisions for the Plume Phase of theEmergency.		Every Exercise.
c. Protective Action Decisions for the Protection of Special Populations		Every Exercise.
d. Radiological Assessment & Decisionmaking for the Ingestion Exposure Pathway[2].		Once in 6 yrs.
e. Radiological Assessment & Decisionmaking Concerning Relocation, Re-entry, and Return[2].		Once in 6 yrs.
3. Protective Action Implementation	5, 11, 14, 15, 16, 17, 27, 29.	
a. Implementation of Emergency Worker Exposure Control		Every Exercise.
b. Implementation of KI Decision		Once in 6 yrs.
c. Implementation of Protective Actions for Special Populations		Once in 6 yrs.[3]
d. Implementation of Traffic and Access Control[4]		Every Exercise.
e. Implementation of Ingestion Pathway Decisions		Once in 6 yrs.
f. Implementation of Relocation, Re-entry, and Return Decisions		Once in 6 yrs.
4. Field Measurement and Analysis	6, 8, 24, 25	
a. Plume Phase Field Measurements & Analysis		Every Exercise.
b. Post Plume Phase Field Measurements and Sampling		Once in 6 yrs.
c. Laboratory Operations		Once in 6 yrs.
5. Emergency Notification and Public Information	10, 11, 12, 13	
a.1 Activation of the Prompt Alert and Notification System		Every Exercise.

TABLE 2.—FEDERAL EVALUATION PROCESS MATRIX—Continued

Proposed evaluation area and sub-elements	Consolidates REP–14 objective	Minimum frequency
a.2 Activation of the Prompt Alert and Notification System (Fast Breaking).	.....	Separate Drill once in 6 yrs.
a.3 Notification of exception areas and/or Back-up Alert and Notification System within 45 Minutes.	.....	Every Exercise—as needed.
b. Emergency Information & Instructions for the Public and the Media	.....	Every Exercise.
6. Support Operations/Facilities	18, 19, 20, 21, 22	
a. Monitoring & Decontamination of Evacuees and Emergency Workers & Registration of Evacuees.	.....	Once in 6 yrs.[3]
b. Monitoring & Decontamination of Emergency Worker Equipment[3]	.....	Once in 6 yrs.[3]
c. Temporary Care of Evacuees[5]	.....	Once in 6 yrs.[5]

[1] Will be evaluated if new or changed substantially.
[2] The plume phase and the post-plume phase (ingestion, relocation, re-entry and return) can be demonstrated separately.
[3] All facilities must be evaluated once during the six-year exercise cycle.
[4] Physical deployment of resources is not necessary.
[5] Facilities managed by the American Red Cross (ARC), under the ARC/FEMA Memorandum of Understanding, will be evaluated once when designated or when substantial changes occur; all other facilities not managed by the ARC must be evaluated once in the six-year exercise cycle.

Coordination With the Nuclear Regulatory Commission

FEMA conducts and evaluates exercises in part under authority of a Memorandum of Understanding with the Nuclear Regulatory Commission. The text of the current Memorandum of Understanding is published in Appendix A to 44 CFR Part 353 (2000 edition). Section E of the Memorandum of Understanding provides that each agency will provide an opportunity for the other agency to review and comment on emergency planning and preparedness guidance (including interpretations of agreed joint guidance) prior to adoption as formal agency guidance. FEMA has transmitted a copy of this document to the Nuclear Regulatory Commission and requested their comments no later than the date upon which the public comment period closes.

Evaluation Area 1—Emergency Operations Management

Sub-element 1.a—Mobilization

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to alert, notify, and mobilize emergency personnel and to activate and staff emergency facilities.

Criterion 1.a.1: OROs use effective procedures to alert, notify, and mobilize emergency personnel and activate facilities in a timely manner. (NUREG–0654, A.4; D.3, 4; E.1, 2; H.4)

Extent of Play. Responsible OROs should demonstrate the capability to receive notification of an emergency situation from the licensee, verify the notification, and contact, alert, and mobilize key emergency personnel in a timely manner. At each facility, a roster and/or procedures indicating 24-hour staffing capability for key positions (those emergency personnel necessary to carry out critical functions), as indicated in the plan and/or procedures, should be provided to the evaluator. Although demonstration of a shift change is not required, each ORO shall demonstrate its ability to transition from an outgoing shift to an incoming shift without discontinuity in operations either by having personnel in key positions briefing the evaluators or their actual replacements on the current status of the simulated emergency. In addition, responsible OROs should demonstrate the activation of facilities for immediate use by mobilized personnel when they arrive to begin emergency operations. Activation of facilities should be completed in accordance with the plan and/or procedures. Pre-positioning of emergency personnel is appropriate, in accordance with the extent of play agreement, at those facilities located beyond a normal commuting distance from the individual's duty location or residence. Further, pre-positioning of staff for out-of-sequence demonstrations is appropriate in accordance with the extent of play agreement.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 1.b—Facilities

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have facilities to support the emergency response.

Criterion 1.b.1: Facilities are sufficient to support the emergency response. (NUREG–0654, H)

Extent of Play. Facilities will only be specifically evaluated for this criterion if they are new or have substantial changes in structure or mission. Responsible OROs should demonstrate the availability of facilities that support the accomplishment of emergency operations. Some of the areas to be considered are: adequate space, furnishings, lighting, restrooms, ventilation, backup power and/or alternate facility (if required to support operations).

Facilities must be set up based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 1.c—Direction and Control

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to control their overall response to an emergency.

Criterion 1.c.1: Key personnel with leadership roles for the ORO provide direction and control to that part of the overall response effort for which they are responsible. (NUREG–0654, A.1.d; A.2.a, b)

Extent of Play. Leadership personnel should demonstrate the ability to carry out essential functions of the response effort, for example: keeping the staff informed, coordinating with other appropriate OROs, and ensuring completion of requirements and requests.

All activities associated with direction and control must be performed based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 1.d—Communications Equipment

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should establish at least two reliable communication systems to ensure communications with key emergency personnel at locations such as the following: appropriate contiguous governments within the emergency planning zone (EPZ), Federal emergency response organizations, the licensee and its facilities, emergency operations centers (EOC), and field teams.

Criterion 1.d.1: At least two communication systems are available, at least one operates properly, and communication links are established and maintained with appropriate locations. Communications capabilities are managed in support of emergency operations. (NUREG–0654, F.1, 2)

Extent of Play. Communications equipment and procedures for facilities and field units should be used as needed for the transmission and receipt of exercise

messages. All facilities and field teams should have the capability to access at least one communication system that is independent of the commercial telephone system and uses a separate power source. Responsible OROs should demonstrate the capability to manage the communication systems and ensure that all message traffic is handled without delays that might disrupt the conduct of emergency operations. OROs should ensure that a coordinated communication link for fixed and mobile medical support facilities exist. The specific communications capabilities of OROs should be commensurate with that specified in the response plan and/or procedures. Exercise scenarios could require the failure of a communications system and the use of an alternate system.

All activities associated with the management of communications capabilities must be demonstrated based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 1.e—Equipment and Supplies to Support Operations

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have emergency equipment and supplies adequate to support the emergency response.

Criterion 1.e.1: Equipment, maps, displays, dosimetry, potassium iodide (KI), and other supplies are sufficient to support emergency operations. (NUREG–0654, H., J.10.a, b, e, j, k; j.11; K.3.a)

Extent of Play. Equipment within the facility (facilities) should be sufficient and consistent with the role assigned to that facility in the ORO's plans and/or procedures in support of emergency operations. Use of maps and displays is encouraged.

All instruments, including air sampling flow meters (field teams only), should be inspected, inventoried, and operationally checked at least once each calendar quarter and after each use. They should be calibrated in accordance with the manufacturer's recommendations (or at least annually for the CDV–700 series or if there are no manufacturer's recommendations for a specific instrument). A label indicating such calibration should be on each instrument or verifiable by other means. Note: Field team equipment is evaluated under 4.a.1; radiological laboratory equipment under 4.c.1; reception center and emergency worker facilities' equipment is evaluated under 6.a.1; and ambulance and medical facilities' equipment is evaluated under 6.d.1.

Sufficient quantities of appropriate direct-reading and permanent record dosimetry and dosimeter chargers should be available for issuance to all categories of emergency workers that could be deployed from that facility. Appropriate direct-reading dosimeters should allow individual(s) to read the administrative reporting limits and maximum exposure limits contained in the ORO's plans and procedures.

Dosimeters should be inspected for electrical leakage at least annually and replaced, if necessary. CDV–138s, due to their documented history of electrical leakage problems, should be inspected for electrical leakage at least quarterly and replaced if necessary. This leakage testing will be verified during the exercise, through documentation submitted in the Annual Letter of Certification, and/or through a staff assistance visit.

Responsible OROs should demonstrate the capability to maintain inventories of KI sufficient for use by emergency workers, as indicated on rosters; institutionalized individuals, as indicated in capacity lists for facilities; and, where stipulated by the plan and/or procedures, members of the general public (including transients) within the plume pathway EPZ.

Quantities of dosimetry and KI available and storage locations(s) will be confirmed by physical inspection at storage location(s) or through documentation of current inventory submitted during the exercise, provided in the Annual Letter of Certification submission, and/or verified during a Staff Assistance Visit. Available supplies of KI should be within the expiration date indicated on KI bottles or blister packs. As an alternative, a letter from the drug manufacturer should be available that documents a formal extension of the KI expiration date. Another alternative is for the ORO to obtain approval from FEMA based on a certified independent laboratory testing to extend the shelf life.

At locations where traffic and access control personnel are deployed, appropriate equipment (e.g., vehicles, barriers, traffic cones and signs, etc.) should be available or their availability described.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Evaluation Area 2—Protective Action Decision-Making

Sub-Element 2.a—Emergency Worker Exposure Control

Intent

This sub-element is derived from NUREG–0654, which provides that an Offsite Response Organizations (ORO) have the capability to assess and control the radiation exposure received by emergency workers and have a decision chain in place as specified in the ORO's plans and procedures to authorize emergency worker exposure limits to be exceeded for specific missions.

Radiation exposure limits for emergency workers are the recommended accumulated dose limits or exposure rates that emergency workers may be permitted to incur during an emergency. These limits include any pre-established administrative reporting limits (that take into consideration Total Effective Dose Equivalent or organ-specific limits) identified in the ORO's plans and procedures.

Criterion 2.a.1: OROs use a decision-making process, considering relevant factors and appropriate coordination, to ensure that an exposure control system, including the use of KI, is in place for emergency workers including provisions to authorize radiation exposure in excess of administrative limits or protective action guides. (NUREG–0654, K.4, J.10. e, f)

Extent of Play. OROs authorized to send emergency workers into the plume exposure pathway EPZ should demonstrate the following capabilities on the basis of information in the emergency plan: (1) Determination of radiation exposure limits to be authorized for emergency workers; (2) appropriate decision making, based on projected doses and in accordance with emergency workers' exposure limits, as to whether or not to send emergency workers to areas within the plume exposure pathway EPZ; (3) establishment of procedures to allow emergency workers to voluntarily choose to enter the plume exposure pathway EPZ where radiation levels may expose individuals to higher than pre-authorized exposures for lifesaving missions, to protect valuable property, or to protect large populations; and (4) use of a KI decision-making process that involves close coordination between appropriate assessment and decision-making staff.

Whenever emergency personnel are planning to undertake an operation, it is essential that the best estimate of the situation be known by the personnel directing the operation. All sources of information, including projected exposure rate patterns, should be considered and a best estimate made of the exposure likely to be received during a specific mission. The mission must be planned by taking into consideration the most likely situation as well as the most potentially hazardous situation. Items to be considered include alternative entry and exit routes, potential changes in meteorological conditions, areas or roads to be avoided, equipment and vehicle failure, and other relevant items.

Responsible OROs should demonstrate the capability to make decisions concerning the authorization of exposure levels in excess of pre-authorized levels and to manage the number of emergency workers receiving radiation dose above pre-authorized levels.

As appropriate, OROs should demonstrate the capability to make decisions on the distribution and administration of KI, as a protective measure, based on the ORO's plan and/or procedures or projected thyroid dose compared with the established PAGs for KI administration.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 2.b.—Radiological Assessment and Protective Action Recommendations and Decisions for the Plume Phase of the Emergency

Intent

This sub-element is derived from NUREG–0654, which indicates that Offsite Response Organizations (ORO) have the capability to independently project integrated dose from exposure rates or other information and compare the estimated dose savings with the protective action guides. OROs have the capability to choose, among a range of

protective actions, those most appropriate in a given emergency situation. OROs base these choices on PAGs from the ORO's plans and procedures or EPA 400–R–92–001 and other criteria, such as, plant conditions, licensee protective action recommendations, coordination of protective action decisions with other political jurisdictions (e.g., other affected OROs), availability of appropriate in-place shelter, weather conditions, evacuation time estimates, and situations that create higher than normal risk from evacuation.

Criterion 2.b.1: Appropriate protective action recommendations are based on available information on plant conditions, field monitoring data, and licensee and ORO dose projections, as well as knowledge of onsite and offsite environmental conditions. (NUREG–0654, I.8, 10, 11 and Supplement 3)

Extent of Play. During the initial stage of the emergency response, following notification of plant conditions that may warrant offsite protective actions, the ORO should demonstrate the capability to use appropriate means, described in the plan and/or procedures, to develop protective action recommendations (PAR) for decision-makers based on available information and recommendations from the licensee, and field monitoring data, if available.

When release and meteorological data are provided by the licensee, the ORO also considers these data. The ORO should demonstrate a reliable capability to independently validate dose projections. The types of calculations to be demonstrated depend on the data available and the need for assessments to support the PARs appropriate to the scenario. In all cases, calculation of projected dose should be demonstrated. Projected doses should be related to quantities and units of the PAG to which they will be compared. PARs should be promptly transmitted to decision-makers in a prearranged format.

Differences greater than a factor of 10 between projected doses by the licensee and the ORO should be discussed with the licensee with respect to the input data and assumptions used, the use of different models, or other possible reasons. Resolution of these differences should be incorporated into the PAR if timely and appropriate. The ORO should demonstrate the capability to use any additional data to refine projected doses and exposure rates and revise the associated PARs.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Criterion 2.b.2: A decision-making process involving consideration of appropriate factors and necessary coordination is used to make protective action decisions (PAD) for the general public (including the recommendation for the use of KI, if ORO policy). (NUREG–0654, J.9, 10.m)

Extent of Play. Offsite Response Organizations (ORO) should have the capability to make both initial and subsequent PADs. They should demonstrate the capability to make initial PADs in a timely manner appropriate to the situation, based on notification from the licensee, assessment of plant status and releases, and PARs from the utility and ORO staff.

The dose assessment personnel may provide additional PARs based on the subsequent dose projections, field monitoring data, or information on plant conditions. The decision-makers should demonstrate the capability to change protective actions as appropriate based on these projections.

Where specified in the plan and/or procedures, responsible OROs should demonstrate the capability to make decisions on the distribution and administration of KI as a protective measure. This decision should be based on the ORO's plan and/or procedures or projected thyroid dose compared with the established PAG for KI administration. The KI decision-making process should involve close coordination with appropriate assessment and decision-making staff.

If more than one ORO is involved in decision-making, OROs should communicate and coordinate PADs with affected OROs. OROs should demonstrate the capability to communicate the contents of decisions to the affected jurisdictions.

All decision-making activities by ORO personnel must be performed based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 2.c—Protective Action Decisions Consideration for the Protection of Special Populations

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to determine protective action recommendations, including evacuation, sheltering and use of potassium iodide (KI), if applicable, for special population groups (e.g., hospitals, nursing homes, correctional facilities, schools, licensed day care centers, mobility impaired individuals, and transportation dependent individuals). Focus is on those special population groups that are (or potentially will be) affected by a radiological release from a nuclear power plant.

Criterion 2.c.1: Protective action decisions are made, as appropriate, for special population groups. (NUREG–0654, J.9, J.10.c, d, e, g)

Extent of Play. Usually, it is appropriate to implement evacuation in areas where doses are projected to exceed the lower end of the range of PAGs, except for situations where there is a high-risk environment or where high-risk groups (e.g., the immobile or infirm) are involved. In these cases, examples of factors that should be considered are: weather conditions, shelter availability, Evacuation Time Estimates, availability of transportation assets, risk of evacuation vs. risk from the avoided dose, and precautionary school evacuations. In situations where an institutionalized population cannot be evacuated, the administration of KI should be considered by the OROs.

All decision-making activities associated with protective actions, including consideration of available resources, for special population groups must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 2.d.—Radiological Assessment and Decision-Making for the Ingestion Exposure Pathway

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the means to assess the radiological consequences for the ingestion exposure pathway, relate them to the appropriate PAGs, and make timely, appropriate protective action decisions to mitigate exposure from the ingestion pathway.

During an accident at a nuclear power plant, a release of radioactive material may contaminate water supplies and agricultural products in the surrounding areas. Any such contamination would likely occur during the plume phase of the accident, and depending on the nature of the release could impact the ingestion pathway for weeks or years.

Criterion 2.d.1: Radiological consequences for the ingestion pathway are assessed and appropriate protective action decisions are made based on the ORO planning criteria. (NUREG–0654, I.8, 10; J.11)

Extent of Play. It is expected that the Offsite Response Organizations (ORO) will take precautionary actions to protect food and water supplies, or to minimize exposure to potentially contaminated water and food, in accordance with their respective plans and procedures. Often such precautionary actions are initiated by the OROs based on criteria related to the facility's emergency classification levels (ECL). Such actions may include recommendations to place milk animals on stored feed and to use protected water supplies.

The ORO should use its procedures (for example, development of a sampling plan) to assess the radiological consequences of a release on the food and water supplies. The ORO assessment should include the evaluation of the radiological analyses of representative samples of water, food, and other ingestible substances of local interest from potentially impacted areas, the characterization of the releases from the facility, and the extent of areas potentially impacted by the release. During this assessment, OROs should consider the use of agricultural and watershed data within the 50-mile EPZ. The radiological impacts on the food and water should then be compared to the appropriate ingestion PAGs contained in the ORO's plan and/or procedures. (The plan and/or procedures may contain PAGs based on specific dose commitment criteria or based on criteria as recommended by current Food and Drug Administration guidance.) Timely and appropriate recommendations should be provided to the ORO decision-makers group for implementation decisions. As time permits, the ORO may also include a comparison of taking or not taking a given action on the resultant ingestion pathway dose commitments.

The ORO should demonstrate timely decisions to minimize radiological impacts

from the ingestion pathway, based on the given assessments and other information available. Any such decisions should be communicated and to the extent practical, coordinated with neighboring and local OROs.

OROs should use Federal resources, as identified in the Federal Radiological Emergency Response Plan (FRERP), and other resources (e.g., compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 2.e.—Radiological Assessment and Decision-Making Concerning Relocation, Re-entry, and Return

Intent

The sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to make decisions on relocation, re-entry, and return of the general public. These decisions are essential for the protection of the public from the direct long-term exposure to deposited radioactive materials from a severe accident at a nuclear power plant.

Criterion 2.e.1: Timely relocation, re-entry, and return decisions are made and coordinated as appropriate, based on assessments of the radiological conditions and criteria in the ORO's plan and/or procedures. (NUREG–0654, A.1.b; I.10; M)

Extent of Play.

• *Relocation:* OROs should demonstrate the capability to estimate integrated dose in contaminated areas and to compare these estimates with PAGs, apply decision criteria for relocation of those individuals in the general public who have not been evacuated but where projected doses are in excess of relocation PAGs, and control access to evacuated and restricted areas. Decisions are made for relocating members of the evacuated public who lived in areas that now have residual radiation levels in excess of the PAGs. Determination of areas to be restricted should be based on factors such as the mix of radionuclides in deposited materials, calculated exposure rates vs. the PAGs, and field samples of vegetation and soil analyses.

• *Re-entry:* Decisions should be made regarding the location of control points and policies regarding access and exposure control for emergency workers and members of the general public who need to temporarily enter the evacuated area to perform specific tasks or missions.

Examples of control procedures are: the assignment of, or checking for, direct-reading and non direct-reading dosimeters for emergency workers; questions regarding the individual's objectives and locations expected to be visited and associated time frames; availability of maps and plots of radiation exposure rates; advice on areas to avoid; and procedures for exit including: monitoring of individuals, vehicles, and equipment; decision criteria regarding decontamination; and proper disposition of emergency worker dosimeters and maintenance of emergency worker radiation exposure records.

Responsible OROs should demonstrate the capability to develop a strategy for authorized re-entry of individuals into the restricted zone, based on established decision criteria. OROs should demonstrate the capability to modify those policies for security purposes (e.g., police patrols), for maintenance of essential services (e.g., fire protection and utilities), and for other critical functions. They should demonstrate the capability to use decision making criteria in allowing access to the restricted zone by the public for various reasons, such as to maintain property (e.g., to care for farm animals or secure machinery for storage), or to retrieve important possessions. Coordinated policies for access and exposure control should be developed among all agencies with roles to perform in the restricted zone. OROs should demonstrate the capability to establish policies for provision of dosimetry to all individuals allowed to re-enter the restricted zone. The extent that OROs need to develop policies on re-entry will be determined by scenario events.

• *Return:* Decisions are to be based on environmental data and political boundaries or physical/geological features, which allow identification of the boundaries of areas to which members of the general public may return. Return is permitted to the boundary of the restricted area that is based on the relocation PAG. Other factors that the ORO should consider are, for example: conditions that permit the cancellation of the emergency classification level and the relaxation of associated restrictive measures; basing return recommendations (i.e., permitting populations that were previously evacuated to reoccupy their homes and businesses on an unrestricted basis) on measurements of radiation from ground deposition; and the capability to identify services and facilities that require restoration within a few days and to identify the procedures and resources for their restoration. Examples of these services and facilities are: medical and social services, utilities, roads, schools, and intermediate term housing for relocated persons.

Evaluation Area 3—Protective Action Implementation

Sub-Element 3.a—Implementation of Emergency Worker Exposure Control

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to provide for the following: distribution, use, collection, and processing of direct-reading dosimeters and permanent record dosimeters; provide for direct-reading dosimeters to be read at appropriate frequencies by emergency workers; maintain a radiation dose record for each emergency worker; and provide for establishing a decision chain or authorization procedure for emergency workers to incur radiation exposures in excess of protective action guides, always applying the ALARA (As Low As is Reasonably Achievable) principle as appropriate.

Criterion 3.a.1: The OROs issue appropriate dosimetry and procedures, and manage radiological exposure to emergency workers in accordance with the plans and procedures. Emergency workers periodically and at the end of each mission read their dosimeters and record the readings on the appropriate exposure record or chart. (NUREG–0654, K.3)

Extent of Play. OROs should demonstrate the capability to provide appropriate direct-reading and permanent record dosimetry, dosimetry chargers, and instructions on the use of dosimetry to emergency workers. For evaluation purposes, appropriate direct-reading dosimetry is defined as dosimetry that allows individual(s) to read the administrative reporting limits (that are pre-established at a level low enough to consider subsequent calculation of Total Effective Dose Equivalent) and maximum exposure limits (for those emergency workers involved in life saving activities) contained in the OROs plans and procedures.

Each emergency worker should have the basic knowledge of radiation exposure limits as specified in the ORO's plan and/or procedures. Procedures to monitor and record dosimeter readings and to manage radiological exposure control should be demonstrated.

During a plume phase exercise, emergency workers should demonstrate the procedures to be followed when administrative exposure limits and turn-back values are reached. The emergency worker should report accumulated exposures during the exercise as indicated in the plans and procedures. OROs should demonstrate the actions described in the plan and/or procedures by determining whether to replace the worker, to authorize the worker to incur additional exposures or to take other actions. If scenario events do not require emergency workers to seek authorizations for additional exposure, evaluators should interview at least two emergency workers, to determine their knowledge of whom to contact in the event authorization is needed and at what exposure levels. Emergency workers may use any available resources (e.g., written procedures and/or co-workers) in providing responses.

Although it is desirable for all emergency workers to each have a direct-reading dosimeter, there may be situations where team members will be in close proximity to each other during the entire mission and adequate control of exposure can be effected for all members of the team by one dosimeter worn by the team leader. Emergency workers who are assigned to low exposure rate areas, e.g., at reception centers, counting laboratories, emergency operations centers, and communications centers, may have individual direct-reading dosimeters or they may be monitored by dosimeters strategically placed in the work area. It should be noted that, even in these situations, each team member must still have their own permanent record dosimeter. Individuals without specific radiological response missions, such as farmers for animal care, essential utility service personnel, or other members of the public who must re-enter an evacuated area following or during the plume passage, should be limited to the lowest radiological

exposure commensurate with completing their missions.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 3.b—Implementation of KI Decision

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to provide radioprotective drugs for emergency workers, institutionalized individuals, and, if in the plan and/or procedures, to the general public for whom immediate evacuation may not be feasible, very difficult, or significantly delayed. While it is necessary for OROs to have the capability to provide KI to emergency workers and institutionalized individuals, the provision of KI to the general public is an ORO option and is reflected in ORO's plans and procedures. Provisions should include the availability of adequate quantities, storage, and means of the distribution of radioprotective drugs.

Criterion 3.b.1: KI and appropriate instructions are available should a decision to recommend use of KI be made. Appropriate record keeping of the administration of KI for emergency workers and institutionalized individuals (not the general public) is maintained. (NUREG–0654, E. 7, J. 10. e, f)

Extent of Play. Offsite Response Organizations (ORO) should demonstrate the capability to make KI available to emergency workers, institutionalized individuals, and, where provided for in the ORO plan and/or procedures, to members of the general public. OROs should demonstrate the capability to accomplish distribution of KI consistent with decisions made. Organizations should have the capability to develop and maintain lists of emergency workers and institutionalized individuals who have ingested KI, including documentation of the date(s) and time(s) they were instructed to ingest KI. The ingestion of KI recommended by the designated ORO health official is voluntary. For evaluation purposes, the actual ingestion of KI is not necessary. OROs should demonstrate the capability to formulate and disseminate appropriate instructions on the use of KI for those advised to take it. If a recommendation is made for the general public to take KI, appropriate information should be provided to the public by the means of notification specified in the ORO's plan and/or procedures.

Emergency workers should demonstrate the basic knowledge of procedures for the use of KI whether or not the scenario drives the use of KI. This can be accomplished by an interview with the evaluator.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 3.c—Implementation of Protective Actions for Special Populations

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to implement protective action decisions, including evacuation and/or sheltering, for all special populations. Focus is on those special populations that are (or potentially will be) affected by a radiological release from a nuclear power plant.

Criterion 3.c.1: Protective action decisions are implemented for special populations other than schools within areas subject to protective actions. (NUREG–0654, E.7; J.9, 10.c, d, e, g)

Extent of Play. Applicable OROs should demonstrate the capability to alert and notify (e.g., provide protective action recommendations and emergency information and instructions) special populations (hospitals, nursing homes, correctional facilities, mobility impaired individuals, transportation dependent, etc.). OROs should demonstrate the capability to provide for the needs of special populations in accordance with the ORO's plans and procedures.

Contact with special populations and reception facilities may be actual or simulated, as agreed to in the Extent of Play. At least ⅓ of transportation providers (including special resources for disabled individuals) must be actually contacted during each exercise. All actual and simulated contacts should be logged.

All implementing activities associated with protective actions for special populations must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Criterion 3.c.2: OROs/School officials decide upon and implement protective actions for schools. (NUREG–0654, J.10.c, d, g)

Extent of Play. Applicable OROs should demonstrate the capability to alert and notify all public schools, licensed day care centers, and participating private schools within the emergency planning zone of emergency conditions that are expected to or may necessitate protective actions for students.

In accordance with plans and/or procedures, OROs and/or officials of participating public and private schools and licensed day care centers should demonstrate the capability to make and implement prompt decisions on protective actions for students. Officials should demonstrate that the decision making process for protective actions considers (e.g., either accepts automatically or gives heavy weight to) protective action recommendations made by ORO personnel, the ECL at which these recommendations are received, preplanned strategies for protective actions for that ECL, and the location of students at the time (e.g., whether the students are still at home, en route to the school, or at the school).

Implementation of protective actions should be completed subject to the following provisions: At least one school in each affected school system or district, as appropriate, needs to demonstrate the implementation of protective actions. The implementation of canceling the school day, dismissing early, or sheltering should be simulated by describing to evaluators the procedures that would be followed. If evacuation is the implemented protective action, all activities to coordinate and complete the evacuation of students to reception centers, congregate care centers, or host schools may actually be demonstrated or accomplished through an interview process. If accomplished through an interview process, appropriate school personnel including decision making officials (e.g., superintendent/principal, transportation director/bus dispatcher), and at least one bus driver should be available to demonstrate knowledge of their role(s) in the evacuation of school children. Communications capabilities between school officials and the buses, if required by the plan and/or procedures, should be verified.

Officials of the participating school(s) or school system(s) should demonstrate the capability to develop and provide timely information to OROs for use in messages to parents, the general public, and the media on the status of protective actions for schools.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless specified above or indicated in the extent of play agreement.

Sub-Element 3.d.—Implementation of Traffic and Access Control

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement protective action plans, including relocation and restriction of access to evacuated/sheltered areas. This sub-element focuses on selecting, establishing, and staffing of traffic and access control points and removal of impediments to the flow of evacuation traffic.

Criterion 3.d.1: Appropriate traffic and access control is established. Accurate instructions are provided to traffic and access control personnel. (NUREG–0654, J.10.g, j, k)

Extent of Play. OROs should demonstrate the capability to select, establish, and staff appropriate traffic and access control points, consistent with protective action decisions (for example, evacuating,sheltering, and relocation), in a timely manner. OROs should demonstrate the capability to provide instructions to traffic and access control staff on actions to take when modifications in protective action strategies necessitate changes in evacuation patterns or in the area(s) where access is controlled.

Traffic and access control staff should demonstrate accurate knowledge of their roles and responsibilities. This capability may be demonstrated by actual deployment or by interview in accordance with the extent of play agreement.

In instances where OROs lack authority necessary to control access by certain types of traffic (rail, water, and air traffic), they should demonstrate the capability to contact the State or Federal agencies with authority to control access.

All activities must be based on the ORO's plans and procedures and completed as they

would be in an actual emergency, unless specified above or indicated in the extent of play agreement.

Criterion 3.d.2: Impediments to evacuation are identified and resolved. (NUREG–0654, J.10.k)

Extent of Play. OROs should demonstrate the capability, as required by the scenario, to identify and take appropriate actions concerning impediments to evacuation. Actual dispatch of resources to deal with impediments, such as wreckers, need not be demonstrated; however, all contacts, actual or simulated, should be logged.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless specified above or indicated in the extent of play agreement.

Sub-Element 3.e—Implementation of Ingestion Pathway Decisions

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to implement protective actions, based on criteria recommended by current Food and Drug Administration guidance, for the ingestion pathway zone (IPZ), the area within an approximate 50-mile radius of the nuclear power plant. This sub-element focuses on those actions required for implementation of protective actions.

Criterion 3.e.1: The ORO demonstrates the availability and appropriate use of adequate information regarding water, food supplies, milk, and agricultural production within the ingestion exposure pathway emergency planning zone for implementation of protective actions. NUREG–0654, J.9, 11)

Extent of Play. Applicable OROs should demonstrate the capability to secure and utilize current information on the locations of dairy farms, meat and poultry producers, fisheries, fruit growers, vegetable growers, grain producers, food processing plants, and water supply intake points to implement protective actions within the ingestion pathway EPZ. OROs should use Federal resources as identified in the FRERP, and other resources (e.g., compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Criterion 3.e.2: Appropriate measures, strategies, and pre-printed instructional material are developed for implementing protective action decisions for contaminated water, food products, milk, and agricultural production. (NUREG–0654, E.5, 7; J.9, 11)

Extent of Play. Development of measures and strategies for implementation of IPZ protective actions should be demonstrated during exercise play by formulation of protective action information for the general public and food producers and processors. This includes the capability for the rapid reproduction and distribution of appropriate pre-printed information and instructions to pre-determined individuals and businesses. OROs should demonstrate the capability to control, restrict or prevent distribution of contaminated food by commercial sectors. Exercise play should include demonstration of communications and coordination between organizations to implement protective actions. However, actual field play of implementation activities may be simulated. For example, communications and coordination with agencies responsible for enforcing food controls within the IPZ should be demonstrated, but actual communications with food producers and processors may be simulated.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-element 3.f—Implementation of Relocation, Re-entry, and Return Decisions

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should demonstrate the capability to implement plans, procedures, and decisions for relocation, re-entry, and return. Implementation of these decisions is essential for the protection of the public from the direct long-term exposure to deposited radioactive materials from a severe accident at a commercial nuclear power plant.

Criterion 3.f.1: Decisions regarding controlled re-entry of emergency workers and relocation and return of the public are coordinated with appropriate organizations and implemented. (NUREG–0654, M.1, 3)

Extent of Play.

- *Relocation:* OROs should demonstrate the capability to coordinate and implement decisions concerning relocation of individuals, not previously evacuated, to an area where radiological contamination will not expose the general public to doses that exceed the relocation PAGs. OROs should also demonstrate the capability to provide for short-term or long-term relocation of evacuees who lived in areas that have residual radiation levels above the PAGs.

Areas of consideration should include the capability to communicate with OROs regarding timing of actions, notification of the population of the procedures for relocation, and the notification of, and advice for, evacuated individuals who will be converted to relocation status in situations where they will not be able to return to their homes due to high levels of contamination. OROs should also demonstrate the capability to communicate instructions to the public regarding relocation decisions.

- *Re-entry:* OROs should demonstrate the capability to control re-entry and exit of individuals who need to temporarily re-enter the restricted area, to protect them from unnecessary radiation exposure and for exit of vehicles and other equipment to control the spread of contamination outside the restricted area. Monitoring and decontamination facilities will be established as appropriate.

Examples of control procedure subjects are: (1) The assignment of, or checking for, direct-reading and non-direct-reading dosimeters for emergency workers; (2) questions regarding the individuals' objectives and locations expected to be visited and associated timeframes; (3) maps and plots of radiation exposure rates; (4) advice on areas to avoid; and procedures for exit, including monitoring of individuals, vehicles, and equipment, decision criteria regarding contamination, proper disposition of emergency worker dosimeters, and maintenance of emergency worker radiation exposure records.

- *Return:* OROs should demonstrate the capability to implement policies concerning return of members of the public to areas that were evacuated during the plume phase. OROs should demonstrate the capability to identify and prioritize services and facilities that require restoration within a few days, and to identify the procedures and resources for their restoration. Examples of these services and facilities are medical and social services, utilities, roads, schools, and intermediate term housing for relocated persons.

Communications among OROs for relocation, re-entry, and return may be simulated; however all simulated or actual contacts should be documented. These discussions may be accomplished in a group setting.

OROs should use Federal resources as identified in the FRERP, and other resources (e.g., compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Evaluation Area 4—Field Measurement And Analysis

Sub-Element 4.a—Plume Phase Field Measurements and Analyses

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to deploy field teams with the equipment, methods, and expertise necessary to determine the location of airborne radiation and particulate deposition on the ground from an airborne plume. In addition, NUREG–0654 indicates that OROs should have the capability to use field teams within the plume emergency planning zone to measure airborne radioiodine in the presence of noble gases and to measure radioactive particulate material in the airborne plume. In the event of an accident at a nuclear power plant, the possible release of radioactive material may pose a risk to the nearby population and environment. Although accident assessment methods are available to project the extent and magnitude of a release, these methods are subject to large uncertainties. During an accident, it is important to collect field radiological data in order to help characterize any radiological release. This does not imply that plume exposure projections should be made from

the field data. Adequate equipment and procedures are essential to such field measurement efforts.

Criterion 4.a.1: The field teams are equipped to perform field measurements of direct radiation exposure (cloud and ground shine) and to sample airborne radioiodine and particulates. (NUREG–0654, H.10; I.7, 8, 9, 11)

Extent of Play. Field teams should be equipped with all instrumentation and supplies necessary to accomplish their mission. This should include instruments capable of measuring gamma exposure rates and detecting the presence of beta radiation. These instruments should be capable of measuring a range of activity and exposure consistent with the intended use of the instrument and the ORO's plans and procedures, including radiological protection/exposure control of team members and detection of activity on the air sample collection media. An appropriate radioactive check source should be used to verify proper operational response for each low range radiation measurement instrument (less than 1 R/hr) and for high range instruments when available. If a source is not available for a high range instrument, a procedure should exist to operationally test the instrument before entering an area where only a high range instrument can make useful readings. All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Criterion 4.a.2: Field teams are managed to obtain sufficient information to help characterize the release and to control radiation exposure. (NUREG–0654, H.12; I.8, 11; J.10.a)

Extent of Play. Responsible Offsite Response Organizations (ORO) should demonstrate the capability to brief teams on predicted plume location and direction, travel speed, and exposure control procedures before deployment.

Field measurements are needed to help characterize the release and to support the adequacy of implemented protective actions or to be a factor in modifying protective actions. Teams should be directed to take measurements in such locations, at such times to provide information sufficient to characterize the plume and impacts.

If the responsibility to obtain peak measurements in the plume has been accepted by licensee field monitoring teams, with concurrence from OROs, there is no requirement for these measurements to be repeated by State and local monitoring teams. The sharing and coordination of plume measurement information among all field teams (licensee, Federal, and ORO) is essential. Coordination concerning transfer of samples, including a chain-of-custody form, to a radiological laboratory should be demonstrated. OROs should use Federal resources as identified in the Federal Radiological Emergency Response Plan (FRERP), and other resources (e.g., compacts, utility, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Criterion 4.a.3: Ambient radiation measurements are made and recorded at appropriate locations, and radioiodine and particulate samples are collected. Teams will move to an appropriate low background location to determine whether any significant (as specified in the plan and/or procedures) amount of radioactivity has been collected on the sampling media. (NUREG–0654, I.7, 8, 9, 11)

Extent of Play. Field teams should demonstrate the capability to report measurements and field data pertaining to the measurement of airborne radioiodine and particulates and ambient radiation to the field team coordinator, dose assessment, or other appropriate authority. If samples have radioactivity significantly above background, the appropriate authority should consider the need for expedited laboratory analyses of these samples. Offsite Response Organizations (ORO) should share data in a timely manner with all appropriate OROs. All methodology, including contamination control, instrumentation, preparation of samples, and a chain-of-custody form for transfer to a laboratory, will be in accordance with the ORO plan and/or procedures. OROs should use Federal resources as identified in the FRERP, and other resources (e.g., compacts, utility, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 4.b—Post Plume Phase Field Measurements and Sampling

Intent

This sub-element is derived from NUREG–0654, which provides that OROs should have the capability to assess the actual or potential magnitude and locations of radiological hazards in the ingestion pathway zone (IPZ) and for relocation, re-entry and return measures. This sub-element focuses on the collection of environmental samples for laboratory analyses that are essential for decisions on protection of the public from contaminated food and water and direct radiation from deposited materials.

Criterion 4.b.1: The field teams demonstrate the capability to make appropriate measurements and to collect appropriate samples (e.g., food crops, milk, water, vegetation, and soil) to support adequate assessments and protective action decision-making. (NUREG–0654, H.12; I.8; J.10.a, 11)

Extent of Play. The Offsite Response Organizations (ORO) field teams should demonstrate the capability to take measurements and samples, at such times and locations as directed, to enable an adequate assessment of the ingestion pathway and to support re-entry, relocation, and return decisions. When resources are available, the use of aerial surveys and in-situ gamma measurement is appropriate. All methodology, including contamination control, instrumentation, preparation of samples, and a chain-of-custody form for transfer to a laboratory, will be in accordance with the ORO plan and/or procedures.

Ingestion pathway samples should be secured from agricultural products and water. Samples in support of relocation and return should be secured from soil, vegetation, and other surfaces in areas that received radioactive ground deposition. OROs should use Federal resources as identified in the FRERP, and other resources (e.g., compacts, utility, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 4.c—Laboratory Operations

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to perform laboratory analyses of radioactivity in air, liquid, and environmental samples to support protective action decision-making.

Criterion 4.c.1: The laboratory is capable of performing required radiological analyses to support protective action decisions. (NUREG–0654, C.3; I.8, 9; J.11)

Extent of Play. The laboratory staff should demonstrate the capability to follow appropriate procedures for receiving samples, including logging of information, preventing contamination of the laboratory, preventing buildup of background radiation due to stored samples, preventing cross contamination of samples, preserving samples that may spoil (e.g., milk), and keeping track of sample identity. In addition, the laboratory staff should demonstrate the capability to prepare samples for conducting measurements.

The laboratory should be appropriately equipped to provide analyses of media, as requested, on a timely basis, of sufficient quality and sensitivity to support assessments and decisions as anticipated by the ORO's plans and procedures. The laboratory (laboratories) instrument calibrations should be traceable to standards provided by the National Institute of Standards and Technology. Laboratory methods used to analyze typical radionuclides released in a reactor incident should be as described in the plans and procedures. New or revised methods may be used to analyze atypical radionuclide releases (e.g., transuranics or as a result of a terrorist event) or if warranted by circumstances of the event. Analysis may require resources beyond those of the ORO.

The laboratory staff should be qualified in radioanalytical techniques and contamination control procedures.

OROs should use Federal resources as identified in the FRERP, and other resources

(*e.g.,* compacts, utility, nuclear insurers, *etc.*), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Evaluation Area 5—Emergency Notification and Public Information

Sub-Element 5.a—Activation of the Prompt Alert and Notification System

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to provide prompt instructions to the public within the plume pathway EPZ. Specific provisions addressed in this sub-element are derived from the Nuclear Regulatory Commission (NRC) regulations (10 CFR Part 50, Appendix E.IV.D.), and FEMA-REP–10, ''Guide for the Evaluation of Alert and Notification systems for Nuclear Power Plants.''

Criterion 5.a.1: Activities associated with primary alerting and notification of the public are completed in a timely manner following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. The initial instructional message to the public must include as a minimum the elements required by current FEMA REP guidance. (10 CFR Part 50, Appendix E.IV.D and NUREG–0654, E. 1, 4, 5, 6, 7)

Extent of Play. Responsible Offsite Response Organizations (ORO) should demonstrate the capability to sequentially provide an alert signal followed by an initial instructional message to populated areas (permanent resident and transient) throughout the 10-mile plume pathway EPZ. Following the decision to activate the alert and notification system, in accordance with the ORO's plan and/or procedures, completion of system activation should be accomplished in a timely manner (will not be subject to specific time requirements) for primary alerting/notification. The initial message should include the elements required by current FEMA REP guidance.

For exercise purposes, timely is defined as ''the responsible ORO personnel/representatives demonstrate actions to disseminate the appropriate information/instructions with a sense of urgency and without undue delay.'' If message dissemination is to be identified as not having been accomplished in a timely manner, the evaluator(s) will document a specific delay or cause as to why a message was not considered timely.

Procedures to broadcast the message should be fully demonstrated as they would in an actual emergency up to the point of transmission. Broadcast of the message(s) or test messages *is not* required. The alert signal activation may be simulated. However, the procedures should be demonstrated up to the point of actual activation. The capability of the primary notification system to broadcast an instructional message on a 24-hour basis should be verified during an interview with appropriate personnel from the primary notification system.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, except as noted above or otherwise indicated in the extent of play agreement.

Criterion 5.a.2: After the State and local governmental agency (agencies) point of contact is notified by the licensee of the situation requiring urgent action, activities associated with primary alerting and notification of the public in the event of an emergency situation requiring urgent action (a fast-breaking situation) are completed in one of the two following ways:

(1) The State and local governmental agency (agencies) point of contact has 15 minutes from verified notification by the licensee in which to complete primary alerting and notification of the public. In addition, the initial point of contact must demonstrate the capability to contact, in a timely manner, an authorized offsite decision-maker relative to the nature and severity of the event, in accordance with plans and procedures.

(2) The State and local governmental agency (agencies) point of contact promptly (in a timely manner) notifies State and local official(s) of the situation requiring urgent action, who then have 15 minutes in which to complete primary alerting and notification of the public.

The initial instructional message to the public must include the elements required by current FEMA REP guidance. (10 CFR Part 50, Appendix E.IV.D and NUREG–0654, E. 1, 3, 5, 6, 7)

Extent of Play. The ORO's capability to meet this criterion must be evaluated at least once every six years during a fast breaker drill. The ORO's established fast-breaking incident procedures will be evaluated. When the ORO's point of contact is notified by the licensee of an emergency situation requiring urgent action, the applicable ORO should demonstrate the capability to sequentially provide an alert signal followed by an initial instructional message to populated areas (permanent resident and transient) throughout the 10-mile plume pathway EPZ in one of the following two ways:

(1) The State and local governmental agency (agencies) point of contact demonstrates the capability to sequentially provide an alert signal followed by an initial instructional message to populated areas (permanent resident and transient) throughout the 10-mile plume pathway EPZ within 15 minutes of verified notification from the utility that a situation exists requiring urgent action. The initial instructional message should include the elements required by current FEMA REP guidance. The ''clock'' will start when the transmission of an initial notification of a General Emergency and a protective action recommendation from the utility is completed and verified. Within 15 minutes, actual contact of the primary notification system facility (facilities) and dissemination of the initial message to the public should be demonstrated; this is when the ''clock'' will stop.

Broadcast of the message may be simulated; however, once again, all activities leading to that point should be demonstrated. In addition, the ORO(s) should demonstrate the capability to contact, in a timely manner, an authorized offsite decision-maker relative to the nature and severity of the event, in accordance with plans and procedures. This contact may occur either prior to, or immediately subsequent to, activation of the primary alerting and notification system. Although it must be accomplished in a timely manner, contact of the decision-maker does not have to be completed within the 15-minute timeframe discussed above. The drill will be terminated when the alert signal activation (simulated) is initiated, the broadcast (simulated) is initiated by the primary notification system facility (facilities), and an authorized offsite decision-maker has been contacted.

(2) The State and local governmental agency (agencies) point of contact demonstrates the capability to promptly (in a timely manner) notify State and local official(s) of the situation requiring urgent action, who then must sequentially provide an alert signal followed by an initial instructional message to populated areas (permanent resident and transient) throughout the 10-mile plume pathway EPZ within 15 minutes of notification by the point of contact. The initial instructional message should include the elements required by current FEMA REP guidance. The ''clock'' will start when the transmission of an initial notification of a situation requiring urgent action is received by the State and local governmental official(s). Within 15 minutes, actual contact of the primary notification system facility (facilities) and dissemination of the initial message to the public should be demonstrated; this is when the ''clock'' will stop. Broadcast of the message may be simulated; however, once again, all activities leading to that point should be demonstrated. The drill will be terminated when the alert signal activation (simulated) is initiated and the broadcast (simulated) is initiated by the primary notification system facility (facilities).

The drill will be scheduled to be conducted ''Unannounced'' within a one-week window. The evaluators and controllers for each jurisdiction will be briefed in detail concerning the extent of play and timing of the drill. Evaluators and controllers will be stationed at each location where actions will be initiated, where alert signals are controlled, and at the applicable primary notification system facility (facilities). The actual activation of the alert signal may be simulated; however, all activities leading up to activation should be demonstrated and should be completed within the 15-minute time frame. It should be noted that coordination among OROs is normally desirable; however, in the event of a fast breaker situation this coordination is not necessary prior to activation of the primary alert and notification sequence.

All activities for this criterion must be based on the ORO's plans and procedures

and completed as they would be in an actual emergency, except as noted above or otherwise indicated in the extent of play agreement.

Criterion 5.a.3: Activities associated with FEMA approved exception areas (where applicable) are completed within 45 minutes following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. Backup alert and notification of the public is completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system. (NUREG–0654, E. 6, Appendix 3.B.2.c)

Extent of Play. Offsite Response Organizations (ORO) with FEMA-approved exception areas (identified in the approved Alert and Notification System Design Report) 5–10 miles from the nuclear power plant should demonstrate the capability to accomplish primary alerting and notification of the exception area(s) within 45 minutes following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. The 45-minute clock will begin when the OROs make the decision to activate the alert and notification system for the first time for a specific emergency situation. The initial message should, at a minimum, include: a statement that an emergency exists at the plant and where to obtain additional information.

For exception area alerting, at least one route needs to be demonstrated and evaluated. The selected routes should vary from exercise to exercise. However, the most difficult route should be demonstrated at least once every six years. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the mobile public address system will be conducted at some agreed upon location.

Backup alert and notification of the public should be completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system. Backup route alerting needs only be demonstrated and evaluated, in accordance with the ORO's plan and/or procedures and the extent of play agreement, if the exercise scenario calls for failure of any portion of the primary system(s), or if any portion of the primary system(s) actually fails to function. If demonstrated, only one route needs to be selected and demonstrated. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the Public Address system will be conducted at some agreed upon location.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, except as noted above or otherwise indicated in the extent of play agreement.

Sub-Element 5.b—Emergency Information and Instructions for the Public and the Media

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to disseminate to the public appropriate emergency information and instructions including any recommended protective actions. In addition, NUREG–0654 provides that OROs should ensure the capability exists for providing information to the media. This includes the availability of a physical location for use by the media during an emergency. NUREG–0654 also provides that a system be available for dealing with rumors.

Criterion 5.b.1: OROs provide accurate emergency information and instructions to the public and the news media in a timely manner. (NUREG–0654, E. 5, 7; G.3.a, G.4.a, b, c)

Extent of Play. Subsequent emergency information and instructions should be provided to the public and the media in a timely manner (will not be subject to specific time requirements). For exercise purposes, timely is defined as ''the responsible ORO personnel/representatives demonstrate actions to disseminate the appropriate information/instructions with a sense of urgency and without undue delay.'' If message dissemination is to be identified as not having been accomplished in a timely manner, the evaluator(s) will document a specific delay or cause as to why a message was not considered timely.

The Offsite Response Organizations (ORO) should ensure that emergency information and instructions are consistent with protective action decisions made by appropriate officials. The emergency information should contain all necessary and applicable instructions to assist the public in carrying out protective action decisions provided to them (e.g., evacuation instructions, evacuation routes, reception center locations, what to take when evacuating, information concerning pets, shelter-in-place instructions, information concerning protective actions for schools and special populations, rumor control telephone number, etc.). The ORO should also be prepared to disclose and explain the emergency classification level (ECL) of the incident. As a minimum, this must be included in media briefings and/or press releases. OROs should demonstrate the capability to use language that is clear and understandable to the public, including tribes, within both the plume and ingestion pathway EPZs. This includes demonstration of the capability to use familiar landmarks and boundaries to describe protective action areas.

The emergency information should be all-inclusive by including previously identified protective action areas that are still valid as well as new areas. The OROs should demonstrate the capability to ensure that emergency information that is no longer valid is rescinded and not repeated by broadcast media. In addition, the OROs should demonstrate the capability to ensure that current emergency information is repeated at pre-established intervals in accordance with the plan and/or procedures.

OROs should demonstrate the capability to develop emergency information in a non-English language when required by the plan and/or procedures.

If ingestion pathway measures are exercised, OROs should demonstrate that a system exists for rapid dissemination of ingestion pathway information to pre-determined individuals and businesses in accordance with the ORO's plan and/or procedures.

OROs should demonstrate the capability to provide timely, accurate, concise, and coordinated information to the news media for subsequent dissemination to the public. This would include demonstration of the capability to conduct timely and pertinent media briefings and distribute press releases as the situation warrants. The OROs should demonstrate the capability to respond appropriately to inquiries from the news media. All information presented in media briefings and press releases should be consistent with protective action decisions and other emergency information provided to the public. Copies of pertinent emergency information (e.g., EAS messages and press releases) and media information kits should be available for dissemination to the media.

OROs should demonstrate that an effective system is in place for dealing with rumors. Rumor control staff should demonstrate the capability to provide or obtain accurate information for callers or refer them to an appropriate information source. Information from the rumor control staff, including information that corrects false or inaccurate information when trends are noted, should be included, as appropriate, in emergency information provided to the public, media briefings, and/or press releases.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Evaluation Area 6—Support Operation/ Facilities

Sub-Element 6.a—Monitoring and Decontamination of Evacuees and Emergency Workers, and Registration of Evacuees

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement radiological monitoring and decontamination of evacuees and emergency workers, while minimizing contamination of the facility, and registration of evacuees at reception centers.

Criterion 6.a.1: The reception center/ emergency worker facility has appropriate space, adequate resources, and trained personnel to provide monitoring, decontamination, and registration of evacuees and/or emergency workers. (NUREG–0654, J.10.h; J.12; K.5.b)

Extent of Play. Radiological monitoring, decontamination, and registration facilities for evacuees/ emergency workers should be set up and demonstrated as they would be in an actual emergency or as indicated in the

extent of play agreement. This would include adequate space for evacuees' vehicles. Expected demonstration should include 1/3 of the monitoring teams/portal monitors required to monitor 20% of the population allocated to the facility within 12 hours. Prior to using monitoring instrument(s), the monitor(s) should demonstrate the process of checking the instrument(s) for proper operation.

Staff responsible for the radiological monitoring of evacuees should demonstrate the capability to attain and sustain a monitoring productivity rate per hour needed to monitor the emergency planning zone (EPZ) population planning base within about 12 hours. This monitoring productivity rate per hour is the number of evacuees that can be monitored per hour by the total complement of monitors using an appropriate monitoring procedure. A minimum of six individuals per monitoring station should be monitored, using equipment and procedures specified in the plan and/or procedures, to allow demonstration of monitoring, decontamination, and registration capabilities. The monitoring sequences for the first six simulated evacuees per monitoring team will be timed by the evaluators in order to determine whether the twelve-hour requirement can be met. Monitoring of emergency workers does not have to meet the twelve-hour requirement. However, appropriate monitoring procedures should be demonstrated for a minimum of two emergency workers.

Decontamination of evacuees/emergency workers may be simulated and conducted by interview. The availability of provisions for separately showering should be demonstrated or explained. The staff should demonstrate provisions for limiting the spread of contamination. Provisions could include floor coverings, signs and appropriate means (e.g., partitions, roped-off areas) to separate clean from potentially contaminated areas. Provisions should also exist to separate contaminated and uncontaminated individuals, provide changes of clothing for individuals whose clothing is contaminated, and store contaminated clothing and personal belongings to prevent further contamination of evacuees or facilities. In addition, for any individual found to be contaminated, procedures should be discussed concerning the handling of potential contamination of vehicles and personal belongings.

Monitoring personnel should explain the use of action levels for determining the need for decontamination. They should also explain the procedures for referring evacuees who cannot be adequately decontaminated for assessment and follow up in accordance with the ORO's plans and procedures. Contamination of the individual will be determined by controller inject and not simulated with any low-level radiation source.

The capability to register individuals upon completion of the monitoring and decontamination activities should be demonstrated. The registration activities demonstrated should include the establishment of a registration record for each individual, consisting of the individual's name, address, results of monitoring, and time of decontamination, if any, or as otherwise designated in the plan. Audio recorders, camcorders, or written records are all acceptable means for registration.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 6.b—Monitoring and Decontamination of Emergency Worker Equipment

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement radiological monitoring and decontamination of emergency worker equipment, including vehicles.

Criterion 6.b.1: The facility/ORO has adequate procedures and resources for the accomplishment of monitoring and decontamination of emergency worker equipment, including vehicles. (NUREG–0654, K.5.b)

Extent of Play. The monitoring staff should demonstrate the capability to monitor equipment, including vehicles, for contamination in accordance with the Offsite Response Organizations (ORO) plans and procedures. Specific attention should be given to equipment, including vehicles, that was in contact with individuals found to be contaminated. The monitoring staff should demonstrate the capability to make decisions on the need for decontamination of equipment including vehicles based on guidance levels and procedures stated in the plan and/or procedures.

The area to be used for monitoring and decontamination should be set up as it would be in an actual emergency with all route markings, instrumentation, record keeping and contamination control measures in place. Monitoring procedures should be demonstrated for a minimum of one vehicle. It is generally not necessary to monitor the entire surface of vehicles. However, the capability to monitor areas such as air intake systems, air filters, radiator grills, bumpers, wheel wells and tires of vehicles, and door handles, as a minimum, should be demonstrated. Interior surfaces of vehicles that were in contact with individuals found to be contaminated should also be checked.

Decontamination capabilities, and provisions for vehicles and equipment that cannot be decontaminated, may be simulated and conducted by interview.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 6.c—Temporary Care of Evacuees

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) demonstrate the capability to establish relocation centers in host areas. Congregate care is normally provided in support of OROs by the American Red Cross (ARC) under existing letters of agreement.

Criterion 6.c.1: Managers of congregate care facilities demonstrate that the centers have resources to provide services and accommodations consistent with American Red Cross planning guidelines. (Found in MASS CARE—Preparedness Operations, ARC 3031) Managers demonstrate the procedures to assure that evacuees have been monitored for contamination and have been decontaminated as appropriate prior to entering congregate care facilities. (NUREG–0654, J.10.h, J.12)

Extent of Play. Under this criterion, demonstration of congregate care centers may be conducted out of sequence with the exercise scenario. The evaluator should conduct a walk-through of the center to determine, through observation and inquiries, that the services and accommodations are consistent with ARC 3031. In this simulation, it is not necessary to set up operations as they would be in an actual emergency. Alternatively, capabilities may be demonstrated by setting up stations for various services and providing those services to simulated evacuees. Given the substantial differences between demonstration and simulation of this objective, exercise demonstration expectations should be clearly specified in extent-of-play agreements.

Congregate care staff should also demonstrate the capability to ensure that evacuees have been monitored for contamination, have been decontaminated as appropriate, and have been registered before entering the facility. This capability may be determined through an interview process.

If operations at the center are demonstrated, material that would be difficult or expensive to transport (e.g., cots, blankets, sundries, and large-scale food supplies) need not be physically available at the facility (facilities). However, availability of such items should be verified by providing the evaluator a list of sources with locations and estimates of quantities.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 6.d—Transportation and Treatment of Contaminated Injured Individuals

Intent

This sub-element is derived from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to transport contaminated injured individuals to medical facilities with the capability to provide medical services.

Criterion 6.d.1: The facility/ORO has the appropriate space, adequate resources, and trained personnel to provide transport, monitoring, decontamination, and medical services to contaminated injured individuals. (NUREG–0654, F.2; H.10; K.5.a, b; L.1, 4)

Extent of Play. Monitoring, decontamination, and contamination control

efforts will not delay urgent medical care for the victim.

Offsite Response Organizations (ORO) should demonstrate the capability to transport contaminated injured individuals to medical facilities. An ambulance should be used for the response to the victim. However, to avoid taking an ambulance out of service for an extended time, any vehicle (e.g., car, truck, or van) may be utilized to transport the victim to the medical facility. Normal communications between the ambulance/dispatcher and the receiving medical facility should be demonstrated. If a substitute vehicle is used for transport to the medical facility, this communication must occur prior to releasing the ambulance from the drill. This communication would include reporting radiation monitoring results, if available. Additionally, the ambulance crew should demonstrate, by interview, knowledge of where the ambulance and crew would be monitored and decontaminated, if required, or whom to contact for such information.

Monitoring of the victim may be performed prior to transport, done enroute, or deferred to the medical facility. Prior to using a monitoring instrument(s), the monitor(s) should demonstrate the process of checking the instrument(s) for proper operation. All monitoring activities should be completed as they would be in an actual emergency. Appropriate contamination control measures should be demonstrated prior to and during transport and at the receiving medical facility.

The medical facility should demonstrate the capability to activate and set up a radiological emergency area for treatment. Equipment and supplies should be available for the treatment of contaminated injured individuals.

The medical facility should demonstrate the capability to make decisions on the need for decontamination of the individual, to follow appropriate decontamination procedures, and to maintain records of all survey measurements and samples taken. All procedures for the collection and analysis of samples and the decontamination of the individual should be demonstrated or described to the evaluator.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Dated: June 5, 2001.

Archibald C. Reid III,

Acting Executive Associate Director, Preparedness, Training & Exercises Directorate.

[FR Doc. 01–14637 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–06–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness: Alert and Notification

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: FEMA is considering whether it should continue to require State and local emergency management agencies to characterize and to identify the appropriate Emergency Classification Level (ECL) when initially notifying the public of incidents at nuclear power plants. We also are considering whether to leave to the discretion of State and local emergency management agencies what, if anything, to say about protective action recommendations. We invite your views on these issues and on any other concerns that you may have about the content of initial notification messages.

DATES: Please submit your comments on or before August 10, 2001.

ADDRESSES: Please submit your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, or send them by e-mail to *rules@fema.gov.* Please refer to the ''REP Alert and Notification Notice'' in the subject line of your e-mail or comment letter.

FOR FURTHER INFORMATION CONTACT: Vanessa Quinn, Chief, Radiological Emergency Preparedness Branch, Chemical and Radiological Preparedness Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; (202) 646–3664, or (e-mail) *vanessa.quinn@fema.gov,* or Nathan S. Bergerbest, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington DC 20472, (202) 646–2685, or (e-mail) *nathan.bergerbest@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA), through its Radiological Emergency Preparedness program (REP), reviews the emergency response plans of Offsite Response Organizations (OROs), which are the State and local emergency management agencies responsible for responding to incidents involving nuclear power plant. FEMA also conducts exercises to test the capability of OROs to perform in accordance with the provisions of their plans. These activities are undertaken pursuant to FEMA regulations, which appear in Part 350 of Title 44 of the Code of Federal Regulations and a Memorandum of Understanding between FEMA and the Nuclear Regulatory Commission which appears at 44 CFR Part 353, Appendix A.

FEMA recently completed a strategic review of the REP program. In the course of the strategic review, questions were raised regarding what information should be included in the initial message informing the public that an incident has occurred at a nuclear power plant.

FEMA requires that OROs demonstrate their ability to communicate effectively with the public following an incident at a nuclear power plant. We address how this initial notification should be given to the public in several guidance documents. These include the joint *FEMA/Nuclear Regulatory Commission Criteria for Preparation and Evaluation of Radiological Emergency Response Plans* and *Preparedness in Support of Nuclear Power Plants (NUREG–0654/REP–1, Rev. 1),* dated November 1980 [1], FEMA's *Radiological Emergency Preparedness Exercise Manual (REP–14),* dated September, 1991 [2], FEMA's *Radiological Emergency Preparedness Exercise Evaluation Methodology (REP–15),* dated September, 1991 [3] and FEMA's *Guidance for Providing Emergency Information and Instructions to the Public for Radiological Emergencies Using the New Emergency Alert System (EAS),* dated February 2, 1999.[4]

FEMA regulations require that planning standards and evaluation criteria in NUREG–0654/FEMA REP–1, Rev. 1,[5] and the Nuclear Regulatory Commission's emergency planning rule [6] are to be used in evaluating ORO plans and capabilities. While both the Nuclear Regulatory Commission's emergency planning rule and NUREG–0654/FEMA REP–1, Rev. 1 contemplate that initial notification messages will be made in a timely manner, neither prescribe the content of the initial notification message.[7]

[1] Planning Standard F, evaluation criterion E.7

[2] Objective 11.

[3] Objective 11.

[4] Attachment ''B'' to Memorandum for FEMA Regional Directors and Regional Assistance Committee Chairs from Kay C. Goss, Associate Director for Preparedness, Training and Exercises. The attachment can be viewed at *htpp://www.fema.gov/pte/rep/easrep.htm.* (viewed May 30, 2001). This document is referred to as the ''February 2, 1999 Guidance'').

[5] 44 CFR 350.5.

[6] 10 CFR 50.47, 10 CFR Part 50 (Appendix E) and Part 70.

[7] Planning Standard ''E'', evaluation criteria E.7 provides that ''Each [ORO] shall provide written messages intended for the public, consistent with the [nuclear power plant's classification scheme. In particular, draft messages to the public giving instructions with regard to specific protective actions to be taken by occupants of affected areas shall be prepared and included as part of the State and local [emergency response plans]. Such messages should include the appropriate aspects of sheltering, ad hoc respiratory protection, e.g., handkerchief over mouth, thyroid blocking or evacuation * * *''

REP–14 Objectives 11.1 [8] and 11.2, interpret NUREG–0654/FEMA REP–1, Rev. 1 as it pertains to notification messages. Objective 11.1 requires that public notifications reflect official decisions made by responsible public safety agencies. Objective 11.2 requires that the information in these messages be understandable to the public and facilitate initiation of recommended protective actions by the public. Notwithstanding that Objective 11.2 seems to favor non-technical language, the explanatory material for Objective 11.2 suggests that ''the plant status should be described by reference to both the potential for or actual release of radioactivity and the ECL,'' [9] even if no protective action recommendation is made.

On February 2, 1999, the Associate Director of FEMA for Preparedness, Training & Exercises issued guidance indicating that initial messages transmitted through the EAS must contain the following five items:

1. Identification of the State or local government organization and the official with the authority for providing the EAS alert and message.
2. Identification of the commercial nuclear power plant, appropriate [ECL] and current status of radiological conditions at the plant (e.g., no release, potential for release or actual release and wind direction);
3. Call attention to REP-specific emergency information (e.g., brochures and information in telephone books) for use by the general public during an emergency.
4. Call attention to the possibility that a protective action may need to be taken by affected populations; and
5. Include a closing statement asking the affected and potentially affected population to stay tuned to [the] EAS station(s) for additional information. This additional information, when necessary could be in the form of a ''Special News Broadcast'' that would, as soon as possible, follow the EAS message.

FEMA is considering a proposal that emerged from the strategic review of the REP program, which would require the following items in the initial message:

1. The information presently required in points 1, 3 and 5 of the February 2, 1999 guidance;
2. Identification of the commercial nuclear power plant and a statement that an emergency situation exists at the plant, in place of the information required by point 2 of the February 2, 1999 guidance;
3. Deletion of point 4 of the February 2, 1999 guidance.

The effect of this proposal would be to no longer require that OROs refer to the ECL, characterize the nature of the emergency situation in the initial message or warn the public that a protective action recommendation may be subsequently issued in the initial message.

The proposal does not prevent the ORO from including this information in the initial message, at its discretion, or from using the limited time available in the initial message [10] to provide other information that supports public health and safety objectives. The proposal would not require that the ORO transmit a protective action recommendation in the initial message if none has been formulated or none is immediately warranted. Nor would the proposal in anyway affect the OROs obligation to provide candid information, including a plain language explanation of the situation at the plant, including the ECL, to the news media. It addresses only what information must be disseminated in the initial notification message.

FEMA believes that there may be merit in such a proposal. Some OROs have expressed concern that despite public education campaigns, people outside of the radiological emergency preparedness community are not likely to understand or recall the meaning of an ECL. Concern also has been expressed that the brief characterization of an incident, in a two-minute initial notification, might lead people to take action on their own, prior to and perhaps in conflict with the OROs announced protective action recommendation. We are interested in hearing your views.

Coordination With the Nuclear Regulatory Commission

FEMA conducts the REP program in part under authority of a Memorandum of Understanding with the Nuclear Regulatory Commission. The text of the current Memorandum of Understanding is published in Appendix A to 44 CFR Part 353. Section E of the Memorandum of Understanding provides that the each agency will provide an opportunity for the other agency to review and comment on emergency planning and preparedness guidance (including interpretations of agreed joint guidance) prior to adoption as formal agency guidance. FEMA has transmitted a copy of this document to the Nuclear Regulatory Commission and requested their comments no later than the date upon which the public comment period closes.

Dated: June 5, 2001.

Archibald C. Reid III,

Acting Executive Associate Director, Preparedness, Training & Exercises Directorate.

[FR Doc. 01–14638 Filed 6–8–01; 8:45 am]

BILLING CODE 6718–06–P

[8] REP–14 Objective 11.1 refers to Objective 11, Demonstration Criterion 1. This classification system will be used throughout this notice.

[9] *See,* Page D.11–2 of REP–14 (September 1991).

[10] Initial messages using the EAS may be limited to two minutes in length. See, Background on the Emergency Alert System (EAS) at *http://www.fema.gov/pte/rep/easrep.htm* (viewed June 4, 2001).

Federal Register

Monday,
June 11, 2001

Part V

The President

Proclamation 7447—Flag Day and National Flag Week, 2001

Federal Register
Vol. 66, No. 112
Monday, June 11, 2001

Presidential Documents

Title 3—

The President

Proclamation 7447 of June 6, 2001

Flag Day and National Flag Week, 2001

By the President of the United States of America

A Proclamation

On June 14, 2001, Americans will observe the 224th birthday of the flag of the United States of America. This special day provides a time for our Nation to reflect on our flag's rich history and its meaning to Americans and people around the world.

The Continental Congress adopted the Stars and Stripes as the official flag of our young republic on June 14, 1777. Describing the new flag, the Congress wrote, ''White signifies Purity and Innocence; Red, Hardiness and Valor; Blue signifies Vigilance, Perseverance and Justice.'' Over time, the flag's design evolved to keep pace with our Nation's development and growth, but its meaning as a symbol of democracy and freedom has remained constant.

Flag Day was first celebrated throughout the country in 1877 to mark the centennial of the birth of our national symbol. As so often happens in our communities, a caring teacher encouraging students to develop a love for learning sparked renewed interest in the flag. Wisconsin schoolteacher B.J. Cigrand arranged for his pupils in 1885 to observe the 108th anniversary of the flag's official adoption.

In magazine and newspaper articles and public addresses in the following years, Cigrand promoted an official national celebration of June 14 as ''Flag Birthday'' or ''Flag Day.'' Groups in Pennsylvania, New York, and Illinois took up the cause. After three decades of State and local celebrations, President Woodrow Wilson officially established Flag Day by proclamation in 1916.

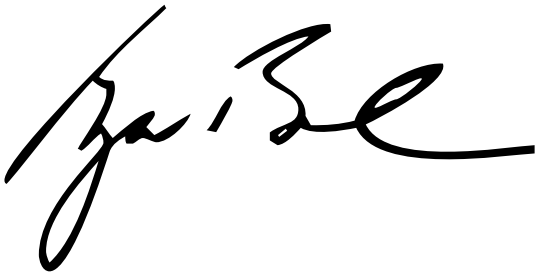
During the darkest hours of World War II, Americans looked to the purity, hardiness, valor, vigilance, perseverance, and justice represented by the flag as ideals worthy of the ultimate sacrifice in order to defeat tyranny. In celebration of the flag's powerful meaning to Americans and its place in our culture and history, Flag Day became a national observance by Act of Congress in 1949 and was signed into law by President Harry Truman.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as ''Flag Day'' and requested the President to issue an annual proclamation calling for a national observance and for the display of the flag of the United States on all Federal Government buildings. In a second joint resolution approved June 9, 1966 (80 Stat. 194), the Congress requested the President to also issue annually a proclamation designating the week during which June 14 falls as ''National Flag Week'' and called upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 14, 2001, as Flag Day and the week beginning June 10, 2001, as National Flag Week. I direct the appropriate officials to display the flag of the United States on all Federal Government buildings during the week. I also call upon the people of the United States to observe with pride and all due ceremony those

days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to recite publicly the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of June, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–14854
Filed 6–8–01; 8:45 am]
Billing code 3195–01–P

Federal Register

Monday,
June 11, 2001

Part VI

The President

Proclamation 7448—Asiatic Fleet Memorial Day

Executive Order 13216—Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

Federal Register
Vol. 66, No. 112
Monday, June 11, 2001

Presidential Documents

Title 3—

The President

Proclamation 7448 of June 7, 2001

Asiatic Fleet Memorial Day

By the President of the United States of America

A Proclamation

All of America's service personnel and veterans deserve our gratitude, and it is fitting to pay tribute to the United States Asiatic Fleet.

The United States Navy's presence in the Far East dates to 1822. The Asiatic Fleet was formed in 1902, reestablished in 1910, and continued to serve into 1942. Through years of unrest and disturbance, the Fleet protected American lives and interests along the China coast and the Yangtze River, bearing responsibilities that were as much diplomatic as Naval. The Fleet also assisted civilian areas devastated by the forces of nature and by internal warfare.

When the attack on Pearl Harbor thrust the United States into World War II, the Asiatic Fleet played a key role in the defense of the Philippines. Outnumbered and outgunned at sea and in the air, the Fleet was joined by ships of the British, Dutch, and Australian navies to oppose the Japanese advance through what is now Indonesia. The Fleet's destroyers hit the Japanese at Balikpapan and Badung Strait, and the cruiser *Marblehead* fought her way through massive air attacks off Bali while submarines, short of fuel and torpedoes, struck Japanese supply lines.

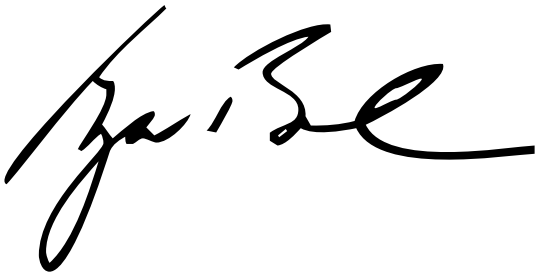
The battle for the ''Malay Barrier'' reached its climax in the Java Sea. In the opening hours of March 1, 1942, the American cruiser *Houston* and the Australian cruiser *Perth*, outnumbered and outgunned by the Japanese, fought to the last in the Sunda Strait. They went down with their guns still firing and were followed hours later by the British cruiser *Exeter*. The remaining Allied ships were then ordered to make their way to Australia.

The Asiatic Fleet was no more, but its heritage of courage and selfless dedication helped spur our Navy to victory in World War II. Since then, the Seventh Fleet has carried on the Asiatic Fleet's duties, earning honor in Korea and Vietnam and helping to preserve peace and stability in East Asia. The men and women of our Naval services who saw the Cold War to a peaceful conclusion and won victory in Operation Desert Storm are worthy descendants of the sailors and Marines who earned glory in the Java Sea. As we pay tribute to the memory of the Asiatic Fleet, I call on all Americans to join me in saluting its proud heritage of bravery and honor.

The Congress, by Public Law 105-261, on October 17, 1998, has authorized and requested the President to issue a proclamation in commemoration of the United States Navy Asiatic Fleet.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the Untied States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Friday, March 1, 2002, as U.S. Navy Asiatic Fleet Memorial Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–14861
Filed 6–8–01; 10:54 am]
Billing code 3195–01–P

Presidential Documents

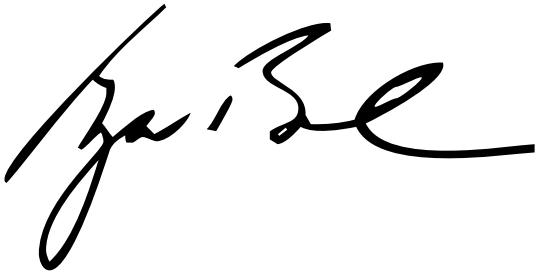
Executive Order 13216 of June 6, 2001

Amendment to Executive Order 13125, Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to change the title of Executive Order 13125 of June 7, 1999, and to extend by 2 years the President's Advisory Commission on Asian Americans and Pacific Islanders that was created by Executive Order 13125, it is hereby ordered as follows:

Section 1. The title of Executive Order 13125 is deleted and the following title is inserted in lieu thereof: ''Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders.''

Sec. 2. Section 9 of Executive Order 13125 is amended by deleting ''2 years after the date of this Executive order unless the Commission is renewed by the President prior to the end of that 2-year period'' and inserting in lieu thereof ''on June 7, 2003, unless renewed by the President prior to that date.''



THE WHITE HOUSE,
June 6, 2001.

[FR Doc. 01–14862
Filed 6–8–01; 10:54 am]
Billing code 3195–01–P

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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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[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.

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[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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