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Presidential Documents

Title 3—

The President

Proclamation 7451 of June 15, 2001

Father's Day, 2001

By the President of the United States of America

A Proclamation

Americans celebrate Father's Day as a unique time to reflect on the importance of fathers and to honor their vital role in the lives of children. For those who have been blessed with our own families, this day also provides an opportunity to reaffirm our commitment to being the best possible fathers for our children.

Father's Day was originally the idea of Sonora Dodd, who wanted to honor her father, Civil War veteran Henry Jackson Smart. As Sonora's sole surviving parent following the death of her mother, Mr. Smart made great sacrifices for his daughter and raised her with courage, selflessness, and abiding love. To enable all Americans to participate in paying special tribute to their fathers, President Calvin Coolidge first recognized Father's Day in 1924.

During childhood, boys and girls look to their fathers for a sense of security, warmth, attention, patience, and understanding. As young people mature, their fathers contribute to their spiritual, emotional, physical, financial, and social well-being. In reaching adulthood, men and women alike are enriched immeasurably by the wisdom of their fathers as they pursue careers, start families, and take active roles in the community.

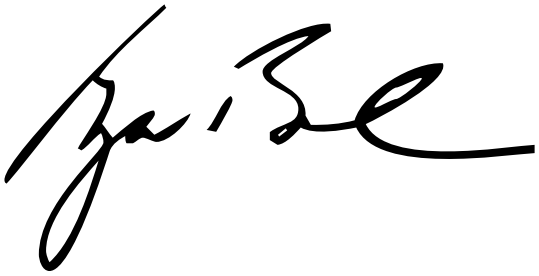
For boys and girls raised without a father in the home, the challenges can be great. Seventy-five percent of American children raised in a one-parent household will experience poverty before they turn 11 years old, compared to only 20 percent of children in families with two parents. Children in homes where the father is absent are more likely to be suspended from school or to drop out, be treated for an emotional or behavioral problem, become suicidal as adolescents, or become victims of child abuse or neglect.

As a society, we must support fathers in fulfilling their responsibilities to their families, which may include not only biological or adopted children, but also stepchildren or foster children. Fathers must be prepared to nurture and care for their sons and daughters, and to do so in the context of a strong and committed marriage. To promote responsible fatherhood, my Administration has proposed providing financial support to community and faith-based organizations that help fathers and to programs that strengthen marriage and promote successful parenting. We also propose funding to support the expansion of ongoing State and local fatherhood initiatives and helping community groups that try to provide young men with role models.

Our society must strive to produce a generation of men who are ready to become the best possible fathers. Let us set a good example for America's sons by valuing the responsibility and importance of fatherhood. Let us also honor and be thankful for the caring, decent, and hardworking fathers who make such a tremendous difference in the lives of their children and families.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 109), do hereby proclaim June 17, 2001, as Father's Day. I encourage all Americans to express love and respect for their fathers, as well as appreciation for the vital contributions of fathers to families and to society. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day. I also call upon State and local governments and citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth 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. 01–15571
Filed 6–18–01; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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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

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 01–020–1]

Brucellosis in Cattle; State and Area Classifications; Florida

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Florida from Class A to Class Free. We have determined that Florida meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Florida.

DATES: This interim rule was effective June 13, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 20, 2001

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–020–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–020–1.

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

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

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

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella.*

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Florida was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in Florida was released from quarantine in December 2000. Since then, no brucellosis-affected herds have been detected.

After reviewing the brucellosis program records for Florida, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Florida from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Florida.

Immediate Action

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Florida. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we

will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Florida from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Florida, as well as buyers and importers of cattle from this State.

There are an estimated 20,000 cattle operations in Florida that may be affected by this rule. Approximately 95 to 98 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately $5 to $6 per head.

Therefore, we believe that changing the brucellosis status of Florida will not have a significant economic effect on the small entities affected by this interim rule.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 78

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

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

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

§ 78.41 [Amended]

2. Section 78.41 is amended as follows:

a. In paragraph (a), by adding ''Florida,'' in alphabetical order.

b. In paragraph (b), by removing ''Florida,''.

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

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–15409 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–34–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

RIN 3245–AE40

New Markets Venture Capital Program; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Final rule; Withdrawal of interim final rule; Correction.

SUMMARY: The Small Business Administration (SBA) published in the **Federal Register** of May 23, 2001 (66 FR 28602), a final rule implementing the New Markets Venture Capital Program and withdrawing a previous interim final rule. SBA now makes technical corrections to fix clerical and/or typographical errors in the previously published final rule.

DATES: The technical corrections to this rule are effective on May 23, 2001.

FOR FURTHER INFORMATION CONTACT: Austin Belton, Director, Office of New Markets Venture Capital, 202–205–7027; or Louis Cupp, Policy Analyst, Office of New Markets Venture Capital, 202–619–0511.

SUPPLEMENTARY INFORMATION: The SBA published a final rule in the **Federal Register** on May 23, 2001 (66 FR 28602) implementing the New Markets Venture Capital Program and withdrawing a previous interim final rule. The published rule contained several clerical and/or typographical errors. Because the errors are not significant in nature and number, SBA believes that listing the corrections is sufficient. Therefore, make the following corrections to FR Doc. 01–12501 published on May 23, 2001 (66 FR 28602):

1. On page 28602, in the first column, under the **DATES** heading, correct the citation ''40 CFR part 108'' under the ''Withdrawal Date'' subheading to read ''13 CFR part 108''.

PART 108—[CORRECTED]

2. On page 28610, in the third column, 2d and 1st lines from the bottom, the Authority citation is corrected to read as follows:

Authority: 15 U.S.C. 689–689q.

§ 108.150 [Corrected]

3. On page 28615, in the second column, under § 108.150(c) introductory text, correct the first sentence to read as follows:

§ 108.150 Management and ownership diversity requirement.

* * * * *

(c) * * * At least 30 percent of your Regulatory Capital and Leverageable Capital must be owned and controlled by three Persons unaffiliated with your management and unaffiliated with each other, whose investments are significant in dollar and percentage terms as determined by SBA. * * *

* * * * *

§ 108.2010 [Corrected]

4. On page 28632, in the first column, under § 108.2010(b), last line, correct the citation ''48 CFR 31.001'' to read ''48 CFR 2.101''.

Dated: June 11, 2001.

Harry Haskins,

Acting Associate Administrator for Investment.

[FR Doc. 01–15118 Filed 6–18–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–272–AD; Amendment 39–12266; AD 2001–12–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–7 series airplanes, that requires modification of the pressure hoses to the ground spoiler actuators. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent blockage of pressure hoses to the ground spoiler actuators, leading to uncommanded deployment of the ground spoilers, resulting in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective July 24, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 24, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. 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, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7250; fax (516) 568–2716.

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 Bombardier Model DHC–7 series airplanes was published in the **Federal Register** on January 22, 2001 (66 FR 6495). That action proposed to require modifying the pressure hoses to the ground spoiler actuators.

Comment Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 30 Model DHC–7 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. There will be no charge for required parts. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $7,200, or $240 per airplane.

The cost impact figure discussed above is 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:

2001–12–11 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12266. Docket 2000–NM–272–AD.

Applicability: Model DHC–7 series airplanes, manufacturer's serial numbers 003 through 113 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 (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 blockage of pressure hoses to the ground spoiler actuators, leading to uncommanded deployment of the ground

spoilers, resulting in reduced controllability of the airplane, accomplish the following:

Modification

(a) Within 12 months after the effective date of this AD: Modify the pressure hoses on each ground spoiler actuator, in accordance with Bombardier Service Bulletin 7–27–90, dated September 3, 1999.

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, New York 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, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York 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 modification shall be done in accordance with Bombardier Service Bulletin 7–27–90, dated September 3, 1999. 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF–99–29, dated November 3, 1999.

Effective Date

(e) This amendment becomes effective on July 24, 2001.

Issued in Renton, Washington, on June 8, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15088 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–291–AD; Amendment 39–12264; AD 2001–12–09]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dassault Model Mystere-Falcon 900 and Falcon 900EX series airplanes, that requires replacement of the protective screens of the underfloor structure boxes at frame 25. This amendment is necessary to prevent water from collecting and freezing in the structure boxes at frame 25, which could result in jamming of the flight controls and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective July 24, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 24, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. 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: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 Dassault Model Mystere-Falcon 900 and Falcon 900EX series airplanes was published in the **Federal Register** on October 30, 2000 (65 FR 64636). That action proposed to require replacement of the protective screens of the underfloor structure boxes at frame 25.

Comments

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

Request To Revise Service Information

The manufacturer has advised the FAA that, since the issuance of the proposed rule, it has issued Dassault Service Bulletin F900–232, Revision 1, dated November 12, 1999 (for Model Mystere-Falcon 900 series airplanes); and Dassault Service Bulletin F900EX–93, Revision 1, dated November 12, 1999 (for Model Falcon 900EX series airplanes); and requests that the final rule be revised to require accomplishment of the actions in accordance with these new revisions of the service bulletins. The FAA agrees with the manufacturer's request. We have reviewed and approved Revision 1 of these service bulletins, and find that they are essentially identical to the original versions (which were cited as the appropriate sources of service information for accomplishment of the actions in the proposed rule). The final rule has been revised to require accomplishment of the actions in accordance with either the original issue or Revision 1 of the applicable service bulletin.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. 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

The FAA estimates that 127 Dassault Model Mystere-Falcon 900 and Falcon 900EX series airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $128 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $54,356, or $428 per airplane.

The cost impact figure discussed above is 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:

2001–12–09 Dassault Aviation: Amendment 39–12264. Docket 2000–NM–291–AD.

Applicability: Model Mystere-Falcon 900 series airplanes having serial numbers 1 through 177 inclusive; and Model Falcon 900EX series airplanes having serial numbers 1 through 41 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 (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 water from collecting and freezing in the structure boxes at frame 25, which could result in jamming of the flight controls and consequent reduced controllability of the airplane, accomplish the following:

Screen Replacement

(a) Within 6 months after the effective date of this AD: Remove the existing protective screens that are riveted to the center beam and are also bonded to the frame and to the bottom of the underfloor structure boxes at frame 25, and install new wider-mesh screens that are riveted to the center beam and bonded to the frame only. Accomplish the actions in accordance with Dassault Falcon 900 Service Bulletin 0232, dated March 1999, or Dassault Service Bulletin F900–232, Revision 1, dated November 12, 1999 (for Model Mystere-Falcon 900 series airplanes); or Dassault Falcon 900EX Service Bulletin 0093, dated March 1999, or Dassault Service Bulletin F900EX–93, Revision 1, dated November 12, 1999 (for Model Falcon 900EX 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. 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 2: 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

(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 actions shall be done in accordance with Dassault Falcon 900 Service Bulletin 0232, dated March 1999; Dassault Service Bulletin F900–232, Revision 1, dated November 12, 1999; Dassault Falcon 900EX Service Bulletin 0093, dated March 1999; or Dassault Service Bulletin F900EX–93, Revision 1, dated November 12, 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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. 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 3: The subject of this AD is addressed in French airworthiness directive 1999–446–028(B), dated November 3, 1999.

Effective Date

(e) This amendment becomes effective on July 24, 2001.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–14724 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8948]

RIN 1545–AY43

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

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to the minimum cost requirement under section 420, which permits the transfer of excess assets of a defined benefit pension plan to a retiree health account. Pursuant to section 420(c)(3)(E), these regulations provide that an employer who significantly reduces retiree health coverage during the cost maintenance period does not satisfy the minimum cost requirement of section 420(c)(3). In addition, these regulations clarify the circumstances under which an employer is considered to have significantly reduced retiree health

coverage during the cost maintenance period.

DATES: *Effective Date:* These regulations are effective June 19, 2001.

Applicability Date: These regulations are applicable to transfers of excess pension assets occurring on or after December 18, 1999. See the *Effective Date* portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Janet A. Laufer or Vernon S. Carter, (202) 622–6060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations (26 CFR part 1) under section 420 of the Internal Revenue Code of 1986 (Code). These regulations provide guidance concerning the minimum cost requirement under section 420. The Revenue Reconciliation Act of 1990 (Public Law 101–508) (104 Stat. 1388), section 12011, added section 420 of the Code, a temporary provision permitting certain qualified transfers of excess pension assets from a non-multiemployer defined benefit pension plan to a health benefits account. A health benefit account is defined as an account established and maintained under section 401(h) of the Code (401(h) account) that is part of the plan.[1] One of the conditions of a qualified section 420 transfer was that the employer satisfy a maintenance of effort requirement in the form of a ''minimum cost requirement'' under which the employer was required to maintain employer-provided retiree health expenditures for covered retirees, their spouses, and dependents at a minimum dollar level for a 5-year cost maintenance period, beginning with the taxable year in which the qualified transfer occurs.

The Uruguay Round Agreements Act (Public Law 103–465) (108 Stat. 4809) (December 8, 1994), extended the availability of section 420 through December 31, 2000. In conjunction with the extension, Congress modified the maintenance of effort rules for plans transferring assets for retiree health benefits so that employers could take into account cost savings realized in their health benefit plans. As a result, the focus of the maintenance of effort requirement was shifted from health costs to health benefits. Under this ''benefit maintenance requirement,'' which applied to qualified transfers made after December 8, 1994, an employer had to maintain substantially the same level of employer-provided retiree health coverage for the taxable year of the transfer and the following 4 years. The level of coverage required to be maintained was based on the coverage provided in the taxable year immediately preceding the taxable year of the transfer.

The Tax Relief Extension Act of 1999 (title V of H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999) (Public Law 106–170,113 Stat. 1860) (TREA–99) extended section 420 through December 31, 2005. In conjunction with this extension, the minimum cost requirement was reinstated as the applicable ''maintenance of effort'' provision (in lieu of requiring the maintenance of the level of coverage) for qualified transfers made after December 17, 1999. Because the minimum cost requirement relates to per capita cost, an employer could satisfy the minimum cost requirement by maintaining the average cost even though the employer defeats the purpose of the maintenance of effort requirement by reducing the number of people covered by the health plan. In response to concerns regarding this possibility, TREA–99 also added section 420(c)(3)(E), which requires the Secretary of the Treasury to prescribe such regulations as may be necessary to prevent an employer who significantly reduces retiree health coverage during the cost maintenance period from being treated as satisfying the minimum cost requirement of section 420(c)(3). If the minimum cost requirement of section 420(c)(3) is not satisfied, the transfer of assets from the pension plan to the 401(h) account is not a ''qualified transfer'' to which the provisions of section 420(a) apply.

On January 5, 2001, a notice of proposed rulemaking (REG–116468–00) was published in the **Federal Register** (66 FR 1066). Written comments were received on the proposed regulations. A public hearing scheduled for March 15, 2001 was canceled because no one had requested to speak (66 FR 13864). After consideration of all the comments received on the proposed regulations, the regulations are adopted as modified by this Treasury decision.

Explanation of Provisions

General Framework

Following the approach taken in the proposed regulations, these regulations provide that the minimum cost requirement of section 420(c)(3) is not met if an employer significantly reduces retiree health coverage during the cost maintenance period. Whether an employer has significantly reduced retiree health coverage is determined by looking at the number of individuals (retirees, their spouses, and dependents) who lose coverage during the cost maintenance period as a result of employer actions, measured on both an annual basis and a cumulative basis.

In determining whether an employer has significantly reduced retiree health coverage, the regulations provide that the employer does not satisfy the minimum cost requirement if the percentage decrease in the number of individuals provided with applicable health benefits that is attributable to employer action exceeds 10 percent in any year, or if the sum of the annual percentage decreases during the cost maintenance period exceeds 20 percent.

Employer Action

The regulations retain the broad definition of employer action contained in the proposed regulations. Thus, employer action includes not only plan amendments but also situations in which other employer actions, such as the sale of all or part of the employer's business, operate in conjunction with the existing plan terms to have the indirect effect of ending an individual's coverage.

The proposed regulations contained no exceptions from the rule that treats individuals as losing health coverage by reason of employer action if those individuals' coverage ends by reason of a sale of all or part of the employer's business, even if the buyer provides coverage for such individuals (on the implicit assumption that a buyer of less than an entire corporation rarely undertakes to provide such coverage to retirees in these transactions). The preamble to the proposed regulations specifically requested comments as to (1) the circumstances, if any, in which buyers commonly provide the seller's retirees, and their spouses and dependents, with health coverage following a corporate transaction, and (2) in such cases, criteria that should apply to the replacement coverage in determining whether to treat those individuals as not having lost coverage.

[1] Section 420(a)(1) and (2) provide that the trust that is part of the plan is not treated as failing to satisfy the qualification requirements of section 401(a) or (h) of the Code, and no amount is includible in the gross income of the employer maintaining the plan, solely by reason of such transfer. Also, section 420(a)(3) provides that a qualified transfer is not treated as either an employer reversion for purposes of section 4980 or a prohibited transaction for purposes of section 4975.

In addition, Title I of the Employee Retirement Income Security Act of 1974 (88 Stat. 829), as amended (ERISA), provides that a qualified transfer pursuant to section 420 is not a prohibited transaction under ERISA (ERISA section 408(b)(13)) or a prohibited reversion of assets to the employer (ERISA section 403(c)(1)). ERISA also provides certain notification requirements with respect to such qualified transfers.

Commentators disagreed with the assumption stated in the preamble to the proposed regulations that a buyer acquiring a portion of a seller's business rarely undertakes to provide retiree health coverage to retirees in these transactions and expressed concern about the approach taken in the proposed regulations concerning individuals who lose retiree health coverage in such situations. One commentator stated that in the case of business combinations involving organizations that contract with the United States Government, the relevant procurement regulations encourage buyers to assume a seller's obligations for retirees' pension and retiree medical benefits. Other commentators expressed a desire to retain flexibility in structuring future business dispositions so that a buyer or transferee of a business could undertake to provide retiree health coverage for the seller's employees.

Generally, commentators requested that the regulations allow an employer who sells or transfers a business to take into account health coverage that a buyer or transferee provides to retired employees of the employer. Various approaches were suggested, most of them centering around allowing an employer to take credit for retiree health benefits provided by a buyer or transferee that are substantially similar to the benefits provided by the employer.

In cases in which a buyer acquires the entire employer sponsoring the pension plan that is the subject of the maintenance of effort requirement under section 420(c)(3)(E), no special rule is required, because the buyer as the successor employer maintaining the plan is responsible for continuing to satisfy the minimum cost requirements of section 420(c)(3) with respect to that transfer. However, based upon comments received, these final regulations include a special rule that allows the employer responsible for satisfying the maintenance of effort requirement of section 420(c)(3)(E) to take credit for a buyer's or transferee's provision of retiree health benefits in certain other situations.

Under the final regulations, an employer may, but is not required to, treat retiree health coverage as not having ended for individuals whose coverage is provided by a buyer. In such a case, for the year of the sale and future taxable years of the cost maintenance period, the employer must apply the minimum cost requirement contained in section 420(c)(3) by treating the individuals whose coverage is provided by the buyer as individuals to whom coverage for applicable health benefits is provided during the year (i.e., including all such individuals in the denominator in the determination of applicable employer cost) and treating amounts the buyer spends on health benefits for those individuals as qualified current retiree health liabilities. After the buyer commences providing the retiree health benefits, action of the buyer is attributed to the employer for purposes of determining whether an individual's coverage ends by reason of employer action. Accordingly, if a buyer initially provides retiree health benefits to individuals affected by the sale, but later amends its plan to stop providing benefits to those individuals, the employer must treat those individuals as having lost coverage by reason of employer action.

These final regulations also add a definition of ''sale'' to clarify that the rule for sales applies as well to other transfers of a business. In the case of a transfer, the transferee is treated as the buyer. Thus, for example, the rule applies in a situation in which an employer spins off all or part of its business, and also applies when a contractor that operates a government-owned facility is replaced by another contractor and the replacement contractor hires the employees of the prior contractor to operate the facility.

Effective Date

The proposed regulations provided that the 10 percent annual limit would not apply to a taxable year beginning before February 5, 2001 (30 days after publication of the proposed regulations in the **Federal Register**). However, under the proposed regulations, the 20 percent cumulative limit applied with respect to cost maintenance periods pertaining to any transfers made on or after December 18, 1999. Thus, if an employer reduced coverage by more than 20 percent prior to issuance of the proposed regulations, the employer would have failed the cumulative test.

Several commentators expressed concern about the proposed effective date of transfers occurring on or after December 18, 1999. None of the comments indicated that any employers had in fact reduced coverage by more than 20 percent prior to issuance of the proposed regulations, and one of the commentators stated that as a practical matter, the issue of retroactivity is moot. However, a number of the commentators expressed concern over retroactive effective dates in Treasury regulations as a matter of principle.

These final regulations, like the proposed regulations, provide that the 20 percent cumulative test will apply with respect to transfers of excess pension assets occurring on or after December 18, 1999. In order to address concerns raised by commentators, however, the final regulations take into account any reinstatement of coverage that occurs during the portion of a cost maintenance period that precedes the first day of the first taxable year beginning on or after January 1, 2002 (the initial period). Thus, for purposes of the cumulative test, if an employer reduced retiree health coverage by more than 20 percent, the employer can, before the end of the initial period, resume providing coverage for individuals who lost coverage and treat those individuals as not having lost coverage. However, if an employer reduces retiree health coverage by more than 20 percent during the initial period and does not ''correct'' by again providing coverage for individuals who lost coverage, the employer would fail the cumulative test. Also, the annual test of significant reduction applies only to taxable years beginning on or after January 1, 2002, which reflects a further delay from the date in the proposed regulation.

Additional Changes

The proposed regulations contained a special rule that addresses situations in which an employer adopts plan terms that establish eligibility for health coverage for some individuals, but provide that those same individuals lose health coverage upon the occurrence of a particular event or after a stated period of time. In those cases, an individual is not counted as having lost health coverage by reason of employer action merely because that individual's coverage ends upon the occurrence of the event or after a certain period of time, such as when health benefits are provided to employees retiring as a result of a plant closing only for the period during which they receive severance pay (see example 2 of the regulations). As a result of the changes discussed above that address ''corrections'' through restoration of coverage during the initial period and sale transactions, these final regulations contain two modifications of the special rule for contemporaneously-adopted plan terms. First, the special rule is not available with respect to an amendment that restores coverage before the end of the initial period. Second, in the context of an amendment of a buyer's health plan to provide retiree health coverage for a seller's employees, the special rule is available only to the extent that any terms that have the effect of ending an individual's coverage are the same as

the terms of the plan maintained by the seller, and only if the terms of the seller's plan that terminate coverage were adopted contemporaneously with the provision under which the individual became eligible for retiree health coverage under the seller's plan.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal authors of these regulations are Janet A. Laufer and Vernon S. Carter, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *.

Par. 2 Section 1.420–1 is added under the undesignated centerheading ''Pension, Profit-Sharing, Stock Bonus Plans, etc.'' to read as follows:

§ 1.420–1 Significant reduction in retiree health coverage during the cost maintenance period.

(a) In *general.* Notwithstanding section 420(c)(3)(A), the minimum cost requirements of section 420(c)(3) are not met if the employer significantly reduces retiree health coverage during the cost maintenance period.

(b) *Significant reduction*—(1) *In general.* An employer significantly reduces retiree health coverage during the cost maintenance period if, for any taxable year beginning on or after January 1, 2002, that is included in the cost maintenance period, either —

(i) The employer-initiated reduction percentage for that taxable year exceeds 10 percent; or

(ii) The sum of the employer-initiated reduction percentages for that taxable year and all prior taxable years during the cost maintenance period exceeds 20 percent.

(2) *Employer-initiated reduction percentage.* The employer-initiated reduction percentage for any taxable year is the fraction B/A, expressed as a percentage, where:

A = The total number of individuals (retired employees plus their spouses plus their dependents) receiving coverage for applicable health benefits as of the day before the first day of the taxable year.

B = The total number of individuals included in A whose coverage for applicable health benefits ended during the taxable year by reason of employer action.

(3) *Special rules for taxable years beginning before January 1, 2002.* The following rules apply for purposes of computing the amount in paragraph (b)(1)(ii) of this section if any portion of the cost maintenance period precedes the first day of the first taxable year beginning on or after January 1, 2002—

(i) *Aggregation of taxable years.* The portion of the cost maintenance period that precedes the first day of the first taxable year beginning on or after January 1, 2002 (the initial period) is treated as a single taxable year and the employer-initiated reduction percentage for the initial period is computed as set forth in paragraph (b)(2) of this section, except that the words ''initial period'' apply instead of ''taxable year.''

(ii) *Loss of coverage.* If coverage for applicable health benefits for an individual ends by reason of employer action at any time during the initial period, an employer may treat that coverage as not having ended if the employer restores coverage for applicable health benefits to that individual by the end of the initial period.

(4) *Employer action*—(i) *General rule.* For purposes of paragraph (b)(2) of this section, an individual's coverage for applicable health benefits ends during a taxable year by reason of employer action, if on any day within the taxable year, the individual's eligibility for applicable health benefits ends as a result of a plan amendment or any other action of the employer (e.g., the sale of all or part of the employer's business) that, in conjunction with the plan terms, has the effect of ending the individual's eligibility. An employer action is taken into account for this purpose regardless of when the employer action actually occurs (e.g., the date the plan amendment is executed), except that employer actions occurring before the later of December 18, 1999, and the date that is 5 years before the start of the cost maintenance period are disregarded.

(ii) *Special rule.* Notwithstanding paragraph (b)(4)(i) of this section, coverage for an individual will not be treated as having ended by reason of employer action merely because such coverage ends under the terms of the plan if those terms were adopted contemporaneously with the provision under which the individual became eligible for retiree health coverage. This paragraph (b)(4)(ii) does not apply with respect to plan terms adopted contemporaneously with a plan amendment that restores coverage for applicable health benefits before the end of the initial period in accordance with paragraph (b)(3)(ii) of this section.

(iii) *Sale transactions.* If a purchaser provides coverage for retiree health benefits to one or more individuals whose coverage ends by reason of a sale of all or part of the employer's business, the employer may treat the coverage of those individuals as not having ended by reason of employer action. In such a case, for the remainder of the year of the sale and future taxable years of the cost maintenance period —

(A) For purposes of computing the applicable employer cost under section 420(c)(3), those individuals are treated as individuals to whom coverage for applicable health benefits was provided (for as long as the purchaser provides retiree health coverage to them), and any amounts expended by the purchaser of the business to provide for health benefits for those individuals are treated as paid by the employer;

(B) For purposes of determining whether a subsequent termination of coverage is by reason of employer action under this paragraph (b)(4), the purchaser is treated as the employer. However, the special rule in paragraph (b)(4)(ii) of this section applies only to the extent that any terms of the plan maintained by the purchaser that have the effect of ending retiree health coverage for an individual are the same as terms of the plan maintained by the employer that were adopted contemporaneously with the provision under which the individual became eligible for retiree health coverage under the plan maintained by the employer.

(c) *Definitions.* The following definitions apply for purposes of this section:

(1) *Applicable health benefits.* Applicable health benefits means applicable health benefits as defined in section 420(e)(1)(C).

(2) *Cost maintenance period.* Cost maintenance period means the cost maintenance period as defined in section 420(c)(3)(D).

(3) *Sale.* A sale of all or part of an employer's business means a sale or other transfer in connection with which the employees of a trade or business of the employer become employees of another person. In the case of such a transfer, the term *purchaser* means a transferee of the trade or business.

(d) *Examples.* The following examples illustrate the application of this section:

Example 1. (i) Employer W maintains a defined benefit pension plan that includes a 401(h) account and permits qualified transfers that satisfy section 420. The number of individuals receiving coverage for applicable health benefits as of the day before the first day of Year 1 is 100. In Year 1, Employer W makes a qualified transfer under section 420. There is no change in the number of individuals receiving health benefits during Year 1. As of the last day of Year 2, applicable health benefits are provided to 99 individuals, because 2 individuals became eligible for coverage due to retirement and 3 individuals died in Year 2. During Year 3, Employer W amends its health plan to eliminate coverage for 5 individuals, 1 new retiree becomes eligible for coverage and an additional 3 individuals are no longer covered due to their own decision to drop coverage. Thus, as of the last day of Year 3, applicable health benefits are provided to 92 individuals. During Year 4, Employer W amends its health plan to eliminate coverage under its health plan for 8 more individuals, so that as of the last day of Year 4, applicable health benefits are provided to 84 individuals. During Year 5, Employer W amends its health plan to eliminate coverage for 8 more individuals.

(ii) There is no significant reduction in retiree health coverage in either Year 1 or Year 2, because there is no reduction in health coverage as a result of employer action in those years.

(iii) There is no significant reduction in Year 3. The number of individuals whose health coverage ended during Year 3 by reason of employer action (amendment of the plan) is 5. Since the number of individuals receiving coverage for applicable health benefits as of the last day of Year 2 is 99, the employer-initiated reduction percentage for Year 3 is 5.05 percent (5/99), which is less than the 10 percent annual limit.

(iv) There is no significant reduction in Year 4. The number of individuals whose health coverage ended during Year 4 by reason of employer action is 8. Since the number of individuals receiving coverage for applicable health benefits as of the last day of Year 3 is 92, the employer-initiated reduction percentage for Year 4 is 8.70 percent (8/92), which is less than the 10 percent annual limit. The sum of the employer-initiated reduction percentages for Year 3 and Year 4 is 13.75 percent, which is less than the 20 percent cumulative limit.

(v) In Year 5, there is a significant reduction under paragraph (b)(1)(ii) of this section. The number of individuals whose health coverage ended during Year 5 by reason of employer action (amendment of the plan) is 8. Since the number of individuals receiving coverage for applicable health benefits as of the last day of Year 4 is 84, the employer-initiated reduction percentage for Year 5 is 9.52 percent (8/84), which is less than the 10 percent annual limit. However, the sum of the employer-initiated reduction percentages for Year 3, Year 4, and Year 5 is 5.05 percent + 8.70 percent + 9.52 percent = 23.27 percent, which exceeds the 20 percent cumulative limit.

Example 2. (i) Employer X, a calendar year taxpayer, maintains a defined benefit pension plan that includes a 401(h) account and permits qualified transfers that satisfy section 420. X also provides lifetime health benefits to employees who retire from Division A as a result of a plant shutdown, no health benefits to employees who retire from Division B, and lifetime health benefits to all employees who retire from Division C. In 2000, X amends its health plan to provide coverage for employees who retire from Division B as a result of a plant shutdown, but only for the 2-year period coinciding with their severance pay. Also in 2000, X amends the health plan to provide that employees who retire from Division A as a result of a plant shutdown receive health coverage only for the 2-year period coinciding with their severance pay. A plant shutdown that affects Division A and Division B employees occurs in 2000. The number of individuals receiving coverage for applicable health benefits as of the last day of 2001 is 200. In 2002, Employer X makes a qualified transfer under section 420. As of the last day of 2002, applicable health benefits are provided to 170 individuals, because the 2-year period of benefits ends for 10 employees who retired from Division A and 20 employees who retired from Division B as a result of the plant shutdown that occurred in 2000.

(ii) There is no significant reduction in retiree health coverage in 2002. Coverage for the 10 retirees from Division A who lose coverage as a result of the end of the 2-year period is treated as having ended by reason of employer action, because coverage for those Division A retirees ended by reason of a plan amendment made after December 17, 1999. However, the terms of the health plan that limit coverage for employees who retired from Division B as a result of the 2000 plant shutdown (to the 2-year period) were adopted contemporaneously with the provision under which those employees became eligible for retiree coverage under the health plan. Accordingly, under the rule provided in paragraph (b)(4)(ii) of this section, coverage for those 20 retirees from Division B is not treated as having ended by reason of employer action. Thus, the number of individuals whose health benefits ended by reason of employer action in 2002 is 10. Since the number of individuals receiving coverage for applicable health benefits as of the last day of 2001 is 200, the employer-initiated reduction percentage for 2002 is 5 percent (10/200), which is less than the 10 percent annual limit.

(e) *Regulatory effective date.* This section is applicable to transfers of excess pension assets occurring on or after December 18, 1999.

David A. Mader,

Acting Deputy Commissioner of Internal Revenue.

Approved: June 12, 2001.

Mark A. Weinberger,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 01–15255 Filed 6–14–01; 2:45 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8949]

RIN 1545–AY80

Special Aggregate Stock Ownership Rules

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the aggregation of stock ownership in a corporation of members of a consolidated group. These regulations reflect a technical correction enacted in section 311(c) of the Community Renewal Tax Relief Act of 2000, that, in substance, provides that the special aggregate stock ownership rules shall apply for purposes of section 732(f) of the Code. These final regulations may affect all consolidated groups.

DATES: *Effective Date:* June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Frances L. Kelly or David H. Kessler, (202) 622–7770 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under section 1502 of the Internal Revenue Code of 1986 (Code). Section 1.1502–34 generally provides that, for purposes of the consolidated return regulations, the stock ownership of all members of a consolidated group in another corporation is aggregated in determining the application of certain

Code provisions, including section 332(b)(1), in a consolidated return year.

Section 538 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170, 113 Stat. 1939) (the 1999 Act) enacted section 732(f) on December 17, 1999. With certain exceptions, section 732(f) generally provides that if (1) a corporate partner of a partnership receives a distribution from that partnership of stock in another corporation, (2) the corporate partner has control of the distributed corporation immediately after the distribution or at any time thereafter, and (3) the partnership's adjusted basis in such stock immediately before the distribution exceeded the corporate partner's adjusted basis in such stock immediately after the distribution, then an amount equal to such excess shall reduce the basis of the property held by the distributed corporation at such time.

On December 21, 2000, Congress enacted section 311(c) of the Community Renewal Tax Relief Act of 2000 (Public Law 106–554, 114 Stat. 2763) (the 2000 Act), a technical correction to section 538 of the 1999 Act. Section 311(c) of the 2000 Act states ''[t]he reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation section 1.1502–34 shall be deemed to include a reference to section 732(f) of such Code.'' The Conference Report states that the rule in the consolidated return regulations (§ 1.1502–34) aggregating stock ownership for purposes of section 332 (relating to a complete liquidation of a subsidiary that is a controlled corporation) also applies for purposes of section 732(f) (relating to basis adjustments to assets of a controlled corporation received in a partnership distribution). H.R. Conf. Rep. No. 1033, 106th Cong., 2d Sess. 1022 (2000).

Section 311(d) of the 2000 Act provides that section 311(c) of the 2000 Act takes effect as if included in the provisions of the 1999 Act to which it relates. Thus, the effective date of section 311(c) of the 2000 Act is the same as that for section 538(a) of the 1999 Act, which is contained in section 538(b) of the 1999 Act.

Explanation of Provisions

These final regulations conform § 1.1502–34 to a technical correction enacted in section 311(c) of the 2000 Act and add a regulation under section 732 reflecting that correction. These regulations reflect this statutory provision clarifying that the stock aggregation rules under § 1.1502–34 apply for purposes of section 732(f).

Because section 311(d) of the 2000 Act provides that section 311(c) of the 2000 Act shall take effect as if it had been included in the provisions of the 1999 Act, the effective date provisions of section 538(b) of the 1999 Act apply to these regulations. Section 538(b) generally provides that the amendments made by section 538(a) of the 1999 Act apply to distributions made after July 14, 1999. In the case of a corporation that was a partner in a partnership as of July 14, 1999, the amendments made by section 538(a) of the 1999 Act apply to distributions made (or treated as made) to that partner from that partnership after June 30, 2001. In the case of any such distribution made after December 17, 1999, and before July 1, 2001, the rule of the preceding sentence does not apply unless that partner makes an election to have the rule apply to the distribution on the partner's income tax return for the year in which the distribution occurs.

Special Analyses

It has been determined that this Treasury Decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Because no notice of proposed rulemaking is required for this final regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply.

This final rule merely conforms § 1.1502–34 to the statutory amendment made by section 311(c) of the 2000 Act. Pursuant to 5 U.S.C. 553, it is determined that prior notice and comment are unnecessary and contrary to the public interest. For the same reason, good cause exists for not delaying the effective date of this final rule.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *.

Section 1.732–3 also issued under 26 U.S.C. 732(f). * * *

Section 1.1502–34 also issued under 26 U.S.C. 1502. * * *

Par. 2. Section 1.732–3 is added to read as follows:

§ 1.732–3 Corresponding adjustment to basis of assets of a distributed corporation controlled by a corporate partner.

The determination of whether a corporate partner has control of a distributed corporation for purposes of section 732(f) shall be made by applying the special aggregate stock ownership rules of § 1.1502–34.

§ 1.1502–34 [Amended]

Par. 3. In § 1.1502–34, the first sentence is amended by adding ''732(f),'' immediately after ''351(a),''.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: June 8, 2001.

Mark A. Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 01–15353 Filed 6–18–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 256

RIN: 1010–AC74

Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Definition of Affected State

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This final rule eliminates the definition of ''Affected State'' in Subpart B, Oil and Gas Leasing Program. The definition of ''Affected State'' in Subpart A will apply to the entire Part 256, eliminating the need for unaffected coastal States to participate in the preparation of a 5-year program, unless they so choose.

EFFECTIVE DATE: The rule is effective June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Ralph Ainger or Jane Roberts at (703) 787–1215.

SUPPLEMENTARY INFORMATION: On December 15, 2000, we published a Notice of Proposed Rulemaking (NPR) (65 FR 78432), titled ''Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Definition of Affected State,'' which proposed to remove 30 CFR 256.14. The comment period closed February 13, 2001. We received one comment from a coastal State. This final rule removes the regulation at 30 CFR 256.14. This rule

does not impose any requirements on affected parties that would require a period of time to implement. Therefore, in order to have it codified in the next publication of the Code of Federal Regulations, this will become effective on the date of publication in the **Federal Register**.

The definition of ''Affected State'' in current 30 CFR 256.5(g), will apply to the entire part. That definition reads as follows: '' ''Affected State'' means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of the act, any State—

(1) The laws of which are declared, pursuant to section 4(a)(2) of the Act, to be the law of the United States for the portion of the Outer Continental Shelf on which such activity is, or is proposed to be conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of the Act;

(3) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the Outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) In which the Secretary finds that because of such activity there is, or will be a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.''

As we stated in the NPR, listing all the States adjacent to the OCS as ''affected'' is contrary to the intent as well as the letter of the statute and may cause unnecessary administrative burden for those States that are not affected under the legal definition. These States should not be automatically involved if they do not meet the statutory definition. However, there is nothing to preclude any State's participation if and to the extent they wish, as the 5-year process contains multiple periods for public comment. Elimination of the definition also reduces the burden on the Government to involve States that are not affected by the program.

Comments on the Rule

We received one comment in response to the NPR. The State of North Carolina Department of Environment and Natural Resources, Division of Coastal Management, supported the elimination of the definition of ''Affected State'' as it applied to Subpart B only. The commenter stated that as the areas off the coast of North Carolina are withdrawn from leasing until 2012, listing the State as affected might cause an unnecessary administrative burden for North Carolina. It further stated that North Carolina should not be automatically involved if they do not meet the statutory definition. They realize that nothing precludes their participation in the 5-year process.

Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Ultimately, this rule is advantageous to the Federal Government in that it would not have to involve certain unaffected States in the complex, multi-step process of preparing a 5-year program. It also is advantageous to those States that would not have to participate during program preparation when the Federal Government makes three requests for comments and recommendations from affected States. Because of Presidential withdrawals and congressional moratoria, an average of 14 of the 23 coastal States could be deemed unaffected by a proposed 5-year program. If those 14 States were deemed unaffected, there could be a savings of $170,100 ($2,100 + $168,000). At a minimum, a State must spend 1 hour deciding whether or not to respond. Therefore, there would be a minimum expenditure of $150 per State and a total of $2,100 for all 14 States (3 requests × 1 hour × $50 per hour = $150 × 14 States = $2,100). If a State decides, or in some cases is required, to participate by its own laws, that State could spend up to 80 hours preparing a response to each request. Therefore, there could be another expenditure of $12,000 per State and a total of $168,000 for all 14 States (3 requests × 80 hours × $50 per hour = $12,000 × 14 States).

(2) This will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. There are no other Federal agencies involved in this process as it relates to participation by coastal States.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or rights or obligations of their recipients. This rule has no effect on these programs or such rights.

(4) This rule does not raise novel legal or policy issues. As previously stated, the intent of this rule is to eliminate the redundant and unnecessary definition of ''Affected State'' at 30 CFR 256.14. The term is defined at 30 CFR 256.5(g) and applies to the entire part.

Regulatory Flexibility (RF) Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). This revised rule eliminates the redundant and unnecessary definition of ''Affected State'' at 30 CFR 256.14. The only entities impacted by this rule change are certain coastal States that we would no longer automatically involve in a complex, multi-step process of preparing a 5-year program that would not affect them.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under the SBREFA, 5 U.S.C. 804(2). This rule:

(1) Does not have an annual effect on the economy of $100 million or more. This rule eliminates the need for the Federal Government to automatically involve some 1 coastal States in a complex, multi-step process to prepare a program that would not affect them.

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic areas. This rule eliminates the need for some coastal States that would not be affected by a 5-year oil and gas program from participating in its preparation unless they so choose.

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. There are no United States- or foreign-based enterprises involved in this rule.

Paperwork Reduction Act (PRA) of 1995

This regulation does not affect an existing OMB-approved information collection and an OMB Form 83–I is not required. The proposed rule simply removes a definition. OMB approved the information collection requirements in part 256 under OMB control number 1010–0006, with a current expiration date of March 31, 2004.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State Governments. Elimination of the redundant and unnecessary definition of an ''Affected State'' could reduce costs on States that are not affected by the 5-year program and the cost to the Federal Government of involving unaffected States.

Takings Implications Assessment (Executive Order 12630)

According to Executive Order 12630, the rule does not have significant Takings implications. A Takings Implication Assessment is not required. This rule has no effect on Takings, as it only applies to States that would no longer be automatically involved in the preparation of a program that has no effect on them, thereby eliminating the possible burden of doing so.

Civil Justice Reform (Executive Order 12899)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environment Policy Act (NEPA)

We have analyzed this rule according to the criteria of the NEPA and 516 DM. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental assessment is not required. This rule will have no impact regarding the criteria of the NEPA.

Unfunded Mandate Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not create any kind of a mandate for State, local, or tribal governments or the private sector. In fact, it eliminates the need for the Federal Government to involve certain States in the preparation of a program that will not affect them. A statement containing the information required by the UMRA, 2 U.S.C. 1501 *et seq.* is not required.

List of Subjects in 30 CFR Part 256

Administrative practice and procedure, Continental shelf, Environmental protection, Government contracts, Intergovernmental relations, MMS, Oil and gas exploration, Public lands-mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

Dated: May 30, 2001.

Piet deWitt,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service amends 30 CFR part 256 as follows:

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for Part 256 continues to read as follows:

Authority: 42 U.S.C 6213, 43 U.S.C. 1331 *et seq.*

§ 256.14 [Removed]

2. Section 256.14 is removed.

[FR Doc. 01–15393 Filed 6–18–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110, 117, 165

[CGD09–01–004]

RIN 2115-AA97

Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw Rivers, MI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones and anchorage areas during the Sail Detroit tall ship visit and harbor celebration in the Detroit River, Detroit, Michigan, to be held July 18–24, 2001 and the Tall Ship Celebration 2001 to be held July 26–30, 2001 in the Saginaw River, Bay City, Michigan. These zones are necessary to promote the safe navigation of vessels and the safety of life and property during the periods of heavy vessel traffic expected during these events. These zones are intended to restrict vessel traffic from a portion of the Detroit River and restrict vessel traffic in a portion of the Saginaw River.

DATES: This rule is effective from July 18–30, 2001, except for § 110.T09–007 and the suspension of § 110.206 which are effective July 22, 2001 from 7:30 a.m. to 5:30 p.m. and the amendments to § 117.647 which are effective July 26, 2001 from 1 p.m. to 7 p.m.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD09–01–004 and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Detroit, 110 Mt. Elliott Ave., Detroit, MI 48207, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dennis O'Mara, Marine Safety Office Detroit, Detroit, MI, (313) 568–9580.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 9, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw Rivers, MI in the **Federal Register** (66 FR 18419). The Coast Guard did not receive any letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

These temporary regulations are for the Sail Detroit tall ship visit and harbor celebration and Tall Ship Celebration 2001 to be held in the Detroit and Saginaw Rivers, respectively. The Sail Detroit tall ship visit is scheduled to be part of Detroit 300, the celebration to honor the 300th birthday of Detroit's founding. It is a shared international event between the sister cities of Detroit, MI and Windsor, Ontario Canada. Temporary safety zones will be established along both waterfront areas, once tall ships are moored. Sail Detroit will be highlighted by a 5-mile historic vessel parade (approximately 50 vessels, including 20 or more tall ships), waterside events, in-port tours, waterside moored vessel viewing, and a re-enactment of Cadillac's landing in Detroit. The parade of historic ships will take place in the Detroit River on July 22, 2001 between the Ojibway Anchorage and Belle Isle. The re-enactment of Antoine de la Mothe Cadillac's 1701 landing in Detroit will take place on July 24, 2001, between Belle Isle and Hart Plaza. The Coast

Guard will establish a temporary safety zone to ensure the safety of both events.

Tall Ship Celebration 2001 is a community-wide maritime festival in Bay City, MI, featuring a 6-mile ship parade, in-port tours and waterside moored vessel viewing between July 26 and July 30, 2001. A parade of ships begins the Bay City celebration, forming in Saginaw Bay and traversing the Saginaw River to the Veterans Memorial Bridge.

Vessels will moor at docks along Veterans Park and Wenonah Park in Bay City near the bridge. There will be a temporary moving safety zone around the parade vessels during the parade to ensure the safety of passengers, crew and visitors. A second temporary safety zone between the Liberty Street Bridge and the Veterans Memorial Bridge will be established, once the sailing vessels are moored.

These temporary regulations are prompted by the high degree of control necessary to ensure the safety of participating and spectator vessels for the events occurring in the Detroit River, Saginaw Bay, and the Saginaw River during this time. These regulations provide guidance on vessel movement controls, temporary anchorage regulations, and safety zones that will be in effect at specified marine locations during specified times. The temporary regulations are specifically designed to minimize adverse impacts on commercial users of the affected waterways.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. The event sponsors for the Tall Ship Celebration 2001, to be held in Bay City, have cancelled the planned fireworks display. However, since the temporary safety zone in place for the moored vessels provided a sufficient degree of safety, no specific regulations were proposed for the fireworks. References to a fireworks display in Bay City have been removed from the preamble, but no regulatory changes were made to this rulemaking.

Regulatory Evaluation

This temporary final rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). Due to the short duration of these marine events and the advance notice provided to the marine community, we expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The greatest potential impact on port users will occur on two days, Sunday, July 22, 2001, and Thursday, July 26, 2001. On July 22, the Sail Detroit Ford Parade of Ships will take place in the Detroit River, and on July 26, the Tall Ship Celebration 2001 parade of ships will take place in Saginaw Bay and the Saginaw River. On both of these days, the combination of parade vessels and large numbers of recreational vessels will cause potential disruptions to normal port activity. However, due to the temporary nature of these disruptions, they can be planned for in advance to minimize the economic hardship that might result. The largest segments of the port community facing disruptions are the operators of deep draft vessels and the terminals they call on. In addition to the extended advance notice of these events provided by the Captain of the Port Detroit, deep draft vessel traffic will be accommodated as best as possible on these two days. Moreover, provisions have been made by the Sail Detroit sponsor to allow vessels transiting up-bound in the Detroit River on Sunday, July 22, to be included in the ship parade.

The Coast Guard expects that the publication and advertisement of these events and these regulations will allow the industry sufficient time to adjust schedules and minimize adverse impacts. Compensating for any adverse impacts are the favorable economic impacts that these events will have on commercial activity in the area as a whole from the boaters and tourists these events are expected to attract.

Small Entities

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

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this temporary final rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Detroit (see **ADDRESSES**).

Collection of Information

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

Federalism

We have analyzed this temporary final rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs 34 (f), (g), and (h), and 32 (e) of Commandant Instruction M16475.1C, this rule will have no significant environmental impact and is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

Energy Effects

We have analyzed this rule under Executive order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

List of Subjects

33 CFR Part 110

Anchorage Grounds.

33 CFR Part 117

Bridges.

33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR parts 110, 117, and 165, as follows:

PART 110—ANCHORAGE REGULATIONS [AMENDED]

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

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. On July 22, 2001, from 7:30 a.m. to 5:30 p.m., temporarily suspend § 110.206.

3. On July 22, 2001, from 7:30 a.m. to 5:30 p.m., temporarily add new § 110.T09–007 to read as follows:

§ 110.T09–007 Detroit River, Detroit, Michigan.

(a) *Anchorages.* Coordinates for temporary spectator anchorage areas in this section are based on North American Datum 1983 (NAD83).

(1) *Temporary Spectator Anchorage Area A.* The area specifically bounded downriver by a line drawn from the United States shoreline at position 42°19′36″ N, 083°02′37″ W, to the Griswold Street Junction Buoy (LLNR 8200); and bounded on the south by a line drawn from the Griswold Street Junction Buoy to the Belle Isle Lower Lighted Junction Buoy (LLNR 8205); and bounded upriver by a line drawn from the Belle Isle Lower Lighted Junction Buoy to the United States shoreline at position 42°20′24″ N, 083°01′08″ W; and bounded on the north by the United States shoreline between positions 42°19′36″ N, 083°02′37″ W, and 42°20′24″ N, 083°01′08″ W is Temporary Spectator Anchorage Area A.

(2) *Temporary Spectator Anchorage Area B.* The area specifically bounded upriver by a line drawn from Riverfront Marina South Entrance Light ''1'' (LLNR 8175) to a point 200 yards from the United States shoreline at position 42°19′18″ N, 083°03′12″ W (point 1); and bounded downriver by the Ambassador Bridge from the United States shoreline at position 42°18′52″ N, 083°04′32″ W, to a point 200 yards from the U.S. shoreline at position 42°18′46″ N, 083°04′29″ W (point 2); and bounded on the south by a line 200 yards offshore connecting points 1 and 2 parallel to the U.S. shoreline; and bounded on the north by the U.S. shoreline is Temporary Spectator Anchorage Area B.

(3) *Temporary Spectator Anchorage Area C.* The area specifically bounded upriver by a line drawn from the United States shoreline at position, 42°18′46″ N, 083°04′42″ W, to a point in the Detroit River 200 yards from the shoreline at position 42°18′42″ N, 083°04′38″ W (point 3); and bounded downriver by a line drawn between a point in the Detroit River at position 42°17′42.5″ N, 083°05′36.5″ W (point 4), and a point on the U.S. shoreline at position 42°17′46″ N, 083°05′43″ W; and bounded on the south by a line drawn 200 yards from the United States shoreline between points 3 and 4, and bounded on the west by the U.S. shoreline is Temporary Spectator Anchorage Area C.

(b) *Local regulations.*

(1) During the effective period, all vessels operating within the Temporary Spectator Anchorage Areas A, B or C shall proceed directly to or from anchor at no wake speeds, not to exceed five (5) miles per hour, unless otherwise authorized by the Captain of the Port Detroit or other on-scene Coast Guard patrol personnel.

(2) Vessel operators may not leave unattended vessels in the anchorage at any time.

(3) Vessel operators may not nest or tie off to other vessels or buoys, or to the adjacent shoreline.

(4) Vessel operators may not maneuver between anchored vessels.

(5) Vessel operators shall display the proper anchoring shapes or lights, as defined by navigation rules.

(6) Vessel operators shall depart the anchorage areas after termination of the effective period. Once directed to do so by on-scene patrol personnel, vessels shall depart as follows:

(i) Vessels anchored in Anchorage Areas A, B or C may depart in a down-bound direction as soon as the last participating parade vessel passes by the anchorage.

(ii) Up-bound vessels will depart as directed by Coast Guard patrol personnel, based on congestion and existing vessel traffic conditions.

(7) Vessel operators shall comply with the instructions of the on-scene Coast Guard personnel. On-scene Coast Guard personnel include commissioned, warrant, and petty officers of the United States Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(c) *Caution.* Mariners are cautioned that the areas designated as anchorage grounds in this section have not been subject to any special survey or inspection and that charts may not show all riverbed obstructions or the shallowest depths. In addition, the anchorages are in areas of substantial currents, and not all anchorages are over good holding ground. Mariners are advised to take appropriate precautions

when using these temporary anchorages. These are not special anchorage areas. Vessels must display anchor lights or shapes, as required by the navigation rules. All anchorages in this paragraph are effective as specified. Vessel operators using the anchorages in this paragraph must comply with the general operational requirements specified in paragraph (b) of this section.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

5. From 1 p.m. until 7 p.m., Thursday, July 26, 2001, in section 117.647, suspend paragraph (b) and add paragraphs (f) and (g) to read as follows:

§ 117.647 Saginaw River.

* * * * *

(f) The draws of the Veterans Memorial bridge, mile 5.0, and Lafayette Street bridge, mile 6.2, in Bay City, shall open on signal from March 16 through December 15, except as follows:

(1) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. except Saturdays, Sundays, and holidays observed in the locality, the draws need not be opened for the passage of vessels of less than 50 gross tons.

(2) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. except on Sundays and Federal holidays, the draws need not be opened for the passage of down-bound vessels of over 50 gross tons.

(3) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Lafayette Street bridge need not be opened for the passage of pleasure craft except for three minutes before to three minutes after the hour and half hour.

(4) From 8 a.m. to 8 p.m. on Saturdays, Sundays, and Federal holidays, the draws of the Veterans Memorial bridge need not be opened for the passage of pleasure craft, except from three minutes before to three minutes after the quarter hour and three quarter hour.

(5) From December 16 through March 15, the draws of these bridges shall open on signal if at least 12 hours notice is given.

(g) From 1 p.m. through 7 p.m., Thursday, July 26, 2001, the draws of the Belinda Street (Independence) bridge, mile 3.3, and the Liberty Street bridge, mile 4.4, shall be closed to navigation, except that the draws shall open upon signal from vessels participating in the Tall Ship Celebration 2001 Parade of Ships.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS [AMENDED]

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

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

7. Add temporary section 165.T09–008 to read as follows:

§ 165.T09–008 Safety Zone: Hart Plaza to the Joe Louis Arena, Detroit River, Detroit, Michigan.

(a) *Location.* The following is a Safety Zone: All U.S. waters of the Detroit River extending 100 yards from the shoreline between the easternmost tip of Hart Plaza to the westernmost point of the River Promenade at Joe Louis Arena. The safety zone will enclose the area bounded by a line drawn from point 42°19′36.5″ N, 083°02′31″ W, on the U.S. shoreline at the easternmost tip of Hart Plaza, extending southward 100 yards into the Detroit River to point 42°19′34″ N, 083°01′31″ W, then westward parallel to the U.S. shoreline to point 42°19′24″ N, 083°03′05″ W, then northward to the U.S. shoreline at the westernmost tip of the Riverfront Promenade near the Joe Louis Arena at point 42°19′26″ N, 083°03′06.5″ W, then back eastward along the U.S. shoreline to point 42°19′36.5″ N, 083°02′31″ W. All coordinates in this section reference 1983 North American Datum (NAD83).

(b) *Effective Date.* This section is effective from 12 p.m. on Wednesday, July 18, 2001, through 9:30 a.m. on Sunday, July 22, 2001.

(c) *Regulations.* Vessels operating in the Detroit River within 100 yards of any moored tall ship sailing vessel during the effective period must proceed:

(1) In traffic patterns as directed by on-scene Coast Guard patrol craft, so as not to hazard tall ships or shore-side visitors boarding tall ships.

(2) At speeds that create minimal wake near any moored tall ship in the Detroit River, and not within 50 feet of the hull of any moored tall ship.

8. Add temporary § 165.T09–009 to read as follows:

§ 165.T09–009 Safety Zone: Detroit River, Detroit, Michigan.

(a) *Location.* The following is a safety zone: All U.S. waters of the Detroit River bounded by a line drawn from a point on the United States shoreline near the Nicholson Marine Terminal in River Rouge, MI, at position 42°15′21″ N, 083°07′14″ W, to a point on the international boundary line at position 42°15′14″ N, 083°07′00″ W; thence northeasterly, along the international boundary line to a point due south of Coast Guard Station Belle Isle, at position 42°20′22″ N, 082°57′35″ W; thence, due north to Coast Guard Station Belle Isle. The safety zone includes all waters of the Detroit River, down-bound from the Coast Guard Station Belle Isle, around the western tip of the island, along the MacArthur Bridge, and then along the length of the entire Detroit waterfront to Nicholson Terminal, River Rouge, MI, out to the U.S.-Canadian border, not to include waters of Temporary Spectator Anchorage Areas A, B or C, as defined by Sec. 110.T09–007. All coordinates in this section reference 1983 North American Datum (NAD83).

(b) *Effective period.* This section will be in effect from 12:30 p.m. until 5:30 p.m. on Sunday, July 22, 2001.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

9. Add temporary § 165.T09–010 to read as follows:

§ 165.T09–010 Safety Zone: Detroit River, Detroit, Michigan.

(a) *Location.* All coordinates in this section reference 1983 North American Datum (NAD83). The following areas are safety zones:

(1) All U.S. waters of the Detroit River within 100-yards of a ceremonial barge with its center in approximate position 42°19′32″ N, 083°0′41″ W (located in the vicinity of Hart Plaza, Detroit, Michigan).

(2) All U.S. waters of the Detroit River, 100 yards in all directions surrounding a group of six (6) to ten (10) canoes as they transit from the Detroit Yacht Club at position 42°21′00″ N, 082°58′30″ W, to the ceremonial barge located near Hart Plaza at approximate position 42°19′32″ N, 083°02′41″ W; and continue to Riverside Park at position 42°18′46″ N, 083°04′42″ W.

(b) *Effective Period.* The safety zone shall be in effect from 1 p.m. until 7 p.m. on Tuesday, July 24, 2001.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

10. Add temporary § 165.T09–011 to read as follows:

§ 165.T09–011 Safety Zone: Saginaw Bay and River, Bay City, Michigan.

(a) *Location.* The following area is a safety zone: All waters of Saginaw Bay and the Saginaw River within a 100-yard radius and one mile ahead of the entire group of 12 to 20 tall ships and other parade vessels as they transit from position 43°43′54″ N, 083°46′54″ W, ''Light 12'' (LLNR 10644) to Veterans Memorial Bridge.

(b) *Effective Date.* This section is effective from 1 p.m. until 7 p.m. on July 26, 2001.

(c) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

11. Add temporary § 165.T09–012 to read as follows:

§ 165.T09–012 Safety Zone: Veterans Park and Wenonah Park, Saginaw River, Bay City, Michigan.

(a) *Location.* The following area is a safety zone: All waters of the Saginaw River between the Liberty Street Bridge at mile 4.99 and the Veterans Memorial Bridge at mile 5.60.

(b) *Effective Date.* The safety zone will be in effect from 7 p.m. on Thursday, July 26, 2001, through 12 p.m., noon, on Monday, July 30, 2001.

(c) *Regulations.* The following special regulations apply:

(1) The general regulations in 33 CFR 165.23 apply.

(2) Vessels operating in the Saginaw River within the safety zone during the effective period must proceed at no wake speeds, and not within 50 feet of the hull of any moored tall ship, in traffic patterns as directed by on-scene Coast Guard patrol craft, so as not to hazard tall ships or shore-side visitors boarding tall ships.

(3) Vessels shall remain outside the designated hazard area in the safety zone, as directed by on-scene Coast Guard personnel, during any evening fireworks event.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or designated on-scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

Dated: June 12, 2001.

James D. Hull,

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

[FR Doc. 01–15385 Filed 6–15–01; 11:14 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–005]

RIN 2115–AE84

Huntington Cleveland Harborfest: Regulated Navigation Area and Moving Safety Zones, Cuyahoga River and Cleveland Harbor, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will establish a temporary Regulated Navigation Area (RNA) during the Huntington Cleveland Harborfest event in the Port of Cleveland, OH. The Coast Guard will also establish a Moving Safety Zone in conjunction with the parade of ships as they transit Cleveland Harbor. These regulations are necessary to ensure the safe navigation of vessels and the safety of life and property during periods of heavy vessel traffic.

DATES: This rule is effective from July 11, 2001, until July 16, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD09–01–005) and are available for inspection or copying at Coast Guard Marine Safety Office (MSO) Cleveland, 1055 East Ninth Street, Cleveland, Ohio, 44114, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant John Natale, Chief Port Operations Department, Coast Guard MSO Cleveland (216) 937–0111.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 22, 2001, we published a notice of proposed rulemaking (NPRM) entitled Cleveland Harborfest: Regulated Navigation Area and Moving Safety Zones, Cuyahoga River and Cleveland Harbor, Cleveland, OH in the **Federal Register** (66 FR 16020). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

Under 5 U.S.C. 553 (d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A 30 day delay in the effective date is unnecessary because the public was put on notice of our intent to establish a regulated navigation area in conjunction with the Huntington Cleveland Harborfest when we published our NPRM on March 22, 2001. Additionally, this rule will not go into effect until approximately three weeks after publication, which provides additional notice to the public.

A 30 day delay in the effective period would also be contrary to the public interest. These regulations are needed to ensure the safety of life and property during the Harborfest event, which is scheduled for July 11, 2001, through July 16, 2001.

Background and Purpose

During the Huntington Cleveland Harborfest, tall ships will moor at the Cleveland Port Authority in Cleveland Harbor. A RNA will be established on the Cuyahoga River in the area of the Flats from 12 p.m. July 11, 2001, until 1 p.m. July 16, 2001. Although the tall ships will not be moored in the

Cuyahoga River, this area is known for commercial and recreational congestion. With the anticipated increase in boaters during the event, the Coast Guard wants to make sure navigation on the river remains open. The RNA establishes a traffic pattern, limits docking in the Flats area of the Cuyahoga River, and asks commercial vessels in the harbor and rivers to report traffic conditions so vessel traffic throughout the Cleveland area may be managed. The portion of the Cuyahoga River between the Norfolk & Southern Number One Lift Bridge and Nautica Stage is the area to be designated as an RNA.

On Wednesday, July 11, 2001 at 3:30 p.m. a parade of 12 ships under sail with several other vessels will mark the beginning of Huntington Cleveland Harborfest 2001. The parade will start just outside the main ship channel. The vessels will enter Cleveland Harbor and proceed east along the waterfront past Burke Lakefront Airport. They will then exit the harbor at the eastern end of the breakwall, make a loop and return through the eastern end and proceed to the Cleveland port Authority where they will moor at approximately 6:30 p.m. To help the parade participants navigate safely along the parade route, no one will be allowed to enter a Moving Safety Zone around the parade of vessels.

The Moving Safety Zone will include the areas around and between all the vessels participating in the parade. The Moving Safety Zone will include the area within and bounded by an imaginary boundary extending a distance of 100 yards ahead of the line of vessels in the parade, 50 yards abeam each vessel and the line formed by the parade of vessels, and 50 yards astern of the last vessel in the parade. The Safety Zone will ensure that spectator craft do not impede the path of any of the parade vessels.

The vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life. This rulemaking is necessary to ensure the safety of life on the navigable waters of the United States.

Discussion of Rule

During this event, tall ships will moor at the Cleveland Port Authority in Cleveland Harbor. The portion of the Cuyahoga River between the Norfolk & Southern Number One Lift Bridge and Nautica Stage is the area to be designated as a RNA, since this very narrow area of the river is expected to contain heavy recreational vessel traffic and commercial freighter traffic. All recreational vessels shall remain on the west bank of the river channel during southbound transits and on the east bank during northbound transits. Recreational vessels will be required to proceed at no-wake speed; maintain headway conditions permitting; and will not be allowed to cross the center of the channel except at the northern and southern ends of the RNA. The provision restricting recreational vessels from crossing the channel centerline does not apply to vessels getting underway from a berth within the RNA, or to vessels outbound from the Old River. The permanent Safety Zones currently in effect on the Cuyahoga River (33 CFR 165.903) remain unchanged. However, in addition to those, recreational vessels will not be allowed to moor more than six vessels abeam anywhere in the RNA, including in the safety zones within the RNA, and must depart the area when directed. Recreational vessels docking in the RNA may maneuver to do so, but shall not linger awaiting availability of a mooring. Permission to deviate from the above rules must be obtained from the Coast Guard Captain of the Port or his representative at (216)-937–0111 any time before July 11, 2001, and during the event (July 11–16) by contacting ''Coast Guard Cuyahoga River Traffic'' by VHF/FM radio Channel 6 or by telephone at (216) 695–9794. Commercial vessels will be allowed to transit the center of the channel and may be assisted by the Coast Guard in determining congestion and, if required, the Coast Guard may clear recreational traffic. All commercial vessels must contact ''Coast Guard Cuyahoga River Traffic'' on VHF/FM radio Channel 6 at least 30 minutes before entering the RNA.

In order to ensure vessel safety, a Moving Safety Zone will be in effect for the vessels participating in the Tall Ships Parade of Sails, which will be held upon their arrival in Cleveland on Wednesday, July 11, 2001. The Moving Safety Zone will be in effect around the vessels participating in the parade. The Moving Safety Zone will begin at 3:30 p.m. on Wednesday, July 11, 2001 at mustering point 41°31′30″ N, 081°45′00″ W, in Lake Erie approximately two miles northwest of the Cleveland Harbor West Pierhead light. The parade will begin at 3:30 p.m. on Wednesday, July 11, 2001 at the mustering point. The parade will proceed eastward to position 41°31′30″ N, 081°43′47″ W, then proceed southeastward to position 41°30′21″ N, 081°42′48″ W inside the Cleveland breakwall. The parade will continue northeastward on the inside of the breakwall to position 41°32′39″ N, 081°38′45″ W. The parade will then proceed northwestward into Lake Erie to position 41°33′27″ N, 081°39′06″ W, then northeastward to position 41°33′27″ N, 081°38′36″ W, and then southward back to the breakwall at position 41°32′45″ N, 081°38′36″ W. The parade will continue soutwestward inside of the breakwall to position 41°30′45″ N, 081°42′00″ W, and the parade vessels will then moor in the vicinity of Cleveland Port Authority Dock Number 32. The Moving Safety Zone will terminate at Cleveland Port Authority Dock Number 32 at 7 p.m. on Wednesday, July 11, 2001.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. The Coast Guard made the following changes to this rulemaking:

The event name changed from ''Cleveland Harborfest'' to ''Huntington Cleveland Harborfest.''

Permission for vessels to coordinate transits in or in the vicinity of the moving safety zone and the parade route must be obtained from the Captain of the Port or his representative by VHF/FM radio, Channel 81, vice channel 6.

The parade course will be slightly shorter than the parade route published in the NPRM. After the vessels exit the breakwall and head northwest, they will make a northeastward turn at point 41°33′27″ N, 081°39′06″ W, vice 41°32′45″ N, 081°38′36″ W. The course will proceed to 41°33′27″ N, 081°38′36″ W, vice 41°35′18″ N, 081°38′39″ W. The shortened course will allow the parade to be completed in a shorter period of time.

Several of the other parade coordinates were slightly adjusted to allow for better course alignment.

The telephone number to contact the Coast Guard during the parade for vessels to coordinate transits in or in the vicinity of the moving safety zone and the parade route is (216) 695–9794 vice (216) 701–8389.

Vessels entering the Cuyahoga River to transit through the RNA should make the radio call ''Coast Guard Cuyahoga River Traffic'' vice ''Coast Guard Cleveland Harbor Traffic.'' The new radio call will avoid confusion with Coast Guard Station Cleveland Harbor's radio calls.

The parade will begin at 3:30 p.m. vice 3 p.m. on July 11, 2001.

The moving safety zone will begin at 3:30 p.m. vice 1 p.m. on July 11, 2001.

The RNA will begin at 12 p.m. vice 4 p.m. on July 11, 2001.

The RNA will terminate at 1 p.m. vice 4 p.m. on July 16, 2001.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The RNA and Moving Safety Zones will be in effect for a limited time, and extensive advance notice will be made to the maritime community via Local Notice to Mariners, facsimile, and marine safety information broadcasts. These temporary regulations are tailored to impose a minimal impact on maritime interests without compromising safety. Compensating for any adverse impacts are the favorable economic impacts that these events will have on commercial activity in the area as a whole from the boaters and tourists these events are expected to attract.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners of businesses along the regulated portion of Cuyahoga River, and the owners or operators of vessels intending to transit in the regulated portion of the Cuyahoga River or Cleveland Harbor from 12 p.m. on Wednesday, July 11, 2001 through 12 p.m. on Monday, July 16, 2001. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: The rule will be in effect for a short time, and though it will apply to the entire width of the river or harbor channel, commercial traffic will be allowed to pass through with the permission of the Coast Guard Patrol Commander. Before the effective period, we will issue an extensive advance notice of the event to the maritime community via Local Notice to Mariners, facsimile, marine safety information broadcasts, and through the local Harbor Safety Committee.

Assistance for Small Entities

Under Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. However, we received no requests for assistance from small entities.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, 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.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this rule and concluded that under figure 2–1, paragraph 34(g) and (h), and paragraph 35(a) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule will not cause significant impacts on the environment; significantly change existing environmental conditions; have more than a minimal impact on protected properties; or provide inconsistencies with State, local or Federal laws. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add temporary § 165.T09–005 to read as follows:

§ 165.T09–005 Regulated Navigation Area: Huntington Cleveland Harborfest, Cuyahoga River, Cleveland, Ohio.

(a) *Location:* The following area is a Regulated Navigation Area (RNA): All waters on the Cuyahoga River between the Norfolk and Southern Number One lift bridge, river mile 0.76, and Nautica Stage, Cleveland, Ohio as shown in Figure 1.

(b) *Effective Date:* These regulations are in effect from 12 p.m. on Wednesday, July 11, 2001 through 1 p.m. on Monday, July 16, 2001.

(c) *Regulations:* (1) Recreational vessels within the RNA shall remain on the west bank of the river channel during southbound transits and on the east bank during northbound transits.

(2) Recreational vessels shall proceed at no-wake speed; maintain headway conditions permitting; and will not cross the center of the channel except at the northern and southern ends of the RNA. The provision restricting recreational vessels from crossing the channel centerline does not apply to vessels getting underway from a berth within the RNA, or to vessels outbound from the Old River.

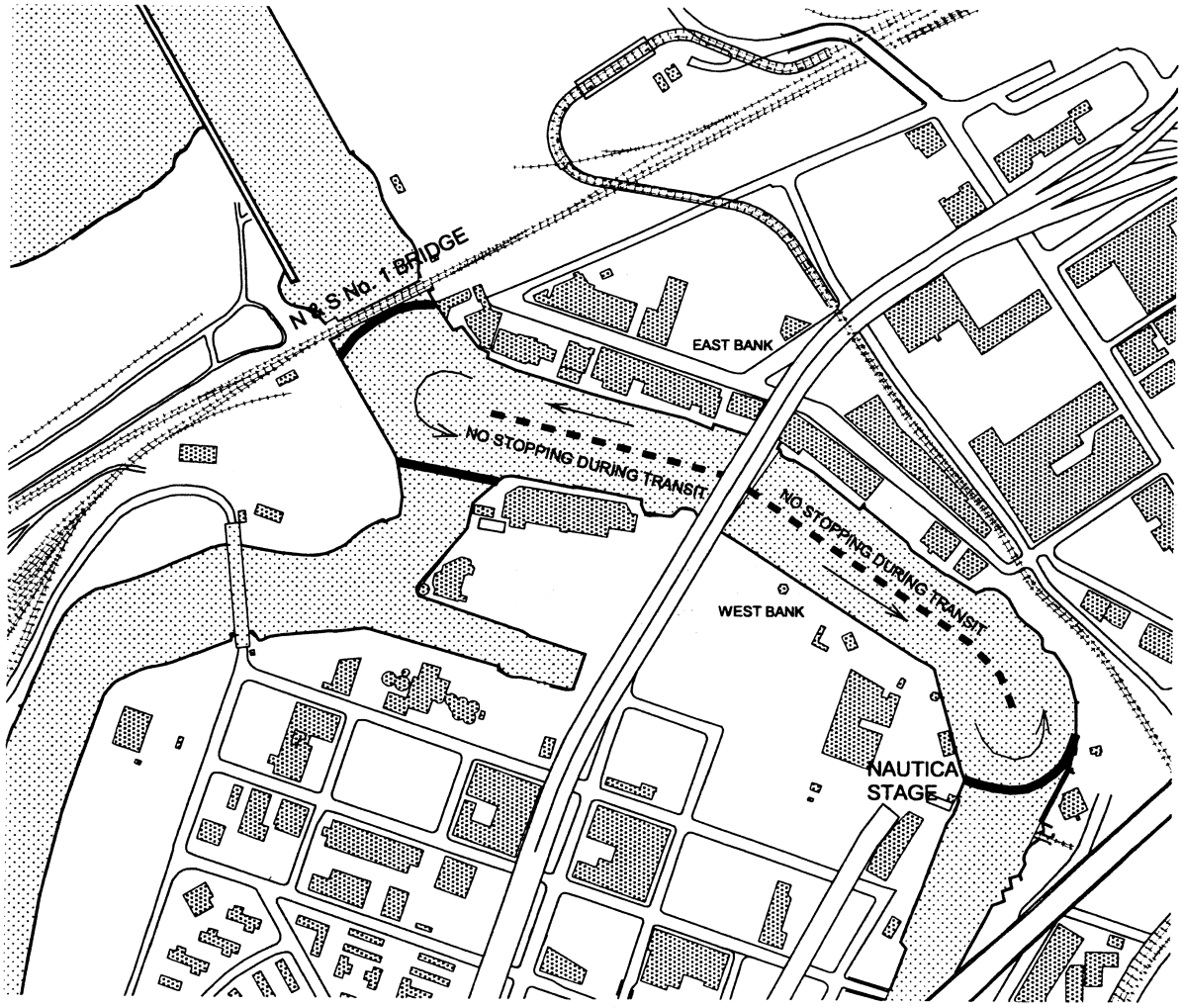
(3) The permanent safety zones currently in effect on the Cuyahoga River (33 CFR 165.903) remain unchanged. In addition, recreational vessels may not moor more than six vessels abeam anywhere in the RNA, and must depart the area when directed. These additional mooring and departure requirements apply to all vessels within the RNA, including those moored under pre-existing waivers granted under 33 CFR 165.903(b)(3). Recreational vessels docking in the RNA may maneuver to do so, but shall not linger awaiting availability of a mooring. Permission to deviate from the above rules must be obtained from the Coast Guard Captain of the Port or his representative at (216)-937–0111 any time before July 11, 2001, and during the event (July 11–16) by contacting ''Coast Guard Cuyahoga River Traffic'' by VHF/FM radio Channel 6 or by telephone at (216) 695–9794.

(4) Commercial vessels will be allowed to transit the center of the channel and may be escorted by a Coast Guard vessel. All commercial vessels must contact ''Coast Guard Cuyahoga River Traffic'' on VHF/FM radio Channel 6 at least 30 minutes before entering the RNA.

BILLING CODE 4910–15–U

FIGURE 1

HUNTINGTON CLEVELAND HARBORFEST 2001
CUYAHOGA RIVER
REGULATED NAVIGATION AREA



TRAFFIC SEPARATION SCHEME
RIVER CENTER LINE
LIMITS OF RNA
WATER
RAILROAD

N
W E
S

0 100 Yards

BILLING CODE 4910–15–C

3. Add temporary § 165.T09–006 to read as follows:

§ 165.T09–006 Moving Safety Zones: Huntington Cleveland Harborfest, Cleveland Harbor and Lake Erie, Cleveland, Ohio.

(a) *Location:* The waters of Cleveland Harbor and Lake Erie, Cleveland, Ohio.

(b) *Effective Date:* These regulations are in effect from 3:30 p.m. until 7 p.m. on Wednesday, July 11, 2001.

(c) *Regulations.* (1) The following areas are designated as Moving Safety Zones: All waters within and bounded by an imaginary boundary extending a distance of 100 yards ahead of the line of vessels in the parade, 50 yards abeam each vessel and the line formed by the parade of vessels, and 50 yards astern of the last vessel in the parade. The Moving Safety Zone will be in effect around the vessels participating in the parade. The Moving Safety Zone and parade will begin at 3:30 p.m. on Wednesday, July 11, 2001 at mustering point 41°31′30″ N, 081°45′00″ W, in Lake Erie approximately two miles northwest of the Cleveland Harbor West Pierhead light. The parade will proceed eastward to position 41°31′30″ N, 081°43′47″ W, then proceed southeastward to position 41°30′21″ N, 081°42′48″ W inside the Cleveland breakwall. The parade will continue northeastward on the inside of the breakwall to position 41°32′39″ N, 081°38′45″ W. The parade will then proceed northwestward into Lake Erie to position 41°33′27″ N, 081°39′06″ W, then northeastward to position 41°33′27″ N, 081°38′36″ W, and then southward back to the breakwall at position 41°32′45″ N, 081°38′36″ W. The parade will continue soutwestward inside of the breakwall to position 41°30′45″ N, 081°42′00″ W, and the parade vessels will then moor in the vicinity of Cleveland Port Authority Dock Number 32. The Moving Safety Zone will terminate at Cleveland Port Authority Dock Number 32 at 7 p.m. on Wednesday, July 11, 2001.

(2) All vessel operators shall comply with the instructions of the U.S. Coast Guard Captain of the Port Cleveland, Ohio, or the designated on-scene U.S. Coast Guard patrol personnel including commissioned, warrant, and petty officers. Permission for vessels to coordinate transits in or in the vicinity of the moving safety zone and the parade route must be obtained from the Captain of the Port or his representative by VHF/FM radio, Channel 81 or by telephone at (216) 695–9794.

Dated: June 13, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District, Cleveland, Ohio

[FR Doc. 01–15394 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–15–U

Proposed Rules

Federal Register

Vol. 66, No. 118

Tuesday, June 19, 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 ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number: EE–RM/STD–01–350]

RIN 1904–AA78

Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public workshop and availability of the framework document for residential furnaces and boilers efficiency standards.

SUMMARY: The Department of Energy (DOE or Department) will hold an informal public workshop to discuss and receive comments on issues it will address and the process it will follow in considering the adoption of revised energy conservation standards for residential furnaces and boilers. The Department also encourages written comments on these subjects. To facilitate this process, the Department is preparing a Framework Document, a draft of which will be available on or about June 18, 2001.

DATES: The public workshop will be held on Tuesday, July 17, 2001, from 9:00 a.m. to 5:00 p.m. Written comments should be submitted by August 17, 2001.

ADDRESSES: The workshop will be held at the U.S. Department of Energy, Forrestal Building, Room 1E–245, 1000 Independence Avenue, SW., Washington, DC 20585. (Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. If you are a foreign national and wish to participate in the workshop, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards-Jones at (202) 586–2945 so that the necessary procedures can be completed.)

On or about June 18, 2001, the draft Framework Document will be placed on the DOE website at: http://www.eren.doe.gov/buildings/codes_standards/

Written comments are welcome, especially following the workshop. Please submit written comments to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers, Docket Number: EE–RM/STD–01–350, EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–2945; Telefax: (202) 586–4617. You should label comments both on the envelope and on the documents and submit them for DOE receipt by August 17, 2001. Please submit one signed copy of the document and a computer diskette (WordPerfect 8) or 10 copies (no telefacsimiles). The Department will also accept electronically-mailed comments, e-mailed to Brenda.Edwards-Jones@ee.doe.gov, but you must supplement such comments with a signed hard copy.

Copies of the transcript of the public workshop, the public comments received, the Framework Document, and this notice may be read at the Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–3142, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Cyrus Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9138, email: cyrus.nasseri@ee.doe.gov, or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507, email: eugene.margolis@hq.doe.gov

SUPPLEMENTARY INFORMATION: Part B of Title III of the Energy Policy and Conservation Act, Public Law 94–163, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619; the National Appliance Energy Conservation Act (NAECA) of 1987, Public Law 100–12; the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357; and the Energy Policy Act of 1992 (EPACT), Public Law 102–486,[1] created the Energy Conservation Program for Consumer Products other than Automobiles (Program). The consumer products subject to this Program (referred to hereafter as ''covered products'') include residential furnaces and boilers. EPCA section 325(f), 42 U.S.C 6295(f).

For furnaces, the Act set the initial Federal energy conservation standard in terms of the Annual Fuel Utilization Efficiency (AFUE) descriptor at a minimum value of 78 percent for all furnaces except boilers (for which the minimum AFUE was set at 75 percent for gas steam boilers and 80 percent for other boilers), mobile home furnaces (for which the minimum AFUE was set at 75 percent), and ''small'' furnaces (which are explained below).

The Act did not establish a minimum efficiency for ''small'' furnaces, having an input of less than 45,000 British thermal units per hour, but required that the Department must publish a final rule by January 1, 1989, and set its minimum AFUE at a specific percent which is not less than 71 percent and not more than 78 percent. EPCA 325(f)(1)(B)(ii), 42 U.S.C. 6295(f)(1)(B)(ii). Accordingly, for these products, the Department published an Advance Notice of Proposed Rulemaking (ANOPR) (52 FR 46367, December 7, 1987) which presented a detailed discussion of the proposed analytical methodology and models and invited comments and data. On December 2, 1988, the Department published a Notice of Proposed Rulemaking (NOPR) (53 FR 48798, December 2, 1988) in which the Department proposed to establish an

[1] Part B of Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619; the National Appliance Energy Conservation Act (NAECA) of 1987, Pub. L. 100–12; the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Pub. L. 100–357; and the Energy Policy Act of 1992 (EPACT), Pub. L. 102–486, is referred to in this notice as the ''Act.''

energy conservation standard of 78 percent AFUE for small gas furnaces, which was the highest level within the range (71 to 78 percent) for the Department to consider, as set by the Act. In a final rule (54 FR 47916, November 17, 1989), the Department set the minimum AFUE for these products at 78 percent, or the maximum value allowed by the Act, with an effective date of January 1, 1992.

The Act set initial efficiency standards for mobile home furnaces (for which the minimum AFUE was set at 75 percent) but also required that the Department must publish a final rule no later than January 1, 1992, to determine whether these standards should be amended, and if so, the effective date for those amendments was required to be January 1, 1994. The Department started this activity and issued an ANOPR (55 FR 39624, September 28, 1990), followed by a NOPR where it proposed a new energy descriptor and standard levels (59 FR 10464, March 4, 1994). Further activities on this rulemaking were interrupted by several events, including a fiscal year 1996 moratorium on proposing or issuing new or amended appliance energy conservation standards, and the development of an improved process for standard rulemaking by the Department, as described below.

The Department of the Interior and Related Agencies Appropriations Act for fiscal year 1996 included a moratorium on proposing or issuing new or amended appliance energy conservation standards during fiscal year 1996. Public Law 104–134. During this period, standard rulemaking activities were suspended while the Department continued to work on the underlying analyses for standards and on test procedure revisions. In September 1995, the Department announced a formal effort to improve the process it uses to develop appliance efficiency standards. Energy efficiency advocates, product manufacturers, trade associations, State agencies, utilities, and other interested parties were asked to provide substantial input into the Department's work, which resulted in the publication of a rule institutionalizing procedural enhancements. 61 FR 36973, July 15, 1996 (hereinafter referred to as the Process Rule).

In addition to setting the efficiency standards for mobile home furnaces, the Act also requires that the Department must publish a final rule to determine for all furnaces (including mobile home furnaces) whether the standards should be amended. The Act required that this final rule be published no later than January 1, 1994, and if it is determined that the standards should be amended, those amendments must be effective on January 1, 2002. EPCA, section 325(f)(3)(B), 42 U.S.C. 6295(f)(3)(B). The Department started this activity also. In September 1993, the Department published an ANOPR in which it presented for furnaces, the product classes that it planned to analyze, and a detailed discussion of the analytical methodology and models that it expected to use in doing the analysis to support this rulemaking. (58 FR 47326, September 8, 1993). The Department invited comments and data on the accuracy and feasibility of the planned methodology and encouraged interested persons to recommend improvements or alternatives to the approach taken by DOE. Due to the aforementioned moratorium and the development of the process improvement plan, the Department was unable to complete the required rulemaking for furnaces within the stipulated time frame of January 1, 1994.

In the Department's fiscal year 1998 Priority Setting for the Appliance Rulemaking Process, residential furnaces and boilers were assigned a low priority level, for which the Department did not plan to actively pursue rulemakings over the next two years, and the work was limited to basic technology investigation. In the fiscal year 2001 Priority Setting for the Appliance Rulemaking Process, residential furnaces and boilers were assigned a high level of priority, for which the Department plans to pursue the rulemaking actively through meetings, workshops, and published notices. Today's notice, the subject Framework Document, and the workshop mark the next steps in the process for updating the energy conservation standards for residential furnaces and boilers and mobile home furnaces covered by the statute.

The Department has prepared the Framework Document to explain and discuss the process, analyses, and issues concerning the development of such standards. For many of the issues and analyses, the Framework Document sets forth approaches that the Department is considering.

The main focus of the workshop will be to discuss the analyses and issues contained in various sections of the Framework Document. For each item listed in this document, the Department will make a presentation with discussion to follow. In addition, the Department will also make a brief presentation on the rulemaking process for residential furnaces and boilers. The Department encourages those who wish to participate in the workshop to obtain the Framework Document and be prepared to discuss its contents. However, workshop participants need not limit their discussions to these topics. The Department is also interested in receiving views concerning other issues that participants believe would affect energy conservation standards for residential furnaces and boilers. The Department also welcomes all interested parties, whether or not they participate in the workshop, to submit in writing by August 17, 2001, comments and information on the matters addressed in the Framework Document and on other matters relevant to consideration of standards for residential furnaces and boilers.

The workshop will be conducted in an informal, conference style. A court reporter will be present to record the minutes of the meeting. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by the U.S. antitrust laws.

After the workshop and expiration of the period for submitting written statements, the Department will begin collecting data and conducting the analyses as discussed at the workshop and in consideration of the comments received.

If you would like to participate in the workshop, receive workshop materials, or be added to the DOE mailing list to receive future notices and information regarding residential furnaces and boilers, please contact Ms. Brenda Edwards-Jones at (202) 586–2945.

Issued in Washington, DC, on June 13, 2001.

David K. Garman,

Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 01–15397 Filed 6–18–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD07–01–037]

RIN 2115–AE84

Regulated Navigation Area: Savannah River, Georgia

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to create a Regulated Navigation Area (RNA) on a portion of the Savannah River to regulate vessel movements when vessels carrying Liquefied Natural

Gas (LNG) are transiting or moored on the Savannah River. This action is necessary because of the size, draft, and volatile cargo of LNG vessels. This proposed rule would enhance public and maritime safety by minimizing the risk of collision, allision or grounding and the possible release of LNG.

DATES: Comments and related material must reach the Coast Guard on or before August 20, 2001.

ADDRESSES: You may mail comments and related material to Marine Safety Office Savannah, Juliette Gordon Low Federal Building, Suite 1017, 100 W. Oglethorpe, Savannah, Georgia, 31401. Marine Safety Office Savannah maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket [CGD07–01–037], will become part of this docket and will be available for inspection or copying at Marine Safety Office Savannah between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James Hanzalik at the Marine Safety Office Savannah; phone (912) 652–4353 extension 205.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD07–01–037), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Savannah at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The port of Savannah will begin receiving LNG vessels at the Southern LNG Elba Island facility in mid-September 2001. This proposed rule is needed to protect the safety of life and property on the navigable waters from hazards associated with LNG carriers. The regulated navigation area is necessary because of the risk presented by the position of the LNG facility on the Savannah River and the unique characteristics of the LNG vessels and their cargo.

The Savannah River has a narrow and restricted channel with many bends. The LNG facility is located at one of these bends on Elba Island. The tankship berth is located adjacent to and parallel with the toe of the shipping channel. Because of these factors, the hazardous nature of LNG and the substantial volume of deep draft vessel traffic in Savannah (approximately 5000 annual transits), the risk of collision and allision involving a LNG tankship must be addressed.

The Elba Island LNG facility has been struck by passing vessels twice in the past 20 years. In both instances the facility was inactive, however damage to both the facility and vessels was extensive. The potential consequences from this type of allision would be more severe with a loaded LNG vessel at the Elba Island dock. This proposed rule is needed to prevent incidents involving a LNG vessel in transit or while moored at the facility.

Discussion of Proposed Rule

The proposed Regulated Navigation Area (RNA) will be located in the shipping channel between Fort Jackson (32°04.93′N, 081°02.19′W) and the Savannah River Channel Entrance Sea Buoy. During the scheduled inbound or outbound transit of LNG vessels, other vessels over 1600 gross tons will not be allowed to enter the RNA without the permission of the Captain of the Port. Vessels under 1600 gross tons will be allowed to enter the RNA but will be required to stay clear of transiting LNG vessels.

While a LNG vessel is moored at Elba Island, vessels over 1600 gross tons will be allowed to transit the River but will be required to have tug escorts when transiting in the vicinity of the LNG dock. Although the LNG facility is required to provide these tug escorts, the transiting vessel may choose to provide its own escorts. The relatively narrow channel and strong tidal currents of the Savannah River make these precautions necessary to prevent the risk of allision, collision or grounding and the possible release of LNG.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal so that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Only an estimated one percent of the annual transits on the Savannah River will be LNG vessels. Further, all LNG transits will be coordinated and scheduled with the pilots and the Coast Guard Captain of the Port to minimize port disruption and delays for other commercial traffic, as well as LNG vessels. Finally, requests to enter the RNA may be granted on a case-by-case basis by the Coast Guard Captain of the Port.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate in portions of the Savannah River, between Fort Jackson and the Entrance Sea Buoy, while a LNG vessel is transiting or moored in the Savannah River. This RNA would not have a significant economic impact on a substantial number of small entities for the following reasons. First, LNG vessels will comprise an estimated one percent of the large commercial vessel transits on the river. Further, the tug escort requirements of this proposed rule for

vessels transiting past a moored LNG vessel will only affect an estimated 12% of all large commercial vessel transits on the river. Delays, if any, will be minimal because vessel speeds would be reduced regardless of the tug requirements. Delays for inbound and outbound traffic due to LNG transits will be minimized through pre-transit conferences with the pilots and Coast Guard Captain of the Port. Finally, the RNA requirements are less burdensome for smaller vessels, which are more likely to be small entities, because of the lower risk associated with these vessels.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–221), we want to assist small entities in understanding this proposed rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Safety measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Section 165.756 is added to read as follows:

§ 165.756 Regulated Navigation Area; Savannah River, Georgia.

(a) *Regulated Navigation Area (RNA).* The deep draft channel of the Savannah River between Fort Jackson (32°04.93′N, 081°02.19′W) and the Savannah River Channel Entrance Sea Buoy is a regulated navigation area.

(b) *Definitions.* The following definitions are used in this section:

Bollard pull is an industry standard used for rating tug capabilities and is the pulling force imparted by the tug to the towline. It means the power that an escort tug can apply to its working line(s) or directly to a vessel's hull when operating in a normal configuration.

LNG vessel means a vessel as described in Title 46, Code of Federal Regulations, Part 154.

Made up means physically attached by cable, tow line, or other secure means in a way to control the maneuverability of a vessel being escorted.

Operator means the person who owns, operates, or is responsible for the operation of the facility.

Savannah River Channel Entrance Sea Buoy means the aid to navigation labeled, R W ''T'' Mo (A) WHIS, on the National Oceanic and Atmospheric Administration's (NOAA) Nautical Chart 11512.

Standby means ready, physically available and equipped to conduct operations.

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

(1) Law enforcement.

(2) Servicing aids to navigation.

(3) Surveying, maintenance, or improvement of waters in the RNA.

(4) Actively engaged in escort, maneuvering or support duties for the LNG vessel.

(d) *Regulations*—(1) *Restrictions on Vessel Operations during Liquefied Natural Gas (LNG) vessel underway movements on the Savannah River.* (i) Except for a vessel that is moored at a

marina, wharf, or pier, and that remains moored, no vessel greater than 1600 gross tons is permitted within the Regulated Navigation Area without the consent of the Captain of the Port (COTP).

(ii) All vessels under 1600 gross tons shall keep clear of transiting LNG vessels.

(2) Requirements for vessels carrying Liquefied Natural Gas as cargo. The owner, master, or operator of a vessel carrying LNG shall:

(i) Comply with the notice requirements of 33 CFR Part 160. LNG vessels are encouraged to notify the COTP at least 72 hours before the vessel enters the RNA to facilitate scheduling and minimize delays. Updates are encouraged at least 12 hours before arriving at the RNA boundaries. The COTP may delay entry into the RNA to accommodate other commercial traffic. LNG vessels are further encouraged to include in their notice a report of the vessel's propulsion and machinery status, and for foreign flag vessels, any outstanding deficiencies identified by the vessel's flag state or classification society.

(ii) Obtain permission from the COTP before commencing the transit if actual time of entry of the LNG vessel into the RNA varies more than 30 minutes.

(iii) While transiting, make security broadcasts as recommended by the U.S. Coast Pilot 5 Atlantic Coast. The person directing the vessel must also notify the COTP by landline or radio on channel 13 or 16 when the vessel is at the following locations: Sea Buoy, Savannah Jetties, Fields Cut and after the vessel is moored.

(iv) Not enter or get underway within the regulated navigation area if visibility during the transit is, or is expected to be, less than three (3) miles, and wind speed is, or is expected to be, greater than 25 knots.

(v) While transiting the RNA, the LNG vessel shall have sufficient tug escorts.

(3) Restrictions on vessel operations while a LNG vessel is moored:

(i) The operator of a facility where a LNG vessel is moored shall station and provide a minimum of two (2) towing vessels each with a minimum of 100,000 pounds of bollard pull to safely maneuver transiting vessels greater than 1600 gross tons past the moored LNG vessel.

(ii) Transiting vessels over 1600 gross tons when passing a moored LNG vessel shall have a minimum of two (2) towing vessels in escort each with a minimum of 100,000 pounds of bollard pull made up in a way to safely maneuver past the transferring LNG vessel. Outbound vessels shall be escorted from the terminus of the Fort Jackson range until the vessel is safely past the LNG dock. Inbound vessels shall be escorted from Field's Cut until the vessel is safely past the LNG dock.

(iii) In addition to the towing vessels required by paragraph (d)(3)(i), the operator of the facility where the LNG vessel is moored shall provide at least one towing vessel with sufficient capacity to safely hold the LNG vessel to the dock while transiting vessels pass.

(e) *LNG Schedule.* The Captain of the Port will issue a Broadcast Notice to Mariners to inform the marine community of scheduled LNG vessel movements during which the restrictions imposed by this part are in effect.

(f) *Waivers.* (1) The Captain of the Port may, upon request, waive any requirement in this section, if the Captain of the Port finds that the vessel requesting the waiver can be operated safely or in the interest of national security.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(g) *Enforcement.* Violations of this regulated navigation area should be reported to the Captain of the Port, Savannah, at (912) 652–4353. In accordance with the general regulations in § 165.13 of this part, no person may cause or authorize the operation of a vessel in the regulated navigation area contrary to the regulations.

Dated: May 29, 2001.

T.W. Allen,

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

[FR Doc. 01–15395 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 368

[Docket No. FMCSA–98–3297]

RIN 2126–AA33

Revision of Regulations and Application Form for Mexican-Domiciled Motor Carriers To Operate in U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects the preamble to the proposed rule published in the **Federal Register** on May 3, 2001, regarding Revision of Regulations and Application Form for Mexican-Domiciled Motor Carriers to Operate in U.S. Municipalities and Commercial Zones on the U.S.-Mexico Border. This correction revises a statement about the type of authority that most new applicants are expected to request by making it consistent with a similar statement in the rulemaking analysis. This correction would not have a significant economic impact on a substantial number of small entities because the regulatory flexibility analysis is already based upon the corrected statement.

FOR FURTHER INFORMATION CONTACT: Mrs. Valerie Height, (202) 366–6408.

SUPPLEMENTARY INFORMATION: The proposed rule published in the **Federal Register** on May 3, 2001, (66 FR 22328) makes contradictory statements concerning the type of authority that most new applicants would request under the liberalized NAFTA entry provisions. We believe that most of the new Mexican applicants will register to operate solely within the border area. This revision is consistent with a similar statement in the Regulatory Flexibility Act analysis on page 22331, column three, in the third sentence of the first full paragraph.

In proposed rule FR Doc. 01–11034 published on May 3, 2001, (66 FR 22328) make the following correction. On page 22328, in the second column, revise the last sentence to read as follows:

''With the implementation of the NAFTA entry provision, it is expected that additional Mexican-domiciled motor carriers will seek to operate in the United States, most of them within the border area.''

Issued on: June 13, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01–15352 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–EX–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010509116–116–01; I.D. 042301B]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers; Corrections

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

ACTION: Corrections to proposed rule.

SUMMARY: This document corrects the Classification section of the preamble to a proposed rule which was published on May 30, 2001. This rule would revise restrictions on the frequency and timing of limited entry permit transfers and would clarify NMFS regulatory requirements for transferring limited entry permits.

DATES: Effective June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, NMFS,(206) 526–6140.

SUPPLEMENTARY INFORMATION:

Background

The proposed rule, published in the **Federal Register** on May 30, 2001 (66 FR 29276), which proposed to revise restrictions on the frequency and timing of limited entry permit transfers and to clarify NMFS regulatory requirements for transferring limited entry permits, did not contain language related to collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This document corrects this omission.

Corrections

As published, the proposed rule FR Doc. 01-13525, May 30, 2001, (66 FR 29276), contains errors of omission and needs to be corrected.

On page 29278, in the first column under Classification, after the last paragraph, add the following paragraphs to read as follows:

''This proposed rule contains collection-of-information requirements subject to review and approval by OMB under the PRA. The requirements for limited entry permit applications, permit transfer applications, and appeals have been approved under OMB control number 0648–0203. Public reporting burden for each of these collections of information is estimated to average 20 minutes per individual response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of these data collections, including suggestions for reducing the burden to NMFS at the **ADDRESSES** above, and to OMB at the Office of Information and Regulatory Affairs, OMB, Washington, DC. 20503 (Attention: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.''

Dated: June 14, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–15437 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 118

Tuesday, June 19, 2001

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 14, 2001.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Natural Resources Conservation Service

Title: Application for Payment.

OMB Control Number: 0578–0018.

Summary of Collection: The Conservation Program regulations at 7 CFR 622, 624, 631, 632, 636, 701, 702, 752, and 1467 set forth the basic policies, program provisions, and eligibility requirements for owners and operators to apply for application of payments after entering into and carrying out long-term conservation program contracts with technical assistance under the various programs. The Natural Resources Conservation Service (NRCS) is responsible for the administration of various conservation programs through NRCS delivery systems. NRCS will collect information using the Application for Payment form.

Need and Use of the Information: NRCS will collect information to provide program participants with a method for making application payment, provide information regarding completion of conservation program contract activities, provide certification of work performed with the required standards, determine division of payment, ascertain the status of debt register collections, and provide the responsible NRCS official with authority to make Federal cost-share payments to the land users or third party upon successful completion of a conservation program contract. The information collected will be used by NRCS to ensure the proper use of program funds. Without the information, funds appropriated by Congress could not be dispensed without the supporting information on the Application for Payment form.

Description of Respondents: Farms; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 35,540.

Frequency of Responses: Reporting: Annually; Other (as required for assistance).

Total Burden Hours: 20,731.

Animal and Plant Health Inspection Service

Title: Interstate Movement of Certain Tortoises.

OMB Control Number: 0579–0156.

Summary of Collection: These authorities (Title 21, U.S.C. authorizes sections 111, 114, 114a, 114–1, 115, 120, 121, 125, 126, 134a, 134c, 134f, and 134g of 21 U.S.C.) permit the Secretary of the United States Department of Agriculture (USDA) to prevent, control, and eliminate domestic diseases such as tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as heartwater disease. The Veterinary Services Division of the Animal & Plant Health Inspection Service (APHIS) enforces regulations that pertain to the importation of animals and animal products into the United States and the prevention of foreign animal disease incursions into the United States. APHIS published an interim rule to allow the interstate movement of leopard tortoises, African spurred tortoises, and Bell's hingeback tortoises if a health certificate accompanies these tortoises. APHIS will collect information using APHIS form 7001.

Need and Use of the Information: APHIS will collect information to ensure that the interstate movement of these tortoises poses no risk of spreading exotic ticks within the United States. If the information is not collected APHIS would be forced to continue their complete ban on the interstate movement of leopard, African spurred, and Bell's hingeback tortoises.

Description of Respondents: Federal Government.

Number of Respondents: 150.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 75.

Animal and Plant Health Inspection Service

Title: Citrus Canker: Commercial Citrus Tree Replacement Program.

OMB Control Number: 0579–0163.

Summary of Collection: The United States Department of Agriculture (USDA) is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of pests and weeds not widely distributed in the United States, and eradicating those imported pests and weeds when eradication is feasible. Chapter 8 of the Plant Quarantine Act (7 U.S.C. 161) provides authority for the Secretary of Agriculture to quarantine any State, Territory, or District of the United States to prevent the spread of insect pests and plant diseases (such as

Citrus Canker) new or not widely distributed throughout the United States. The Plant Protection & Quarantine Division of USDA's Animal & Plant Health Inspection Service (APHIS) has regulations in place to prevent the interstate spread of citrus canker. APHIS will collect information using form PPQ 652.

Need and Use of the Information: APHIS will collect the owner's name, address, and a description of the owner's property, and certification statements that the trees removed from the owner's property were commercial citrus trees. The information will be used to verify the location and number of citrus trees for which the owner is requesting replacement funds. If the information were not collected APHIS would be unable to reimburse eligible grove owners for the loss of their trees.

Description of Respondents: Business or other for-profit.

Number of Respondents: 65.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 15.

Animal and Plant Health Inspection Service

Title: Importation of Horses, Ruminants, Swine, and Dogs, Inspection and Treatment for Screwworm.

OMB Control Number: 0579–0165.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is charged with disease prevention. This agency regulates the importation of animals and animal products into the U.S. to guard against the introduction of exotic animal diseases. Title 21 U.S.C. authorizes sections 111, 114, 114a, 114–1, 115, 120, 125, 126, 134a, 134c, 134f, and 134g of 21 U.S.C. authorizes the Secretary to prevent, control and eliminate domestic diseases such as brucellosis, as well as to take actions to prevent and to manage exotic diseases such as exotic Newcastle disease and other foreign diseases. The regulations under which APHIS conduct disease prevention activities are contained in Title 9, Chapter 1, Subchapter D, Parts 91 through 99. These regulations govern the importation of animals, birds and poultry, certain animal and poultry products, and animal germplasm. The animal import regulations are being amended to require horses, ruminants, swine and dogs imported from regions of the world where screwworm is considered to exist to be inspected and treated for infestation with screwworm.

Need and Use of the Information: Horses, ruminants, swine, and dogs entering the United States from regions where screwworm is known to exist must be accompanied by a certificate, signed by a full-time salaried veterinary official of the exporting country, stating that these animals have been thoroughly examined, that they have been treated with ivermectin, that any visible wounds have been treated with camaphos, and the animals appear to be free of screwworm. This is necessary to prevent the introduction of screwworm into the United States. Screwworm is a pest native to tropical areas and causes extensive damage to livestock and other warm-blooded animals. If the information were collected less frequently or not collected at all, it would significantly cripple our ability to ensure that horses, ruminants, swine, and dogs imported into the United States are not carrying screwworm. Such a development would make a screwworm incursion much more likely, with economically damaging effects on the U.S. equine, cattle, and swine industries.

Description of Respondents: Federal Government; State, Local or Tribal.

Number of Respondents: 36.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 34.

Animal and Plant Health Inspection Service

Title: Bluetongue Surveillance Pilot Program (BSPP).

OMB Control Number: 0579–NEW.

Summary of Collection: The Department of Agriculture is responsible for protecting the health of animals and poultry by preventing the spread of contagious diseases from one State to another and by eradicating such diseases from the United States when feasible. 7 U.S.C. 391, the Animal Industry Act of 1884 mandates the collection and dissemination of animal and poultry health data and information. APHIS is initiating the Bluetongue Surveillance Pilot Program Sentinel Trail that will take place on farms in Nebraska, South Dakota, North Dakota, and Montana. Bluetongue is a virus transmitted by blood-feeding midges, which breed in cattle manure and transmit the viruses between hosts including antelope, cattle, deer, elk, goats, and sheep. Cattle are infected naturally by these viruses but rarely show clinical signs. APHIS will collect information using several forms.

Need and Use of the Information: APHIS will collect information to: (1) Develop a pilot sentinel system as a tool for substantiating disease freedom and compare it to other surveillance options; (2) test Bluetongue disease freedom in two demarcated populations (free and infected); (3) develop data on the epidemiology of Bluetongue in a seasonally infected area. The information from the study will be disseminated and used by livestock producers, animal health officials, private veterinary practitioners, public health officials, the media, educational institutions, and others to improve agricultural productivity and competitiveness.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 1,365.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,373.

Agricultural Marketing Service

Title: Poultry Market News Report.

OMB Control Number: 0581–0033.

Summary of Collection: The Agricultural Marketing Act of 1946, legislates that USDA shall ''collect and disseminate marketing information * * *'' and ''* * * collect, tabulate, and disseminate statistics on marketing agricultural products, including, but not restricted to statistics on marketing supplies, storage, stocks, quantity, quality, and condition of such products in various positions in the marketing channel, use of such products, and shipments and unloads thereof.'' The mission of Market News is to provide current unbiased, factual information to all members of the Nation's agricultural industry, from farm to retailer.

Need and Use of the Information: Market News Reports aid government agencies in tracking prices, wages and productivity or as indicators of economic activity. Market news information is contained in published reports distributed by other government agencies—for example the ''Situation and Outlook: reports by the Economic Research Service and is used by private business firms, as well as, educational institutions, agricultural colleges and universities. Also, the poultry and egg industry uses the data to help determine future production and marketing projections. The absence of this data would deny primary and secondary users information that otherwise would be available to aid them in their production and marketing decisions, analyses, research and knowledge of current market conditions. The omission of these data could adversely affect prices, supply, and demand.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,720.

Frequency of Responses: Reporting: Weekly; Monthly.

Total Burden Hours: 17,657.

Agricultural Marketing Service

Title: 7 CFR Part 70. Regulations for Voluntary Grading of Poultry Products and Rabbit Products.

OMB Control Number: 0581–0127.

Summary of Collection: The Agricultural Marketing Act of 1946 (60 Stat. 1087–1091, as amended; 7 U.S.C. 1621–1627) (AMA) directs and authorizes the Department to develop standards of quality, grades, grading programs, and services to enable a more orderly marketing of agricultural products so trading may be facilitated and so consumers may be able to obtain products graded and identified under USDA programs. The Agricultural Marketing Service (AMS) carries out regulations, which provide a voluntary program for grading poultry and rabbit products. This program is voluntary where respondents would need to request or apply for the specific service they wish.

Need and Use of the Information: Because the AMA requires that the cost of the service be assessed and collected, there is no alternative but to provide voluntary programs on a fee for service basis and to collect the information needed to establish the cost. The information collected is used to administer the grading services requested by the respondents and only by authorized representatives of the USDA.

Description of Respondents: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 374.

Frequency of Responses: Reporting: On occasion; Semi-annually; Monthly; Annually; Other.

Total Burden Hours: 1,781.

Food and Nutrition Service

Title: National School Lunch Program.

OMB Control Number: 0584–0006.

Summary of Collection: Section 9 of the National School Lunch Act (NSLA) gives the Secretary authority to prescribe the minimum nutritional requirements for lunches served by schools participating in the School Lunch Program. The current program regulations include the third party disclosure provisions which require school food authorities to inform children and their parents of the use of products or dishes containing more than 30 parts fully hydrated vegetable protein products to less than 70 parts beef, pork, poultry or seafood in food served under the NSLP. The Food and Nutrition Service will collect information using forms FNS–66, 640, and 67.

Need and Use of the Information: The information will be collected to ensure that the alternatives implemented by the States and the school food authorities adequately meet program requirements and goals. The information gathered will contribute to a comprehensive review of program operations and will be available for monitoring purposes.

Description of Respondents: State, Local, or Tribal Government; Individuals or households; Business or other for-profit; Nor-for-profit institutions; Federal Government.

Number of Respondents: 118,051.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Monthly; Annually; Semi-annually; Other.

Total Burden Hours: 9,462,622.

Food and Nutrition Service

Title: 7 CFR Part 220 School Breakfast Program.

OMB Control Number: 0584–0012.

Summary of Collection: Section 4 of the Child Nutrition Act (CNA) of 1966 as amended, authorizes the School Breakfast Program (SBP). The Food and Nutrition Service (FNS) administers the School Breakfast Program on behalf of the Secretary of Agriculture so that needy children may receive their breakfasts free or at a reduced price. The current program regulations include third party disclosure provisions which requires school food authorities to inform children and their parents of the use of products or dishes containing more than 30 parts fully hydrated vegetable protein products to less than 70 parts beef, pork, poultry or seafood in food served under the SBP.

Need and Use of the Information: School food authorities provide information to State agencies. The State agencies report to FNS. FNS uses the information submitted to determine the amount of funds to be reimbursed, evaluate and adjust program operations, and to develop projections for future program operations.

Description of Respondents: State, Local, or Tribal Government; Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government.

Number of Respondents: 82,748.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Monthly; Semi-annually; Annually; Other.

Total Burden Hours: 4,895,796.

Forest Service

Title: 36 CFR Part 228, Subpart C—Disposal of Mineral Materials.

OMB Control Number: 0596–0081.

Summary of Collection: The Forest Service (FS) is responsible for overseeing the management of National Forest System land. The Multiple-Use Mining Act of 1955 (30 U.S.C. 601, 603, 611–615) gives the FS specific authority to manage the disposal of mineral materials mined from National Forest land. FS uses form FS–2800–9 to collect detailed information on the planned mining and disposal operations as well as a contract for the sale of mineral materials.

Need and Use of the Information: FS will use information collected from the public to ensure that environmental impacts of mineral material disposal are minimized. A review of the operating plan provides the authorized officer the opportunity to determine if the proposed operation is appropriate and consistent with all applicable land management laws and regulations. The information also provides the means of documenting planned operations and the terms and conditions that the FS deems necessary to protect surface resources.

Description of Respondents: Business or other for-profit; Individuals or households.

Number of Respondents: 3,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 7,500.

Nancy B. Sternberg,

Departmental Information Clearance Officer.

[FR Doc. 01–15407 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Total Amounts and Quota Period for Tariff-Rate Quotas for Raw Cane Sugar and Certain Imported Sugars, Syrups, and Molasses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice establishes the aggregate quantity of 1,360,983 metric tons raw value of sugar that may be entered under the provisions of additional U.S. Note 5 (a) of the Harmonized Tariff Schedule of the United States (HTS) during fiscal year (FY) 2001. The following quantities are established for entry: 1,117,195 metric tons raw value of raw sugar under subheading 1701.11.10 of the HTS; 38,000 metric tons raw value of certain sugars, syrups, and molasses under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44; 105,788 metric tons raw value of sugar from Mexico in accordance with the terms of the North American Free Trade Agreement (NAFTA); and 100,000

metric tons raw value that will be held in reserve.

EFFECTIVE DATE: June 19, 2001.

ADDRESSES: Inquiries may be mailed or delivered to the Import Policy and Programs Division Director, Foreign Agricultural Service, AgStop 1021, South Building, U.S. Department of Agriculture, Washington, D.C. 20250–1021.

FOR FURTHER INFORMATION CONTACT: Richard Blabey (Division Director, Import Policy and Programs Division), 202–720–2916.

SUPPLEMENTARY INFORMATION: Paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS provides in pertinent part as follows:

The aggregate quantity of raw cane sugar entered, or withdrawn from warehouse for consumption, under subheading 1701.11.10, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than 1,117,195 metric tons, as shall be established by the Secretary of Agriculture * * *, and the aggregate quantity of sugars, syrups and molasses entered or withdrawn from warehouse for consumption, under subheading 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10 and 2106.90.44, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than 22,000 metric tons, as shall be established by the Secretary. With either the aggregate quantity for raw cane sugar or the aggregate quantity for sugars, syrups and molasses other than raw cane sugar, the Secretary may reserve a quota quantity for the importation of specialty sugars as defined by the U.S. Trade Representative.

These provisions of paragraph (a)(i) of Additional U.S. note 5 to chapter 17 of the HTS authorize the Secretary of Agriculture to establish the total amounts (expressed in terms of raw value) for imports of raw cane sugar and certain other sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties of the tariff-rate quotas (TRQs) for entry during the fiscal year beginning October 1. Allocations of the quota amounts among supplying countries and areas will be made by the United States Trade Representative.

Notice

I hereby give notice, in accordance with paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS, that an aggregate quantity of up to 1,222,983 metric tons raw value, of raw cane sugar described in subheading 1701.11.10 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 2000, through September 30, 2001. This TRQ amount may be allocated among supplying countries and areas by the United States Trade Representative

I will issue Certificates of Quota Eligibility (CQEs) to allow Brazil, the Dominican Republic, and the Philippines to ship up to 25 percent of their respective initial country allocations at the low-tier tariff during each quarter of FY 2001. Argentina, Australia, Guatemala, and Peru will be allowed to ship up to 50 percent of their respective initial country allocations in the first 6 months of FY 2001. Unentered allocations, during any quarter or six month period, may be entered in any subsequent period. For all other countries, CQEs corresponding to their respective country allocations may be entered at the low-tier tariff at any time during the fiscal year.

I have further determined that an aggregate quantity of up to 143,788 metric tons raw value of certain sugars, syrups, and molasses described in subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 2000 through September 30, 2001. I have further determined that out of this quantity of 143,788 metric tons, the quantity of 17,656 metric tons raw value is reserved for the importation of specialty sugars. These TRQ amounts may be allocated among supplying countries and areas by the United States Trade Representative.

The NAFTA portion of Mexico's access to the U.S. market is established at 105,788 metric tons raw value. Mexico's NAFTA access for either raw or refined sugar is established in Annex 703.2.

A reserve quantity of 100,000 metric tons raw value is established. The raw or refined sugar TRQs may increased by this quantity, if needed. If additional country allocations result from the reserved TRQ quantity, they may be entered subsequent to their announcement by the United States Trade Representative.

Signed at Washington, DC, on June 11, 2001.

Ann M. Veneman,

Secretary of Agriculture.

[FR Doc. 01–15412 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–095–1]

Secretary's Advisory Committee on Foreign Animal and Poultry Diseases

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reestablishment.

SUMMARY: We are giving notice that the Secretary of Agriculture has reestablished the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases for a 2-year period. The Secretary of Agriculture has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Annelli, Chief Staff Veterinarian, Emergency Programs, Veterinary Services, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737–1231; (301) 734–8073.

SUPPLEMENTARY INFORMATION: The purpose of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases is to advise the Secretary of Agriculture regarding program operations and measures to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry diseases, in the event these diseases should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

Done in Washington, DC, this 11th day of June, 2001.

Paul W. Fiddick,

Assistant Secretary for Administration.

[FR Doc. 01–15366 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–082–1]

Procedures and Standards Governing the Consideration of Import Requests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with section 412(d) of the Plant Protection Act, we are publishing for public comment a description of the procedures and standards that govern the consideration

by the Agency's Plant Protection and Quarantine programs of import requests.

DATES: We invite you to comment on the procedures and standards described in this notice. We will consider all comments that we receive by August 20, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–082–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–082–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Lidsky, Assistant Director, Regulatory Coordination, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737–1236; (301) 734–8790.

SUPPLEMENTARY INFORMATION: Title IV of the Agricultural Risk Protection Act of 2000 (Pub. L. 106–224), known as the Plant Protection Act (7 U.S.C. 7701 through 7772), incorporated preexisting plant quarantine and related statutes into a comprehensive law aimed at, among other things, clarifying and augmenting the Secretary's authority to detect, control, and eradicate plant pests and noxious weeds. The Plant Protection Act was signed into law on June 20, 2000.

We are publishing this notice in accordance with sec. 412(d) of the Plant Protection Act (7 U.S.C. 7712(d)), which states:

Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish for public comment a notice describing the procedures and standards that govern the consideration of import requests. The notice shall—

(1) specify how public input will be sought in advance of and during the process of promulgating regulations necessitating a risk assessment in order to ensure a fully transparent and publicly accessible process; and

(2) include consideration of the following:

(A) Public announcement of import requests that will necessitate a risk assessment.

(B) A process for assigning major/nonroutine or minor/routine status to such requests based on current state of supporting scientific information.

(C) A process for assigning priority to requests.

(D) Guidelines for seeking relevant scientific and economic information in advance of initiating informal rulemaking.

(E) Guidelines for ensuring availability and transparency of assumptions and uncertainties in the risk assessment process including applicable risk mitigation measures relied upon individually or as components of a system of mitigative measures proposed consistent with the purposes of this title.

For purposes of this notice, we are using the terms *risk analysis, risk assessment, risk management,* and *risk communication* as follows:

- *Risk analysis.* The process that includes risk assessment, risk management, and risk communication.
- *Risk assessment.* The process of identifying hazards and estimating the likelihood of an adverse event and the magnitude of consequences.
- *Risk management.* The process of identifying, evaluating, and recommending alternatives for mitigating risk.
- *Risk communication.* The open exchange of information and opinion, which leads to better understanding of risk and risk-related decisions.

This notice applies to risk analyses that are commenced on or after the date of publication of this notice.

Even before the enactment of the Plant Protection Act, Plant Protection and Quarantine (PPQ) of the Animal and Plant Health Inspection Service (APHIS) recognized the need to improve the process it uses for communicating the initiation and completion of risk analyses for commodities, in terms of making the process much more understandable, visible (transparent), and accessible to the public, while at the same time seeking to reduce the large backlog of pending risk assessments that need to be completed. PPQ management decided in the spring of 1999 to make improvements to the commodity risk analysis process because of an increase in requests to import plant commodities, a growing list of pending or incomplete risk assessments, the need for a well-defined and transparent process for risk communication, and chronic staffing shortages. The scope of the improvement project was to focus on the administrative processes related to the management of commodity plant pest risk assessment activities (e.g., documentation and data sharing and tracking, priority setting, scientific review, etc.).

The improvement project was coordinated by the APHIS Business Practices Team. These improvements in the administrative processes relative to the management of the commodity pest risk analysis process came to be known as a ''quality improvement process'' in which teams of Agency personnel and public sector stakeholders carefully examined the existing processes, compared them to the best practices of others, and designed and tested new processes.

In addition, a review of the PPQ safeguarding system resulted in the issuance of a report entitled ''Safeguarding American Plant Resources,'' which made specific recommendations concerning the need to improve risk communication, transparency of the process, and public participation, among other things. In this regard, PPQ has undertaken several actions aimed at improving the commodity risk analysis process.

PPQ held two public meetings to solicit views on specific proposals relative to improving the risk analysis process within its programs. Both meetings focused primarily on risk assessments related to the importation of fruits and vegetables. The first meeting was held on November 10, 1999, in Washington, DC (see Docket No. 99–071–1, 64 FR 54859–54860; October 8, 1999), in which we requested that interested persons: Offer criteria for when a qualitative versus a quantitative risk assessment would be appropriate; comment on the feasibility of allowing exporters or exporting countries to conduct assessments under PPQ guidance; comment on mechanisms for notifying persons of the initiation of a risk assessment; and comment on the desirability of a tracking system for permits and pest risk assessments that could be accessed through the Internet (i.e., a ''web-based tracking system'').

Those who spoke at the November 1999 meeting or submitted written comments generally noted that:

- In situations where it is difficult to perform a quantitative risk analysis because there is a paucity of reliable data, risk assessments should be subject to a broad and rigorous external or peer review.
- Risk assessments could be performed by outside sources, assuming PPQ's final decisions were independent

and not bound by the results of an externally prepared assessment.

• The public should receive early and systematic notification of the initiation of a pest risk assessment, using the **Federal Register** for the most controversial assessments.

• A web-based tracking system would be useful.

On May 18 and 19, 2000, PPQ held a symposium in Riverdale, MD (see Docket No. 00–025–1, 65 FR 20942; April 19, 2000), in which recognized experts presented information on current topics in risk analysis. In addition, Agency personnel presented information on planned improvements to the pest risk analysis process within the Agency and sought feedback on specific topics such as access and transparency, types of assessments (routine versus nonroutine), and input for purposes of scientific and technical review. Many of the same comments that were raised in the November 1999 public meeting were also brought forth at the May 2000 symposium.

In general, attendees at the May 2000 symposium sought:

• More resources directed toward completing risk assessments;

• Early and more public outreach to, and direct input from, stakeholders;

• Development of a stakeholder registry for imports in which interested persons could register online to receive information concerning commodities and countries for which risk assessments must be prepared;

• The development of program material demonstrating transparency and explaining what constitutes the current risk assessment process;

• Criteria for when an assessment will be deemed routine versus nonroutine, how assessments are prioritized, and when external or peer review will be sought for a draft risk assessment; and

• A user's guide written in clear and simple terms on how commodities may be imported.

We believe that this notice addresses not only our obligations under section 412(d) of the Plant Protection Act, but also the concerns referenced above that were brought to the Agency's attention at the November 1999 and May 2000 meetings regarding the commodity pest risk analysis process. In addition, this notice is intended to address improvements related to how we communicate with our stakeholders about risk assessments for the importation of fruits and vegetables, and about risk assessments that are in process, or will be commenced for those commodities. However, the principles discussed in this notice are also generally applicable to the importation of all plants and plant products. With regard to the issue of committing resources to the risk analysis process, PPQ is currently recruiting eight additional professional staff dedicated to the completion of risk assessments, and will soon announce vacancies for two positions to work on risk mitigation and risk management.

What Is the Current Process for Addressing Importation Requests for Commodities and How Do Risk Assessments Get Initiated?

The importation of commodities, i.e., fruits and vegetables, is subject to the requirements of the regulations found in Subpart—Fruits and Vegetables (7 CFR 319.56 through 319.56–8, referred to below as the fruits and vegetables regulations). Under § 319.56–3 of the fruits and vegetables regulations, a person must apply, in advance of any proposed shipment, for a permit to import any fruits or vegetables that are already authorized entry under the regulations. An application must include such information as the country or locality of origin of the fruits or vegetables, the port of first arrival, and the name and address in the United States of the importer to whom a permit would be issued. If the commodity is, in fact, admissible, a permit for importation will be issued in most cases. As the commodity is already authorized entry under the regulations, the preparation of a pest risk assessment would not be necessary.

However, if a commodity is not admissible and a currently accurate pest risk assessment does not exist for the commodity from a particular country or region, then a pest risk assessment must be prepared prior to making a decision about the enterability of the particular commodity. The purpose of the pest risk assessment is to determine what pest risks would be associated with the importation. If the pest risk assessment reveals that importation would result in an unacceptable level of risk of introduction of a plant pest, then the Agency must determine whether the risks can be mitigated to an acceptable level. If the risks can be so mitigated, then the Agency would issue a proposed rule to amend the fruits and vegetables regulations to allow importation under specified conditions.

It should be noted that importation requests may come from sources other than permit applications. For example, importation requests may be generated as a result of bilateral discussions between the United States and a foreign government. Other importation requests may simply result from a request submitted in a letter format from a foreign government. Such requests from foreign governments are handled in the same way as requests generated by permit applications: If no permit has been previously issued, or if there is not an applicable pest risk assessment on file, for the commodity that is the subject of the request, then a pest risk assessment must be prepared and amendments proposed to the fruits and vegetables regulations.

When Will the Public Have Opportunity for Input Concerning Importation Requests?

PPQ will take the following actions in advance of and during the process of rulemaking in order to ensure a transparent and publicly accessible process.

Utilization of Web-Based Notification and Tracking Systems To Ensure Transparency and Accessibility

PPQ intends to fully utilize web-based notification and tracking systems as a means of keeping interested persons informed of matters relating to import permit requests that require risk assessments. The principal web-based tool that we will use will be a stakeholder registry. This electronic registry will enable persons to register that they have a particular interest in being kept informed about import requests that pertain to a particular commodity, regardless of which country it is proposed to be exported from (this would be deemed a ''commodity-based registration''). Alternatively, a person will be able to register to be notified of any commodity importation request pertaining to exports from a particular country (this would be deemed a ''country-based registration''). A person would provide the Agency with his or her e-mail address and receive an electronic notification when either an initial import request pertaining to the commodity or country is received, or, subsequently, when a risk assessment pertaining to the specified commodity or country has been prepared and posted on the PPQ web site.

To address immediate needs, PPQ has developed an interim stakeholder registry database that is accessible via the PPQ web site (http://www.aphis.usda.gov/ppq). This database allows interested persons to register their name and mailing address (electronic and geographic) to receive information on a specified area of interest. The current system forwards the inquiry to a designated employee who is responsible for contacting the registrant to address the concern. PPQ is currently in the process of procuring the

services of a qualified contractor to fully automate the stakeholder registry.

If a person chooses not to register with the PPQ commodity stakeholder registry, they could otherwise consult the tracking systems accessible through the PPQ web site (http://www.aphis.usda.gov/ppq). The commodity pest risk assessment web site (http://www.aphis.usda.gov/ppq/pra/commodity) currently provides information on how to initiate a risk assessment for a commodity. It also includes answers to frequently asked questions and guidelines for completing a risk assessment. The web site allows interested persons to check the status of all risk assessments that are pending assignment to a risk assessor (pending) or that are in the process of being completed (active). The web site includes information regarding region, country, commodity, scientific name, and status of the commodity pest risk assessment. Copies of completed risk assessments are also available to download in portable document format (i.e., PDF files) from the web site or may be retrieved through PPQ's automatic fax vault system at (301) 734–3560. PPQ is also seeking to update its list of pending risk assessments and will be checking with requesters to confirm that they still wish us to process any pending importation requests submitted more than 18 months ago.

With regard to other related web-based mechanisms that can be used for tracking purposes, the current APHIS Import Authorization System for online permitting allows a person to check the status of his or her application for importation of fruits and vegetables, as well as submit renewals, revisions, or amendments to an existing application. To access this application, select the ''Import Authorization System'' direct link from the PPQ home page (http://www.aphis.usda.gov/ppq).

Submission of Information in Support of a Risk Assessment or Submission of a Pest Risk Assessment

Once a person (i.e., any individual, group, foreign government, etc.) has been advised that the preparation of a pest risk assessment is necessary prior to importation of a fruit or vegetable, the person seeking importation of the commodity will be advised that he or she may submit specific information in support of his or her import request in order to expedite the Agency's preparation of the risk assessment. Providing the following information regarding the commodity, its country of origin, and the list of pests associated with the commodity should save the Agency the time that would otherwise be needed to gather such basic information:

1. *Crop.* (a) Scientific name, (b) plant part to be imported, and (c) proposed use (propagation, consumption, milling, etc.).

2. *Country of origin.* (a) Location of production area, as well as any unique characteristics of the production area in terms of pests or diseases, (b) name of exporting companies, (c) companies that bag, mill, or manufacture (if applicable), (d) port or ports of export, (e) export season, (f) complete address of national plant protection organization, with fax and telephone numbers, and (g) address of office or private research institution/organization that ensures phytosanitary security (if applicable).

3. *List of pests and diseases associated with species.* (a) Scientific name, (b) common name, (c) plant part attacked, (d) period of attack, (e) control methods, (f) efficacy of control methods, (g) economic losses associated with pests of concern, (h) pest biology or disease etiology or epidemiology, (i) system of survey and monitoring and by whom, (j) control programs and by whom, (k) systems for pest risk mitigation and by whom (quarantine treatments, free areas, systems approach, etc.), and (l) bibliographic references.

4. *Certification statement.* The person submitting such information should include his or her name, address, telephone, and fax numbers; e-mail address; signature and date of submission; and any tracking number that may have been previously assigned by the Agency to the import request, along with the following statement: ''The information submitted is true and accurate based on the best knowledge of the submitter.''

This information should be submitted to Risk Assessments Branch Chief, Permits and Risk Assessments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236.

After reviewing the submitted information, PPQ may request any other associated information that may be needed to complete the risk assessment.

Alternatively, in lieu of submitting the above information, for ''routine'' assessments, an interested person may submit a complete pest risk assessment that has been prepared in accordance with the most current version of the document, ''PPQ Guidelines for Pathway-Initiated Pest Risk Assessments'' (currently version 5.0), which appears on the PPQ web site at http://www.aphis.usda.gov/ppq/pra/commodity. PPQ encourages interested persons to prepare risk assessments using these guidelines whenever possible, but cautions that the guidelines must be very closely adhered to in order for a risk assessment to be deemed complete and be accepted for review. Furthermore, PPQ's decisions will be independent and not bound by the results of an externally prepared assessment. Interested persons are strongly encouraged to contact PPQ at (301) 734–8896 prior to conducting their own pest risk assessment to ensure they have a complete information package.

Process for Assigning ''Routine'' Status or ''Nonroutine'' Status To Import Requests Based on Current State of Supporting Scientific Information

We are using the terms ''routine'' and ''nonroutine'' as a means of categorizing risk assessments instead of using the terms ''major,'' which is synonymous with nonroutine, and ''minor,'' which is synonymous with routine. We believe that the terms ''routine'' or ''nonroutine'' do not necessarily connote different types of risk assessments, but that nonroutine assessments are associated with issues that may require greater resources, including greater risk communication.

Within PPQ's Plant Health Programs staff in Riverdale, MD, the Permits and Risk Assessment (P&RA) staff is charged with processing permit requests as well as preparing pest risk assessments for commodities, propagative plant material (nursery stock), and organisms. It is the P&RA staff that is responsible, in consultation with the Phytosanitary Issues Management (PIM) staff, for applying the criteria listed below to determine whether a risk assessment will be deemed routine or nonroutine. The PIM staff seeks to resolve technical phytosanitary issues related to import and export requests, as well as provide services for the issuance of phytosanitary certificates to assist U.S. exporters.

PPQ's determination as to the type of risk assessment to be conducted will appear on the PPQ web site within one calendar quarter (90 days) from the time a risk assessment is listed as being in ''active status.'' Those risk assessments that have been assigned and are actively being worked on will be listed on the website as ''active,'' and those still pending assignment to a risk assessor will be listed as ''pending.''

The following factors will be taken into consideration in categorizing risk assessments as routine or nonroutine:

- *Economic value of the affected crop(s).* The economic value of the domestically produced crop(s) that could be potentially affected by introduced pests, i.e., the agricultural resources potentially at risk.

• *Public interest.* This may be linked to the economic value of the affected crop(s), but may often reflect a significant level of interest resulting from the pest(s) to be evaluated.

• *Environmental and public health importance.* Measurement of the human and nonagricultural resources at risk, the potential impact on public health, plants other than crops, or endangered species.

• *Level of uncertainty.* The base of knowledge (or lack thereof) relative to the commodity, pests, and production area of origin for a proposed importation. The available information determines the appropriate type of assessment (e.g., qualitative, probabilistic, etc.).

• *Local importance.* Significance of importation of a commodity on a less than national level. While certain commodities and/or potential pest introductions may be of minor economic and/or environmental importance on a national level, they may be very significant on a regional level.

• *Precedence.* Whether the commodity/origin combination in question, or a similar combination, has ever been addressed in previous risk assessments and/or whether the assessment will require the use of new or different methodologies.

We encourage interested parties to submit information relevant to the importation of a particular commodity (such as comments or information on pests and diseases associated with a species) early in the process so that risk assessors will have access to this information when preparing a risk assessment. Such information could be submitted as early as when PPQ posts the initial import request on the PPQ web site, or after PPQ posts its determination as to whether the risk assessment that will be prepared is deemed to be routine or nonroutine, which should be not later than 90 days from the assignment of ''active status'' to a risk assessment. We hope that these initiatives aimed at improving transparency will lead to improved communication between PPQ and interested persons.

Process for Assigning Priority to Requests

It is the PIM staff that is responsible, in consultation with the P&RA staff, for assigning priorities for the completion of pest risk assessments that have been previously categorized as either routine or nonroutine using the above-referenced criteria. Once the assessments have been initially categorized as to type and priority, we will post these findings on the Agency's web site on at least a quarterly basis.

The criteria that we will use in setting priorities, (which do not appear in a specified order of significance), are as follows:

• The date on which an application was received;

• The need to reduce smuggling of a particular commodity;

• The need to further United States foreign and trade policy goals;

• The other public interest factors affected by the importation of a particular commodity;

• The need to address requests from bilateral meetings as well as the recognition of countries with multiple requests (countries with multiple requests would be asked to prioritize their requests to assist in priority-setting);

Seeking Relevant Scientific and Economic Information in Advance of Initiating Informal Rulemaking

As previously discussed elsewhere in this notice, we are taking steps via web-based mechanisms to increase the transparency of our processes and availability of all risk assessments. We will post all risk assessments on the PPQ commodity risk assessment web site when final, before the initiation of rulemaking. As explained in more detail below, we will publish a notice in the **Federal Register** announcing the availability of a draft of each pest risk assessment determined to be ''nonroutine'' and provide 60 days for the submission of comments regarding the draft risk assessment.

We recognize that not all risk assessments will generate the same level of public interest, due to factors such as the economic value of the crop proposed for importation; the amount of interest based on the size of the domestic industry; local, regional, or national impacts; potential environmental impacts; level of uncertainty; and whether the importation or methodologies used in the risk assessment or risk mitigation would be unique. Generally speaking, these factors are the same as those used to determine whether a risk assessment will be deemed routine or nonroutine. We recognize that some of the factors related to nonroutine risk assessments require a greater level of consultation with interested persons. As noted in the previous paragraph, we will solicit comments on all nonroutine risk assessments for a minimum of 60 days prior to the initiation of any rulemaking. If necessary, based on the complexity or length of a risk assessment, we may provide the public with an opportunity to comment for more than 60 days, as we did in the case of the pest risk assessment for solid wood packing materials (See Docket No. 98–057–2, 65 FR 61301; October 17, 2000), for which the Agency provided a 120-day comment period.

PPQ has already, on several other occassions, made draft pest risk assessments available for public comment in advance of rulemaking. Examples include the risk assessments pertaining to the importation of honeybees from New Zealand (Docket No. 99–091–1, 64 FR 68984; December 9, 1999) and honeybees from Australia (Docket No. 00–032–1, 65 FR 25701; May 3, 2000). Making risk assessments such as those two available for comment provides us with the opportunity to make any necessary modifications to the risk assessment prior to moving forward with a proposed rule. APHIS believes that announcing the availability of a risk assessment in the **Federal Register** provides an equitable means of obtaining public comment from all interested persons at the same time, since it provides all interested persons with an equal opportunity to comment. Publication in the **Federal Register** is ''constructive notice'' to the world that the Agency is soliciting comments on scientific and economic information pertaining to a particular risk assessment.

We may in select circumstances, prior to publication in the **Federal Register** of a draft pest risk assessment for comment, consult with non-agency technical experts pertaining to certain provisions of a draft document, in order to ensure we are setting forth a technically accurate document. This would be done in order to ensure that the Agency was making available the best possible draft document for public comment, and possibly because the Agency did not have a particular expertise available within its own ranks.

We recognize that in certain circumstances, risk assessments that have been deemed to be routine may generate or cause certain information to be brought to the Agency's attention that would cause us to reevaluate our original designation of routine. If we changed the designation of a risk assessment, we would publish a notice of availability of the draft risk assessment, with any necessary revisions to reflect the new information, in the **Federal Register**. We will review such situations on a case-by-case basis.

Ensuring Availability and Transparency of Assumptions and Uncertainties in the Risk Assessment Process, Including Risk Mitigation Measures Relied Upon Individually or as Components of a System of Mitigative Measures

Section 412(e) of the Plant Protection Act (7 U.S.C. 7712(e)) requires that the Secretary of Agriculture conduct a study of the role for and application of systems approaches designed to guard against the introduction of plant pathogens associated with proposals to import plants or plant products into the United States. The term ''systems approach'' is defined in the Act as ''a defined set of phytosanitary procedures, at least two of which have an independent effect in mitigating pest risk associated with the movement of commodities'' (see 7 U.S.C. 7702(18)). This section of the Act also requires the participation in the study of scientists from State departments of agriculture, colleges and universities, the private sector, and the U.S. Department of Agriculture's Agricultural Research Service. The Act further requires that a report of the results of the study be submitted to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. In the course of conducting this study, we are certain that recommendations will be made on the need for the Agency to be sure that assumptions and uncertainties in the risk assessment process, including applicable risk mitigation measures relied upon individually or as components of a system of mitigative measures, are clearly stated in any risk assessment document. As a matter of policy, APHIS will ensure that risk assessment documents clearly specify assumptions and uncertainties in the risk assessment process, including applicable risk mitigation measures relied upon individually or as components of a system of mitigative measures.

Other Mechanisms Aimed at Ensuring Transparency and Accessibility

The Agency routinely provides a minimum of 60 days for the submission of comments from the public regarding its proposed amendments to the fruits and vegetables regulations. PPQ plans to utilize its stakeholder registry as a means of also notifying interested persons when a proposed rule which required a pest risk assessment has been published. Interested persons can download a copy of any APHIS document published in the **Federal Register** from the APHIS web site at http://www.aphis.usda.gov/ppd/rad/webrepor.html. The APHIS web site currently has a registry that allows interested persons to enter key words and their e-mail address, which enables registrants to receive electronic notification when their specified key words appears in a notice or proposed or final rule published in the **Federal Register**.

Lastly, we intend to publish a brochure written in clear and simple terms, explaining the options and procedures for importing fruits and vegetables, which we believe will be of great assistance to first-time importers.

Authority: 7 U.S.C. 7701–7772.

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

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–15408 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Agricultural Policy Advisory Committee for Trade and the Agricultural Technical Advisory Committees for Trade; 2-week extension of nomination deadline

SUMMARY: The Secretary of Agriculture and the United States Trade Representative are extending the nomination deadline by 2 weeks for the Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs). The extension is to ensure that every effort has been made to solicit the broadest possible representation on the APAC and the 5 ATAC Committees.

DATES: Written nominations must be received by the Foreign Agricultural Service before close of business June 29, 2001.

ADDRESSES: Send all nominating materials to Ms. Sharon McClure, Foreign Agricultural Service, USDA, Room 5065–S, STOP 1001, 1400 Independence Avenue, SW., Washington, DC 20250–1001. The information may also be submitted by fax to (202) 720–8097.

FOR FURTHER INFORMATION CONTACT: Persons interested in serving on the APAC or an ATAC, must submit: (1) Completed Form AD–755, (2) completed Form AD–1086, (3) resume, and (4) specify the committee. The information should be submitted by mail (Ms. Sharon McClure, Foreign Agricultural Service, USDA, 1400 Independence Avenue, SW., Room 5065–S, Stop 1001, Washington, DC 20250–1001, or fax (202–710–8097). These forms are also available on the Internet at the FAS homepage. For Form AD–755, go to *http://www.fas.usda.gov/ad 755.pdf*. For Form AD–1086, go to *http://www.fas.usda.gov/admin/ad 1086*. For questions or further information, contact Sharon McClure at 202–720–6829 or electronically *(mcclure@fas.usda.gov).*

SUPPLEMENTARY INFORMATION: The Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs) are authorized by sections 135(c)(1) and (2) of the Trade Act of 1974, as amended (Pub. L. No. 93–618, 19 U.S.C. 2155). The purpose of the committees is to provide advice to the Secretary and the U.S. Trade Representative concerning agricultural trade policy and are intended to ensure that representative elements of the private sector have an opportunity to make known their views to the U.S. Government.

In 1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and negotiation objectives adequately reflect U.S. commercial and economic interests. The private sector advisory system now consists of almost 40 committees, arranged in three tiers:

- The President's Advisory Committee on Trade and Policy Negotiations (ACTPN);
- Seven advisory committees, including the APAC, and;
- Over 30 technical advisory committees, including the ATACs.

The renewal of such committees is in the public interest in connection with the duties of the U.S. Department of Agriculture (USDA) imposed by the Trade Act of 1974, as amended.

General Committee Information: All APAC and ATAC committee members are appointed by the Secretary of Agriculture and the U.S. Trade Representative (USTR), and serve at the discretion of the Secretary and the USTR. To serve and attend committee meetings, members must be U.S. citizens, and have successfully completed a confidential security clearance. Committee members serve without compensation; they are not reimbursed for their travel expense.

Committee meetings will be open to the public, unless the U.S. Trade Representative determines that the committees will be discussing issues the

disclosure of which justify closing a meeting or portions of the meeting, in accordance with 5 U.S.C. 552b(c).

All committee appointments expire on May 1, 2003; but the Secretary and USTR may renew an appointment for one or more additional terms.

Each committee has a chairperson, who is elected from the membership of that committee. In addition to their individual responsibilities, all committees are required to meet at the conclusion of negotiations for each trade agreement, and to provide a report on each agreement to the President, Congress, and to the U.S. Trade Representative. [All meetings will be held in Washington, D.C.]

Agricultural Policy Advisory Committee for Trade (APAC): The APAC has approximately 50 members, and is composed of a broad spectrum of agricultural interests. It provides advice concerning:

- Negotiating objectives and bargaining positions before the United States enters into a trade agreement;
- The operation of various U.S. trade agreements; and
- Other matters arising from the administration of U.S. trade policy.

Agricultural Technical Advisory Committees for Trade (ATACs): The ATACs provide advice and information regarding trade issues which affect both domestic and foreign production in their commodities, drawing upon the technical competence and experience of its members. There are five ATACs, one for each of the following sectors:

- Grains, Feed, and Oilseeds;
- Animals and Animal Products;
- Fruits and Vegetables;
- Sweeteners and Sweetener Products; and
- Tobacco, Cotton, and Peanuts.

Each ATAC has approximately 25 members, for a total of approximately 125 members.

Nominations and Selection of Members: Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status or sexual orientation. To ensure that the recommendations of the committees take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Members are selected primarily for their expertise and knowledge of agriculture trade as it relates to policy and commodity specific products. No person, company, producer, farm organization, trade association, or other entity has a right to representation on a committee. All members serve at the discretion of the Secretary of Agriculture and the U.S. Trade Representative. In making selections, every effort will be made to maintain balanced representation on the committees: representation from producers, farm and commodity organizations, processors, traders, consumers, as well as geographical balance.

Issued at Washington, D.C. this 15th day of June, 2001.

John Surina,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 01–15558 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wasatch Plateau Sheep Grazing

AGENCY: Forest Service, Manti-La Sal National Forest, Sanpete, Carbon, Utah and Emery Counties, Utah, USDA.

ACTION: Notice of intent to prepare Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of issuance of 42 Term Grazing Permits that authorize sheep grazing on 31 allotments on the Wasatch Plateau. The project analysis area is located on top of the Wasatch Plateau approximately 9 miles east of Ephraim, Utah and approximately 16 miles west of Castle Dale, Utah, between the Price River drainage on the north and Mooseneah Peak on the south.

The need for this analysis is to meet direction specified by section 504 of Public Law 104–19 (The Rescission Act of 1995) and bring grazing in compliance with Forest Plan direction, applicable laws, regulation and policy. The selected alternative, associated mitigations and management strategies will be implemented through the Term Grazing Permit and a specific allotment management plan.

The area being analyzed is National Forest System lands where grazing is authorized by permit. This involves approximately 171,000 acres of which 118,000 acres are suitable for sheep grazing. The permitted number of livestock is 33,382 head of sheep that generally graze from July 1 to September 30 for 30,587 animal unit months.

The proposed action is to continue livestock grazing with modification of the permitted number of sheep and inclusion of additional management requirements in Term Grazing Permits. (Final permitted number of sheep, by allotment, is displayed on Table A.)

TABLE A.—PART 1—WASATCH PLATEAU SHEEP GRAZING PROPOSED ACTION

Allotment	Permitted number of sheep	Permitted grazing season
Black Canyon	1,000	7/01–09/30
Clay Banks	1,155	7/01–09/30
Heliotrope	1,250	7/01–09/25
Indian Creek	1,000	7/01–09/30
Little Petes Hole	971	7/15–09/30
Joes Valley	1,276	6/13–09/30
Olsen Bench	1,130	6/21–09/30
Peavine	1,000	7/01–09/20
Potters Canyon	600	7/01–09/30
Reeder Ridge	1,100	6/26–09/30
Ridley Ridge	1,090	7/01–09/30
Wagon Road Ridge	993	7/11–09/30
Bob Wright	1,013	7/01–09/30
Booths Canyon	565	7/01–09/30

TABLE A.—PART 1—WASATCH PLATEAU SHEEP GRAZING PROPOSED ACTION—Continued

Allotment	Permitted number of sheep	Permitted grazing season
Crandall Canyon	658	7/06–09/25
Crandall Ridge	354	7/01–09/30
Eccles	750	7/16–09/25
Horse Creek	666	7/01–09/30
South Skyline	1,019	7/07–09/30
Spring Lake	1,080	7/08–09/30
Trough Springs Ridge	1,000	7/01–09/30
Candland	1,060	7/01–09/30
Monument Peak	361	7/01–09/30
Swens	559	7/01–09/30

TABLE A.—PART 2—WASATCH PLATEAU SHEEP GRAZING PROPOSED ACTION

Allotment	Permitted Number of Sheep	Permitted Grazing Season
Mountain Lion	1,000	6/14–09/30
Beaver Dams-Boulger	1,200	7/06–10/05
Birch Creek-Bear Canyon	1,100	6/06–09/30
Cottonwood-Gooseberry	900	7/06–09/30
Island Lake	954	7/05–09/25
Order Mountain	1,095	7/01–09/25
Willow Creek	1,000	7/01–09/25

DATES: Written comments concerning the scope of the analysis described in this Notice should be received on or before July 19, 2001.

ADDRESSES: Send written comments to Ferron/Price Ranger District, Wasatch Plateau Sheep Grazing EIS, P.O. Box 310, Ferron, UT 84523.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be addressed to John Healy, Supervisory Range Management Specialist, Ferron/Price Ranger District, (435) 384–2372.

SUPPLEMENTARY INFORMATION: This EIS will tier to the final EIS for the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan). The Manti-La Sal Forest Plan provides the overall guidance (Goals, Objectives, Standards, and Management Area Direction) to achieve the desired future condition for the area being analyzed, and contains specific management area prescriptions for the entire Forest.

Initial scoping and issue development identified the following tentative issues: water quality, endangered and sensitive plant and animal species, cultural resources, social, economic, recreation, noxious weeks, riparian, and rangeland health.

The Forest Service has previously scoped this project on two separate occasions, April 1999 and April 2000. If you have already commented, your comments are part of the record and will be considered in determining issues, and alternatives. The Forest Service is seeking additional information and comments from Federal, State, and local agencies as well as individuals and organizations that may be interested in, or affected by the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed. Information received will be used in preparation of the Draft EIS and Final EIS. For most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this Notice in the **Federal Register**.

Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) during the scoping process, the next 30 days following publication of this Notice in the **Federal Register,** and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review on December 20, 2001. At that time, the EPA will publish an availability notice of the Draft EIS in the **Federal Register.** The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EIS's structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and intentions.

Vermont Yankee Nuclear Power Corp. v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1022 (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when we can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comment on the Draft EIS should be as

specific as possible. It is also helpful if comments refer to specific pages or chapters of the Draft EIS. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3 in addressing these points.)

The Final EIS is expected to be released April 30, 2002.

The Sanpete an Ferron/Price District Rangers, Manti-La Sal National Forest, are the responsible officials for the EIS. They will make a decision regarding this proposal, after considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws, regulations, and policies. The reasons for the decision will be documented in a Record of Decision.

Dated: June 1, 2001.

Elaine J. Zieroth,

Forest Supervisor.

[FR Doc. 01–15410 Filed 6–18–01; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on Thursday, June 28, 2001, at 55 West Monroe Street, Suite 525, Chicago, Illinois 60603. The purpose of the meeting is to discuss civil rights issues and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 11, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–15368 Filed 6–18–01; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Current Population Survey, September 2001 Computer and Internet Use Supplement.

Form Number(s): CPS–263(L), BC–1428.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 7,600 hours.

Number of Respondents: 57,000.

Avg Hours Per Response: 8 minutes.

Needs and Uses: The purpose of this request for review is to obtain clearance for the supplemental inquiry concerning computer and Internet use to be conducted in conjunction with the September 2001 Current Population Survey (CPS). The proposed questions are designed to provide an up-to-date profile of American personal computer and Internet access and to provide information usage patterns using a variety of demographic and geographic measures. The resulting information will provide an objective and sound empirical basis for development of policies aimed to ensure that all Americans are able to participate in the Information Age. The survey will update the historical item series which began in 1989 and has expanded to Internet use topics such as main uses of the Internet, reasons for no household access, and locations other than the home where persons have access. This proposed collection expands on topics of interest such as use of alternative devices to access the Internet (cell phones, pagers, other hand-held devices), Internet use at school, and Internet use for job searches.

The data collection will be compiled and presented in a publication featuring an array of household demographic data, with breakouts by family income, age, race/origin, type of head of household, or reference person (e.g., female vs. male), households with or without children, level of educational attainment, and labor force status (employed vs. unemployed). Geographically, data will be collected by urban/rural/central city on a national level and by state. Regional data will also be obtained.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182; Title 29 U.S.C., Sections 1–9.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 14, 2001.

Madeleine Clayton,

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

[FR Doc. 01–15429 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Generic Clearance for Questionnaire Pretesting Research.

Form Number(s): Various.

Agency Approval Number: 0607–0725.

Type of Request: Extension of a currently approved collection.

Burden: 5,500 hours.

Number of Respondents: 5,500.

Avg Hours Per Response: 1 hour.

Needs and Uses: The Census Bureau maintains a generic clearance which relaxes some of the time constraints and enables the Census Bureau to conduct extended cognitive and questionnaire design research as part of testing for its censuses and surveys. This research program is used by the Census Bureau and survey sponsors to improve questionnaires and procedures, reduce

respondent burden, and ultimately increase the quality of data collected in the Census Bureau censuses and surveys. Pretesting activities are generally small-scale and involve one of the following methods for identifying measurement problems with the questionnaire or survey procedure: field tests, respondent debriefings, split sample experiments, cognitive interviews, and focus groups.

A block of burden hours is reserved at the beginning of each fiscal year. The particular activities that will be conducted under the clearance are not specified in advance. The Census Bureau provides information to OMB about the specific pretesting activities on a flow basis throughout the year. OMB is notified of each pretesting activity in a letter that gives specific details about the activity, rather than by means of individual clearance packages. At the end of each year, a report is submitted to OMB that summarizes the number of hours used as well as the nature and results of the activities completed under the clearance.

This request is for an extension of the current OMB approval of the generic clearance. There is no change in the estimated number of activities to be conducted per fiscal year or in the types of testing to be undertaken.

Affected Public: Individuals or households, Businesses or other for profit, Farms.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections 131, 141, 161, 181, 182, 193, and 301, for Census-Bureau sponsored surveys, and Title 13 and 15 for surveys sponsored by other Federal agencies.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 14, 2001.

Madeleine Clayton,

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

[FR Doc. 01–15430 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons

ACTION: Proposed collection; comment request.

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

DATES: Written comments must be submitted on or before August 20, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to: R. David Belli, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50 (OC), Washington DC 20230 (Telephone: 202–606–9800).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons (Form BE–47) obtains reliable and up-to-date information on U.S. sales to unaffiliated foreign persons of construction, engineering, architectural, and mining services. The information gathered is needed, among other purposes, to support U.S. trade policy initiatives and to compile the U.S. international transactions, input-output, and national income and product accounts. No changes are being proposed for Form BE–47.

II. Method of Collection

The BE–47 survey will be sent each year to potential respondents in January and responses are due by March 31. A U.S. person providing construction, engineering, architectural, or mining services to unaffiliated foreign persons is required to report if the gross value of new contracts received or the gross operating revenues from all existing contracts is $1 million or more during the covered year. A U.S. person that receives a form but is not required to report data must file an exemption claim.

III. Data

OMB Number: 0608–0015.

Form Number: BE–47.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit institutions providing construction, engineering, architectural, and mining services to unaffiliated foreign persons.

Estimated Number of Respondents: 155 annually.

Estimated Time Per Response: 4.5 hours.

Estimated Total Annual Burden: 700 hours.

Estimated Total Annual Cost: $21,000 (based on an estimated reporting burden of 700 hours and estimated hourly cost of $30).

Respondent's Obligation: Mandatory.

Legal Authority: Title 22, United States Code, Sections 3101–3108.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) 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.

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

Dated: June 14, 2001.

Madeleine Clayton,

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

[FR Doc. 01–15428 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1176]

Grant of Authority for Subzone Status Matsushita Kotobuki Electronics Industries of America, Inc. (TV/VCR Combination Units), Vancouver, WA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Port of Tacoma, Washington, grantee of FTZ 86, has made application to the Board for authority to establish special-purpose subzone status at the manufacturing facilities (9- and 13-inch television/video cassette recorder combination units) of Matsushita Kotobuki Electronics Industries of America, Inc. (MKA), located at sites in Vancouver, Washington (FTZ Docket 46–2000, filed 8/2/2000);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 49536, 8/14/2000); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the 9- and 13-inch TV/VCR unit manufacturing facilities of Matsushita Kotobuki Electronics Industries of America, Inc. in Vancouver, Washington (Subzone 86E), at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 8th day of June 2001.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15424 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1171]

Approval for Expansion of Subzone 49D Merck & Company, Inc., Plant (Pharmaceuticals); Rahway, New Jersey

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Port Authority of New York and New Jersey, grantee of FTZ 49, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 49D at the Merck plant in Rahway, New Jersey (FTZ Docket 3–2001, filed 1/18/2001);

Whereas, notice inviting public comment has been given in the **Federal Register** (66 FR 8195, 1/30/01);

Whereas, pursuant to section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 49D on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 29th day of May 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15422 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1166]

Expansion of Foreign-Trade Zone 138 Columbus, Ohio Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Rickenbacker Port Authority, grantee of Foreign-Trade Zone No. 138, submitted an application to the Board for authority to expand FTZ 138 in the Columbus, Ohio area, adjacent to the Columbus Customs port of entry (FTZ Docket 31–2000, filed 6/20/2000);

Whereas, notice inviting public comment was given in the **Federal Register** (65 FR 39866, 6/28/2000) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to expand FTZ 138 is approved, subject to the Act and the Board's regulations, including section 400.28, and further subject to the Board's standard 2,000-acre activation limit.

Signed at Washington, DC, this 29th day of May 2001.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15421 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1172]

Approval for Expansion of Subzone 24B Merck & Company, Inc., Plant (Pharmaceuticals), Riverside, PA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Eastern Distribution Center, Inc., grantee of FTZ 24, has requested authority on behalf of Merck & Company, Inc. (Merck), to add capacity and to expand the scope of authority under zone procedures within Subzone 24B at the Merck plant in Riverside, Pennsylvania (FTZ Docket 4–2001, filed 1/18/2001);

Whereas, notice inviting public comment has been given in the **Federal Register** (66 FR 8196, 1/30/01);

Whereas, pursuant to Section 400.32(b)(1) of the FTZ Board regulations (15 CFR 400), the Secretary of Commerce's delegate on the FTZ Board has the authority to act for the Board in making decisions regarding manufacturing activity within existing zones when the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances (15 CFR 400.32(b)(1)(i)); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to add capacity and to expand the scope of authority under zone procedures within Subzone 24B on behalf of Merck & Company, Inc., is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 29th day of May 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–15423 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part

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

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department of Commerce also received requests to revoke two antidumping duty orders in part.

EFFECTIVE DATE: June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b) (2000), for administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on Certain Circular Welded Carbon Steel Pipe & Tube from Taiwan and Certain Welded Carbon Steel Pipe & Tube from Turkey.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than May 31, 2002.

	Period to be reviewed
Antidumping Duty Proceedings	
Belgium: Stainless Steel Plate in Coils, A–423–808	5/1/00–4/30/01
ALZ, N.V.	
Brazil: Frozen Concentrated Orange Juice, A–351–605	5/1/00–4/30/01
Citrovita Agro Industrial Ltda/Cambuhy MC Industrial Ltda/Cambuhy Citrus Comercial e Exportadora	
Branco Peres Citrus S.A.	
CTM Citrus S.A.	
Sucorrico S.A.	
Indonesia: Extruded Rubber Thread, A–560–803	5/1/00–4/30/01
Filati Lastex Sdn. Bhd.	
PT Swasthi Parama Mulya	
Italy: Stainless Steel Plate in Coils, A–475–822	5/1/00–4/30/01
Acciai Speciali Terni S.p.A.	
Republic of Korea: Certain Polyester Staple Fiber, A–580–839	11/8/99–4/30/01
Daeyang Industrial Co., Ltd.	
Estal Industry Co., Ltd.	
Huvis Corporation	
Keon Baek Co., Ltd.	
Mijung Ind., Co., Ltd.	
Sam Young Synthetics Co., Ltd.	
Sunglim Co., Ltd.	
Republic of Korea: Stainless Steel Plate in Coils, A–580–831	5/1/00–4/30/01
Pohang Iron & Steel Co., Ltd.	
Taiwan:	
Certain Circular Welded Carbon Steel Pipe & Tubes, A–583–008	5/1/00–4/30/01

	Period to be reviewed
Yieh Hsing Enterprise Co., Ltd.	
Certain Polyester Staple Fiber, A–583–833	
Far Eastern Textile, Ltd.	3/30/00–4/30/01
Nan Ya Plastics Corporation, Ltd.	4/27/00–4/30/01
Stainless Steel Plate in Coils, A–583–830	5/1/00–4/30/01
Ta Chen Stainless Pipe Co., Ltd.	
Yieh United Steel Corporation.	
Turkey: Certain Welded Carbon Steel Pipe and Tube, A–489–501	5/1/00–4/30/01
The Borusan Group	

	Period/class or kind
Anti-friction Bearings Proceedings and Firms	
France: A–427–801	5/1/00–4/30/01
Bearing Discount International GmbH	Ball
Rodamientos Rovi	Ball
EuroLatin Export Services, Ltd.	Ball
DCD	Ball
Representaciones Industriales Rodriguez S.A. (RIRSA)	Ball
Rovi-Valencia	Ball
Rovi-Marcay	Ball
SKF France S.A./Sarma (including all relevant affiliates)	Ball & Spherical
SNR Roulements	Ball
Germany: A–428–801	5/1/00–4/30/01
FAG Kugelfischer Georg Schafer AG	Ball
Paul Muller GmbH & Co., KG	Ball
Torrington Nadellager GmbH	Ball
Bearing Discount International GmbH	Ball
Rodamientos Rovi	Ball
EuroLatin Export Services, Ltd.	Ball
DCD	Ball
Representaciones Industriales Rodriguez S.A. (RIRSA)	Ball
Rovi-Valencia	Ball
Rovi-Marcay	Ball
Italy: A–475–801	5/1/00–4/30/01
FAG Italia S.p.A. (including all relevant affiliates)	Ball
SKF Industrie S.p.A (including all relevant affiliates)	Ball
Bearing Discount International GmbH	Ball
Rodamientos Rovi	Ball
EuroLatin Export Services, Ltd.	Ball
DCD	Ball
Representaciones Industriales Rodriguez S.A. (RIRSA)	Ball
Rovi-Valencia	Ball
Rovi-Marcay	Ball
Japan: A–588–804	5/1/00–4/30/01
Asahi Seiko Co., Ltd.	Ball
Isuzu Motors, Ltd.	Ball
Koyo Seiko Co., Ltd.	Ball
Nachi-Fujikoshi Corporation	Ball
Nankai Seiko Co., Ltd.	Ball
Nippon Pillow Block Sales Company, Ltd.	Ball
NSK, Ltd.	Ball
NTN Corporation	Ball
Osaka Pump Company, Ltd.	Ball
Takeshita Seiko Co., Ltd.	Ball
Singapore: A–559–801	5/1/00–4/30/01
NMB Singapore Ltd./Pelmec Industries (Pte) Ltd.	Ball
The United Kingdom: A–412–801	5/1/00–4/30/01
NSK Bearings Europe Ltd./RHP Bearings Ltd.	Ball
FAG (U.K.) Limited	Ball
SNFA Bearings Limited (SNFA UK)	Ball
The Barden Corporation (UK) Limited	Ball
Countervailing Duty Proceedings	
None.	
Suspension Agreements	
None.	

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset

review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: June 13, 2001.

Holly A. Kuga,

Senior Office Director, AD/CVD Enforcement, Group II, Office 4.

[FR Doc. 01–15426 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–814]

Notice of Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France

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

ACTION: Notice of extension of time limit for the preliminary results of the antidumping duty administrative review of stainless steel sheet and strip in coils from France.

SUMMARY: On September 6, 2000, the Department of Commerce (''Department'') published a notice of initiation of an antidumping duty review of stainless steel sheet and strip in coils from France. The Department of Commerce (''Department'') is extending the time limit for the preliminary results of the review, which covers the period January 4, 1999 through June 30, 2000.

EFFECTIVE DATE: June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Bolling at 202–482–0409; Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2001).

Extension of Time Limit for Preliminary Results

On September 6, 2000, the Department published its notice of initiation of an antidumping duty review of the antidumping duty order on stainless steel sheet and strip in coils from France. *See* Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 65 FR 53980, 53981 (September 6, 2000). On January 25, 2001, the Department published its notice partially extending the time limit for the preliminary results of the review by 90 days. *See* Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France, 66 FR 7738 (January 25, 2001). Under 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 after the date on which the review is initiated. The Department has determined that it is not practicable to complete the preliminary results of the review within that statutory time limit. See Memorandum from Edward C. Yang to Joseph A. Spetrini (June 12, 2001).

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the preliminary results by 30 days until July 31, 2001.

Dated: June 12, 2001.

Edward C. Yang,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–15425 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

AGENCY: National Institute of Standards and Technology Commerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license world-wide to NIST's interest in the invention embodied in U.S. Patent Application 08/189,553, titled, ''Integrated Optic Laser'', filed February 1, 1994; NIST Docket No. 93–039CIP to Schott Glass Technologies, Inc., having a place of business at 400 York Avenue, Duryea, PA. The grant of the license would be for 'Active Guided Wave Optical Devices'.

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, MS–2200, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7 The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. the availability of the invention for licensing was published in the **Federal Register**, Vol. 66, No. 47 (March 9, 2001).

U.S. Patent application 08/189,553 is owned by the U.S. Government , as represented by the Secretary of Commerce. The present invention relates to new NIST technology provides a laser waveguide medium capable of generating laser amplification at multiple wavelengths. The medium can produce lasing with high output power and high efficiency at wavelengths that were not previously obtainable.

Dated: June 11, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–15396 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Louisiana Regional Restoration Planning Program: Notice of Intent to Prepare a Programmatic Environmental Impact Statement

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Commerce; United States Department of the Interior (DOI); Louisiana Oil Spill Coordinator's Office (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); and Louisiana Department of Wildlife and Fisheries (LDWF).

ACTION: Notice of intent to begin scoping to prepare the Louisiana Regional Restoration Planning Program (RRP Program)/Programmatic Environmental Impact Statement (PEIS).

SUMMARY: Pursuant to 15 CFR 990.23 & 990.56, notice is hereby given that a document entitled, ''Public Review Document of the Louisiana Regional Restoration Planning Program'' will be available for public review and comment on or before July 2, 2001. This document has been prepared by the state and federal natural resource trustee agencies listed above to address natural resource damages in the State of Louisiana caused by discharges of oil, which are actionable under the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.* Pursuant to OPA, the above natural resource trustee agencies claim damages from responsible parties to restore, rehabilitate, replace or acquire the equivalent of natural resources and services injured by oil spills. The purpose of the RRP Program is to develop an institutional framework and procedures that will enable the trustees to select and implement projects in Regional Restoration Plans (RRPs) that compensate the public and environment for losses of natural resources and services from unauthorized discharges of oil in a consistent and predictable manner. The purpose of the RRPs will be to identify, on a regional basis in the State of Louisiana, existing, planned, or proposed projects that may provide appropriate restoration alternatives for natural resources injured by oil spills and to enhance resolution of claims for natural resource damages caused by oil spills in a more expeditious and cost-effective manner. The trustees seek public involvement in the development of the RRP Program, RRPs and PEIS. Opportunities for public comment are provided through public review and comment on documents contained in the Administrative Record as well as on the Public Review Document, Draft and Final Environmental Impact Statement when prepared.

DATES: Comments on the ''Public Review Document of the Louisiana Regional Restoration Planning Program'' must be submitted in writing on or before August 20, 2001. Public meetings will be held on July 17–19 and 24–26.

ADDRESSES: Requests for copies of the ''Public Review Document of the Louisiana Regional Restoration Planning Program'' should be sent to Karolien Debusschere, Deputy Coordinator, Louisiana Oil Spill Coordinator's Office, Office of the Governor, 625 N. 4th Street, Suite 800, Baton Rouge, LA 70802; Kdebusschere@losco.state.la.us or Ann H. Berger, DARP Coordinator, NOAA/Office of General Counsel, 1305 East-West Highway, SSMC #4, Silver Spring, MD, 20910; ann.berger@noaa.gov. Written comments on the program should be sent either to LOSCO or NOAA to the persons at addresses listed above.

SUPPLEMENTARY INFORMATION: Traditionally, Louisiana's economy has been based on the state's vast natural resources. Both renewable (hunting, fishing, forest products) and nonrenewable (cultural, oil, natural gas) resources are important, and the industries associated with each have coexisted for years. Although Louisiana's oil and gas industry tries to avoid adverse impacts on renewable natural resources, injuries do occur as a result of oil spills. The cumulative impact of these incidents on fish, wildlife and the environment can be significant and adversely affect the industries and communities depending on natural resources for commerce and recreation.

Federal and state agencies have begun a collaborative process with the public and industry to develop the RRP Program and RRPs for the State of Louisiana. Currently, the restoration planning process is conducted on a case-by-case basis. The goal of the proposed RRP Program and RRPs is to identify and select feasible restoration projects prior to a spill incident, thereby shortening the restoration planning process, lowering its cost, and restoring lost resources sooner. The state will be divided into planning regions. For each region, an RRP will identify suitable restoration projects for restoring natural resources and services. Additionally, each RRP will provide an opportunity for trustees to pool restoration recoveries from multiple incidents towards larger, more cost-effective, and beneficial restoration projects. The RRP Program and RRPs will benefit the public, industry and natural resource trustees by increasing the efficiency of the restoration planning process.

NOAA, DOI, LOSCO, LDEQ, LDNR and LDWF are natural resource trustees designated pursuant to 33 U.S.C. 2706(c); Executive Order 12777; and the National Contingency Plan, 40 CFR 300.600 and 300.605. Pursuant to La. Rev. Stat. 30:2460, the State of Louisiana Oil Spill Contingency Plan (September 1995) describes the state trust resources which include the following: vegetated wetlands, surface waters, ground waters, air, soil, wildlife, aquatic life, and the appropriate habitats on which they depend. DOI has been designated as trustee for the natural resources that it manages or controls. Examples of those resources as described in the National Contingency Plan, 40 CFR 300.600(b)(2) and (3), include the following and their supporting ecosystems: migratory birds, anadromous fish, endangered species and marine mammals, federally owned minerals, certain federally managed water resources, and natural resources located on, over, or under land administered by DOI. NOAA's trust resources include, but are not limited to, commercial and recreational fish species, anadromous and catadromous fish species, marshes and other coastal habitats, marine mammals, and endangered and threatened marine species.

Pursuant to 15 CFR 990.56, the natural resource trustees are authorized to develop regional restoration plans as part of OPA's mandate for the trustees to restore, rehabilitate, replace, or acquire the equivalent of natural resources and services injured by oil spills and to compensate for interim losses of such resources and services.

The natural resource trustees also announce their intent to integrate the RRP Program with a Draft Programmatic Environmental Impact Statement (DPEIS). The National Environmental Policy Act, NEPA, 42 U.S.C. 4321 *et seq.*, and Council on Environmental Quality (CEQ) regulations implementing NEPA, 40 CFR Chapter V, apply to restoration actions by federal trustees. Pursuant to NEPA and the CEQ regulations, the purpose of a DEIS is to involve the public and facilitate the decision making process in the trustees' analysis of alternatives for regional restoration planning.

In compliance with 15 CFR 990.45, the trustees will open an Administrative Record (Record). The record will include documents that the trustees relied upon during the development of

the RRP Program and PEIS. Pursuant to 15 CFR 990.23 and 990.56, the trustees seek public involvement in developing the RRP Program and RRPs, through public review and comment of the documents contained in the Record (which will be maintained in the NOAA Damage Assessment Center, SSMC #4, 1305 East-West Highway, Silver Spring, Maryland, 20910–3281, and duplicate copies will be maintained in Baton Rouge at the Louisiana Oil Spill Coordinator's Office, Suite 800, 626 N. Street, Baton Rouge, LA), as well as the ''Public Review Document of the Louisiana Regional Restoration Planning Program'' and the Draft and Final Louisiana Regional Restoration Planning Program/Environmental Impact Statements when these documents have been prepared. The Record and the above documents will also be available at the following website: *http://www.darp.noaa.gov/.* The ''Public Review Document of the Louisiana Regional Restoration Planning Program'' will be released by July 2, 2001, and will be available at the listed addresses and website for public review and comment. The Public Review Document will provide the public with an early opportunity to review proposals for the RRP Program in order for the trustees to receive comments on the RRP Program's and RRPs development prior to the completion of the Draft RRP Program/EIS.

Public Meetings: The following are the dates and locations of public meeting scheduled (6:00 to 9:00 PM) to seek comments on the Public Review Document Draft of the Louisiana Regional Restoration Planning Program and input for the RRP Program/PEIS:

July 17, 2001, Shreveport, State Office Building, 1525 Fairfield Avenue, Room 205, Shreveport, LA

July 18, 2001, Monroe, Monroe City Hall, Council Chamber, 1st Floor, 400 Lea Joyner Expressway, Monroe, LA

July 19, 2001, Alexandria, Louisiana Convention Center, 2225 N. MacArthur Drive, Alexandria, LA 71303

July 24, 2001, New Orleans, Joseph S. Yenni Bldg., 1221 Elmwood Park Blvd., Jefferson Parish Council Chamber, 2nd Floor, Jefferson, LA 70123

July 25, 2001, Lake Charles, Burton Business Center, McNeese State University, 350 Lawton Drive, Lake Charles, LA 70609

July 26, 2001, Baton Rouge, Department of Wildlife & Fisheries, 2000 Quail Drive, 1st Floor, Louisiana Room, Baton Rouge, LA 70808

FOR FURTHER INFORMATION CONTACT: Karolien Debusschere at 225/219–5800; *Kdebusschere@losco.state.la.us* or Ann H. Berger at 301/713–3038 x192; ann.berger@noaa.gov.

Dated: June 13, 2001.

Captain Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–15391 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–JE–U

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

June 14, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limit for Category 433 is being increased for special shift, reducing the limit for Category 633 to account for the special shift being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 75671, published on December 4, 2000.

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 14, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 28, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on June 20, 2001, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
433	25,680 dozen.
633	189,625 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

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

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–15427 Filed 6–18–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Director, Administration and Management, Office of the Secretary of Defense, Department of Defense.

ACTION: Notice.

In compliance with section 35006(c)(2)(A) of the Paperwork Reduction Act of 1995, the Director, Administration and Management announces a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of any Defense Agency or DoD

Field Activity, including whether the information shall have practical utility; (b) the accuracy of DoD's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or forms of information technology.

DATES: Consideration will be given to all comments received by August 20, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Director, Administration and Management, Directorate for Organizational and Management Planning, ATTN: Mark Munson, 1950 Defense Pentagon, Washington, DC 20301–1950; e-mail: *mark.munson@osd.mil;* telephone: (703) 697–1141/1143.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please contact the Directorate for Organizational and Management Planning at (703) 697–1142/1143.

Title and OMB Number: Secretary of Defense Biennial Review of Defense Agencies and DoD Field Activities; 0704-[To Be Determined].

Needs and Uses: Section 192(c) of Title 10, U.S.C., requires that the Secretary of Defense review the services and supplies provided by each Defense Agency and Department of Defense (DoD) Field Activity. The purposes of the Biennial Review are to ensure the continuing need for each Agency and Field Activity and to ensure that the services and supplies provided by each entity is accomplished in a more effective, economical, or efficient manner than by the Military Departments. A standard organizational-customer survey process serves as the principal data-gathering methodology in the Biennial Review. As such, it provides valuable information to senior officials in the Department regarding the levels of satisfaction held by the organizational customers of the approximately 20 Defense Agencies and DoD Field Activities covered by the Biennial Review.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Annual Burden Hours: 500.

Number of Respondents: 2,000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: Biennially.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Biennial Review employs a survey to assess organizational-customer satisfaction with the associated business line and addresses overall responsiveness to customer requirements, satisfaction with specific products and services, and quality of coordination with organizational customers. The survey identifies distinct areas of business (business lines) for all Defense Agencies and DoD Field Activities participating in the Review, creates lists of organizational customers specific to each business line, and uses a set of standard evaluation questions across all business lines. Respondents covered by this announcement are private-sector customers of these business lines, such as for the Federal Voting Assistance Program and Defense Finance and Accounting Service.

Dated: June 12, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15403 Filed 6–18–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

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

Title and OMB Number: Defense Federal Administration Supplement (DFARS) Supplement Part 236, Construction and Architect-Engineer Contracts, and Related Clauses at 252.236; OMB Number 0704–0255.

Type of Request: Extension.

Number of Respondents: 2,710.

Responses Per Respondents: 1.

Annual Responses: 7,740.

Average Burden Per Response: 101 hours.

Needs and Uses: Department of Defense contracting officers need this information to evaluate contractor proposals for contract modifications; to determine that a contractor has removed obstructions to navigation; to review contractor requests for payment for mobilization and preparatory work; to determine reasonableness of costs allocated to mobilization and demobilization; and to determine eligibility for the 20 percent evaluation preference for United States firms in the award of some oversea construction contracts.

Affected Public: Business or Other For-Profit.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. David M. Pritzker.

Written comments and recommendations on the proposed information collection should be sent to Mr. Pritzker at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: June 12, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15404 Filed 6–18–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Meeting

AGENCY: Department of Defense Education Benefits Board of Actuaries.

ACTION: Notice of meeting.

SUMMARY: A meeting of the board has been scheduled to execute the provisions of Chapter 101, Title 10, United States Code (10 U.S.C. 2006 et. seq.). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the G.I. Bill. Persons desiring to: (1) Attend the DoD Education Benefits Board of Actuaries meeting or, (2) make an oral presentation or submit a written statement for consideration at the meeting must notify Inger Pettygrove at (703) 696–7413 by July 24, 2001. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: August 10, 2001, 10:00 am to 1:00 pm.

ADDRESSES: The Pentagon, Room 1E801—Room 2 and 3.

FOR FURTHER INFORMATION CONTACT: Christopher Doyle, Chief Actuary, DoD Office of the Actuary, 1555 Wilson

Boulevard, Suite 701, Arlington, VA 22209–2405, (703) 696–7407.

Dated: June 12, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15401 Filed 6–18–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Meeting

AGENCY: Department of Defense Retirement Board of Actuaries.

ACTION: Notice of meeting.

SUMMARY: A meeting of the board has been scheduled to execute the provisions of Chapter 74, Title 10, United States Code (10 U.S.C. 1464 et seq.). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the Military Retirement System. Persons desiring to: (1) attend the DoD Retirement Board of Actuaries meeting or, (2) make an oral presentation or submit a written statement for consideration at the meeting, must notify Inger Pettygrove at (703) 696–7413 by July 24, 2001.

Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: August 9, 2001, 1:00 pm to 5:00 pm.

ADDRESSES: The Pentagon, Room 1E801—Rooms 2 and 3.

FOR FURTHER INFORMATION CONTACT: Christopher Doyle, Chief Actuary, DoD Office of the Actuary, 1555 Wilson Boulevard, Suite 701, Arlington, VA 22209–2405, (703) 696–7407.

Dated: June 12, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15402 Filed 6–18–01; 8:45 am]

BILLING CODE 5001–08–M

DENALI COMMISSION

Denali Commission Work Plan for Federal Fiscal Year 2003; Request for Comments

Summary: The Denali Commission was established by the Denali Commission Act of 1998 to deliver the services of the Federal Government in the most cost-effective manner practicable to communities throughout rural Alaska, many of which suffer from unemployment rates in excess of 50%. Its purposes include, but are not limited to, providing necessary rural utilities and other infrastructure that promote health, safety and economic self-sufficiency.

The Denali Commission Act requires that the Commission develop proposed work plans for future spending and that the annual work plans be published in the **Federal Register** for a 30-day period, providing an opportunity for public review and comment.

This **Federal Register** notice serves to announce the 30-day opportunity for public comment on the Denali Commission Work Plan for Federal Fiscal Year 2003.

For Further Information Contact: Jeffrey Staser, Federal Co-Chair, Denali Commission, 510 ''L'' Street, Suite 410, Anchorage, AK 99501. Phone: (907) 271–1414; Fax: (907) 271–1415; email:jstaser@denali.gov; web-site; www.denali.gov.

Supplementary Information: Copies of the Denali Commission Work Plan can be obtained from the Denali Commission web-site at www.denali.gov or by contacting the Denali Commission as provided in the section above. Copies of the Appendices are not included in the **Federal Register** printing, but are available on the web-site or by contacting the Denali Commission.

Part One: Denali Commission Purposes and Approach

Purposes of Commission

The Denali Commission Act of 1998, as amended (Division C, Title III, PL 105–277), states that the purposes of the Denali Commission are:

To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.

To provide job training and other economic development services in rural communities, particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).

To promote rural development, provide power generation and transmission facilities, modern communication systems, bulk fuel storage tanks, water and sewer systems and other infrastructure needs.

Challenges to Development and Economic Self-Sufficiency

Geography—The State of Alaska is twenty percent of the landmass of the United States, encompassing five climatic zones from the arctic to moderate rain forests in the south.

Isolation—Approximately 220 Alaskan communities are accessible only by air or small boat. Some village communities are separated by hundreds of miles from the nearest regional hub community or urban center.

Unemployment—The economy of rural Alaska is a mix of government or government-funded jobs, natural resource extraction and traditional Native subsistence activities. Many rural Alaskans depend on subsistence hunting, fishing and gathering for a significant proportion of their foods, but also depend on cash income to provide the means to pursue these subsistence activities. Cash paying employment opportunities in much of rural Alaska are scarce and are highly seasonal in many areas; real unemployment rates exceed 50% in 147 communities.

High Cost and Low Standard of Living—Over 170 communities suffer from inadequate sanitation or a lack of safe drinking water. Residents face high electric costs: 61 cents per kilowatt-hour for electricity in a few communities; average in rural Alaska is approximately 40 cents per kilowatt-hour with State subsidies.

Commission Relationship with Other Organizations

The Commission acts as a catalyst to encourage local, regional, and statewide comprehensive assessment, planning and ranking of needed infrastructure improvements, economic development opportunities and training needs.

The Commission, working with agencies or other organizations whenever feasible, works to improve coordination, and to streamline and expedite the development of needed infrastructure, economic development and training.

The Commission may build on the work of both Federal and State of Alaska agencies to identify statewide needs, to establish priorities and to develop comprehensive work plans.

The Commission seeks the support and involvement of all affected local communities, governing bodies, businesses and other organizations.

The Commission encourages partnerships between government, non-profit organizations, and businesses to expedite sustainable economic and infrastructure development.

Commission Schedule

The Commission Work Plan serves as the budget required by the federal Office of Management and Budget (OMB) and is submitted one year in advance of the fiscal year (FY) it addresses. This document, which addresses FY 2003, will be submitted to OMB by October 1, 2001 after the 30-day public comment period.

Guiding Principles

- Projects must be sustainable.
- The Denali Commission will generally not select individual projects for funding nor manage individual projects, but will work through existing state, federal or other appropriate organizations to accomplish its mission.
- Projects in economically distressed communities will have priority for Denali Commission assistance.
- Projects should be compatible with local cultures and values.
- Projects that provide substantial health and safety benefit, and/or enhance traditional community values, will generally receive priority over those that provide more narrow benefits.
- Projects should have broad public involvement and support. Evidence of support might include endorsement by affected local government councils (municipal, Tribal, IRA, etc.), participation by local governments in planning and overseeing work, and local cost sharing on an ''ability to pay'' basis.
- Priority will generally be given to projects with substantial cost sharing.
- Priority will generally be given to projects with a demonstrated commitment to local hire.
- Denali Commission funds may supplement existing funding, but will not replace existing federal, state, local government, or private funding.
- The Denali Commission will give priority to funding needs that are most clearly a federal responsibility.
- Denali Commission funds will not be used to create unfair competition with private enterprise.

Additional Guiding Principles for Infrastructure Projects:

- A project should be consistent with a comprehensive community or regional plan.
- Any organization seeking funding assistance must have a demonstrated commitment to operation and maintenance of the facility for its design life. This commitment would normally include an institutional structure to levy and collect user fees if necessary, to account for and manage financial resources, and having trained and certified personnel necessary to operate and maintain the facility.

Additional Guiding Principles for Economic Development Projects:

- Priority will be given to projects that enhance employment in high unemployment areas of the State (economically distressed), with emphasis on sustainable, long-term local jobs or career opportunities.
- Projects should be consistent with statewide or regional plans.
- The Denali Commission may fund demonstration projects that are not a part of a regional or statewide economic development plan if such projects have significant potential to contribute to economic development.

Additional Guiding Principles for Training:

- Training should increase the skills and knowledge of local residents to become employed on jobs created by the Denali Commission's investment in public facilities in a community.
- In order to protect the federal investment, training should increase the local capacity to operate and maintain Denali Commission funded public infrastructure.

Economically Distressed Communities

The following criteria, to be used in designating economically distressed communities or areas, is included in section 5.3 of the Denali Commission Code:

1. Per capita market income no greater than 67% of the U.S. average; and
2. Poverty rate at 150% of the U.S. average or greater; and
3. Three-year unemployment rate at 150% of the U.S. average or greater; or
4. Twice U.S. poverty rate and either (1) or (3) above.

As required by the Denali Commission Code, distressed communities and/or areas will be identified annually using data available March 31st of the preceding fiscal year. ''Distressed communities'', as defined in the Denali Commission Code, are equivalent to ''severely distressed communities'', the term used in the Statute. Because data is only available by census area, all communities within an area identified as severely distressed will be considered to be severely distressed. The Denali Commission recognizes that there are communities outside severely distressed census areas that would independently meet the criteria for being severely distressed if data were available to make that demonstration. To respond to this circumstance, the Denali Commission has designed surrogates for each of the above criteria that utilize information gathered in Permanent Fund applications, state wage and unemployment records, and commercial fisheries income information. These surrogate measures will supplement the codified criteria in identifying severely distressed communities. Additionally, an appeals process will allow communities to demonstrate that they are distressed using either the codified criteria or the surrogate criteria if they believe they have been unfairly excluded. In as much as the primary purpose of the Denali Commission is to provide assistance to distressed communities or regions of Alaska, a minimum of 75% of funds available to the Commission in FY03 will be allocated to communities or areas so designated.

Part Two: Fiscal Year 2003 Work Plan

The Commission determined that the scope and scale of infrastructure issues facing rural Alaska are staggering. Assessment of needs and refinement of estimates will be an ongoing process. The total of known infrastructure needs is estimated to be over $12 billion. Training and economic development needs have not been quantified, but the unmet needs in these areas are equally staggering. The following table summarizes identified needs for infrastructure categories.

PRELIMINARY NEEDS ASSESSMENT

Funding category	Category class	Amount
Infrastructure	Housing Construction/Development	$1,800,000,000
	School Construction and Major Maintenance	530,000,000
	Power Utilities	168,000,000
	Fuel Storage	450,000,000
	Drinking Water and Waste Water Facilities	850,000,000
	Solid Waste Management Facilities	Unknown
	Health Care Facilities	253,000,000
	Airport Facilities	926,000,000
	Road Construction	7,500,000,000
	Port Facilities	214,000,000
	Telecommunications	Unknown
	Community Facilities	Unknown

PRELIMINARY NEEDS ASSESSMENT—Continued

Funding category	Category class	Amount
	Other	Unknown
Subtotal		12,691,000,000
Economic Development	Comprehensive Planning	Unknown
	Other	Unknown
Job Training, Education, Capacity Building	Comprehensive Planning	Unknown
	Other	Unknown
Total		12,691,000,000

See Appendix A for Background Information on this table.

The Denali Commission will collaborate with other funding agencies and with all impacted and interested parties to address identified needs on a priority basis. Allocation of Denali Commission funds to various funding categories and classes within those categories will be based on a formula agreed to by the Commission at the beginning of each fiscal year. For FY03 the formula allocates 75% of general appropriated funds to infrastructure, 10% to economic development and 10% to job training and capacity building. The Commission has a statutory limit of 5% for administrative expenses. In addition to appropriated funds, the Commission receives $7–$10 million annually in interest from the Trans Alaska Pipeline Liability (TAPL) fund, which is earmarked for bulk fuel facility upgrade and maintenance. The Commission may receive other special purpose funds as well.

Of necessity, the Commission's work must be phased over a number of years based on the urgency of competing needs and availability of funding. The theme of rural energy, as one important prerequisite to all other utilities and economic development, was selected as the top priority for infrastructure funds. Primary health care facilities were identified as the second infrastructure theme for the Commission beginning in FY00. These two themes will continue to be areas of focus for infrastructure funds through FY03, and the Commission, consistent with Congressional intent, may add one or more additional themes.

For planning purposes, the Commission has budgeted $150,000,000 using the Commission's approved formula for FY03.

FY03 budget projection	FY03 budget request	TAPL interest funds	TAPL & FY03 combined
Infrastructure:			
Bulk Fuel	$30,000,000	$9,500,000	$39,500,000
Power Generation	26,500,000		26,500,000
Health Clinics	21,500,000		21,500,000
Transportation [1]	35,000,000		35,000,000
Community Facilities [2]	16,500,000		16,500,000
Sub-total	129,500,000		139,000,000
Economic Development	6,500,000		6,500,000
Training	6,500,000		6,500,000
Administration [3]	7,500,000	500,000	8,000,000
Total	150,000,000	10,000,000	160,000,000

[1] Transportation includes: ports & docking, airports, local roads and trails.
[2] Community facilities includes: wastewater treatment and handling, drinking water, solid waste, other priority community facilities.
[3] Administration: figure used reflects 5% ceiling, not actual overhead cost. This includes future salary obligations, directed studies, independent audits, and project support.

In accordance with the Denali Commission Code, development and execution of the Administrative Budget is solely the responsibility of the Federal Co-Chair. Allocation of funds within the balance of the budget will be made by the full Denali Commission, utilizing the guiding principles outlined in Part one of this document, and priority systems designed specifically for each budget category.

Project implementation will generally be accomplished through state, local or federal government entities, regulated utilities, or non-profit organizations. It shall be the responsibility of all such implementing organizations to comply with all applicable laws. Any special requirements will be articulated in the funding agreement between the Denali Commission and the funding recipient.

As indicated above, 75% of Denali Commission base funds are designated for priority infrastructure themes and those funds are distributed using priority systems designed for each theme. Concurrently the Commission encourages communities and regional entities to complete comprehensive community and economic development plans. Priority systems for themes selected for funding by the Commission give credit to communities with current comprehensive plans.

Projects resulting from funding of infrastructure themes generally are consistent with high priorities identified in community plans. The existence of community plans greatly facilitates the location, design, and completion of infrastructure projects within a community. The Denali Commission also reserves approximately 10% of its general funding for economic development projects, which commonly are identified in local, or regional economic development plans.

The Commission also participates in the organization and execution of regional ''economic summits.'' These summits, which are generally held

throughout the State, bring key state and federal agencies together with communities and regional organizations for the purpose of matching needs identified in community and regional comprehensive plans with federal, state and other available funding.

Jeffrey B. Staser,

Federal Co-Chair.

[FR Doc. 01–15418 Filed 6–18–01; 8:45 am]

BILLING CODE 3300–01–U

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, Department of Energy.

ACTION: Notice of public meetings and request for comments, correction.

On June 11, 2001, the Department of Energy published a notice of public meetings and request for comments, 66 FR 31224–31226. In that notice, the June 21 public meeting, in Philadelphia, Pennsylvania, was scheduled from 9:00 a.m. to 9:00 p.m., at the Myerson Auditorium, 210 South 34th Street, Philadelphia, PA. Today's notice is announcing that this meeting will take place at the Sheraton Rittenhouse Square Hotel, 227 South 18th Street, Philadelphia, PA, from 9:00 a.m. to 9:00 p.m., on June 21, 2001.

Issued in Washington, DC on June 15, 2001.

John Sullivan,

Acting Deputy Assistant Secretary, Office of Planning, Budget, and Management, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 01–15483 Filed 6–15–01; 11:28 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the State Energy Advisory Board. (STEAB). The Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770) requires that public notice be announced in the **Federal Register**.

DATES: July 12, 2001 from 8:00 AM to 5:00 PM, and July 13, 2001 from 8:00 AM to 5:00 PM.

ADDRESSES: West Coast Grand Hotel, 1415 Fifth Avenue, Seattle, WA 98101, Phone: (206) 971–8000.

FOR FURTHER INFORMATION CONTACT: William J. Raup, Office of Planning, Budget, and Outreach, Energy Efficiency and Renewable Energy, U.S. Department of Energy (DOE), Washington, DC 20585, Telephone (202) 586–2214.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* To make recommendations to the Assistant Secretary for Energy Efficiency and Renewable Energy regarding goals and objectives and programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (P.L. 101–440).

Tentative Agenda:

- STEAB Committee updates
- STEAB Annual Report
- STEAB Budget Committee Meeting
- Natural Gas Discussion
- Pacific Northwest Energy Situation Discussion
- Public Comment Period

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William J. Raup at the address or telephone number listed above. Requests to make oral presentations must be received five days prior to the meeting; reasonable provision will be made to include the statements in the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 13, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–15398 Filed 6–18–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–447–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

June 13, 2001.

Take notice that on June 8, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet No. 415 and Sheet Nos. 416 through 499, to be effective July 9, 2001.

Natural states that the purpose of this filing is to establish a new section 51 of the General Terms and Conditions of Natural's Tariff, addressing the use of offsystem capacity acquired by Natural.

Natural states that copies of the filing are being mailed to its customers and interested state regulatory agencies.

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. 01–15383 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP93–618–012]

PG&E Gas Transmission, Northwest Corp.; Notice of Annual Report

June 13, 2001.

Take notice that on May 23, 2001, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing its ''Amended Annual Reports on Deferred Revenue Recovery Mechanism and Revenue Reconciliation of the Years Ending October 31, 1998, 1999, and 2000.''

GTN states that the purpose of this filing is to revise certain schedules included in these previously filed Reports to reflect the crediting of ITS–1 (E–1) revenues to the deferred account for Avista Corporation and to correct a mechanical error in its January 29, 2001 filing.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies, as well as the Office Service list compiled by the Secretary 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 Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations, on or before July 5, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, 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. 01–15381 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RT01–34–002; RT01–75–003]

Southwest Power Pool, Inc.; Entergy Services, Inc.; Notice of Filing

June 13, 2001.

Take notice that on June 5, 2001, Southwest Power Pool, Inc. (SPP) submitted an errata to the compliance filing required by the Federal Energy Regulatory Commission's March 28, 2001 Order in the proceeding captioned above.

Copies of this filing were served on all parties included on the Commission's official service lists established in this proceeding, as well as on affected state commissions.

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 18, 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. 01–15382 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–382–000]

Zia Natural Gas Company, An Operating Division of Natural Gas Processing Company, Complainant, v. Raton Gas Transmission Company, Respondent; Notice of Complaint

June 13, 2001.

Take notice that on June 11, 2001, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), Zia Natural Gas Company, an Operating Division of Natural Gas Processing Company (Zia), filed a section 5 Complaint against Raton Gas Transmission Company (RGT), requesting the Commission to find that certain actions taken by RGT and its agent, Duke Energy Trading and Marketing, L.L.C. (Duke) have denied Zia the part 157 transportation service to which it is entitled under RGT's existing certificate of public convenience and necessity, thereby violating the Natural Gas Act and RGT's certificate. To redress these violations, Zia requests that the Commission immediately direct RGT and RGT's agent, Duke, to provide Zia its full service entitlement under RGT's existing case-specific, section 7(c) certificate. Zia further requests that the Commission direct RGT and its agent, Duke, to cease and desist from any and all actions that impede or prevent Zia's use of its RGT service entitlement, or that extend use of that service entitlement to parties not authorized to receive service under RGT's existing, case-specific certificate.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before June 21, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be

due on or before June 21, 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.

David P. Boergers,

Secretary

[FR Doc. 01–15384 Filed 6–18–01; 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 13, 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.:* 12025–000.

c. *Date filed:* May 23, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Wailua River Hydroelectric Project would be located on the South Fork of the Wailua River in Kauai County, Hawaii.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

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. Comments, protests, and motions to intervene 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–12025–000) 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 consist of: (1) a proposed 28-foot-high, 650-foot-long earthfill and roller compacted concrete dam impounding a 37-acre reservoir, normal surface elevation 278 feet; (2) a proposed 4,800-foot-long, 8-foot-diameter steel penstock; (3) a proposed powerhouse containing two 3.25-megawatt generating units; (4) a proposed 2-mile-long, 25-kV transmission line; and (5) appurtenant facilities. The project would have an average annual generation of 18 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, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

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. 01–15373 Filed 6–18–01; 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 13, 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.:* 12011–000.

c. *Date filed:* April 26, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Martis Creek Lake Project would be located on Martis Creek in Nevada County, California. 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 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–12011–000) 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 Martis Creek Reservoir which has a surface area of 770 acres and a storage capacity of 20,400 acre-feet at 5,745 msl and include: (1) A proposed powerhouse with a total installed a capacity of 1 megawatt; (2) a proposed 300-foot-long, 7.5 foot-diameter penstock; (3) a proposed 8-mile-long, 15 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 2.57 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 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, 385.211, 385.214. IN determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

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. 01–15374 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 13, 2001.

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

a. *Application Type:* Amendment of License.

b. *Project No.:* 4659–025.

c. *Date Filed:* April 26, 2001.

d. *Applicant:* City of Batesville, Arkansas.

e. *Name of Project:* White River Lock and Dam Nos. 3 Hydroelectric Project.

f. *Location:* On White River in Stone County, Arkansas.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant's Contact:* Stewart Noland, 1405 North Pierce, Suite 301, Little Rock, AR, 72207, (501) 664–1552, *crist@aristole.net* and Donald H. Clarke, 1500 K Street NW., Suite 330, Washington, DC 20005, (202) 408–5400, dhclarke@GKRSE-law.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Doan Pham at (202) 219–2851 or e-mail address *doan.pham@ferc.fed.us.*

j. *Deadline for filing comments, motions to intervene, or protests:* 20 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the Project Number (4659–025) on any comments, protests, or motions filed.

k. *Description of Amendment:* City of Batesville proposes to install one 3.9 megawatt (MW) vertical Kaplan turbine instead of a 6.755 MW horizontal Kaplan turbine. This will reduce the design flow from 7,140 cubic feet per second (cfs) to 3,163 cfs.

l. *Location of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC, 20426, or by calling (202) 208–1371. This filing 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 addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, 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. 01–15375 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 13, 2001.

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

a. *Application Type:* Amendment of License.

b. *Project No.:* 4204–023 and 4660–027.

c. *Date Filed:* April 26, 2001.

d. *Applicant:* City of Batesville, Arkansas.

e. *Name of Project:* White River Lock and Dam Nos. 1 and 2 Hydroelectric Projects.

f. *Location:* On White River in Independence County, Arkansas.

g. *Filed Pursuant to:* Federal power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant's Contact:* Stewart Noland, 1405 North Pierce, Suite 301, Little Rock, AR, 72207, (501) 664–1552, *crist@aristotle.net* and Donald H. Clarke, 1500 K Street NW., Suite 330, Washington, DC 20005, (202) 408–5400, dhclarke@GKRSE-law.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Doan Pham at (202) 219–2851 or e-mail address *doan.pham@ferc.fed.us.*

j. *Deadline for filing comments, motions to intervene, or protests:* 20 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Please include the Project Number (4204–023 and 4660–027) on any comments, protests, or motions filed.

k. *Description of Amendment:* City of Batesville proposes the following: *White River Lock and Dam Nos. 1 (FERC Project No. 4204):* To install one 3.9 megawatt (MW) vertical Kaplan turbine instead of a 6.029 MW horizontal Kaplan turbine. This will reduce the design flow from 7,140 cubic feet per second (cfs) to 3,180 cfs.

White River Lock and Dam Nos. 2 (FERC Project No. 4660): To install one 3.5 MW vertical Kaplan turbine instead of a 6.307 MW horizontal Kaplan turbine. This will reduce the design flow from 7,511 cfs to 3,180 cfs.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC, 20426, or by calling (202) 208–1371. This filing 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 addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–15376 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

June 13, 2001.

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

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2232–425.

c. *Date Filed:* May 16, 2001.

d. *Applicant:* Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Location:* On Lake Norman at the North View Harbour Subdivision, in Catawba County, North Carolina. The project dies not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006. Phone (704) 382–5778.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076.

j. *Deadline for filing comments and/or motions:* July 25, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests 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.

Please include the project number (2232–425) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Crescent Resources, Inc. eight parcels of land underlying the project reservoir (a total of 6.21 acres) for a proposed commercial residential marina. The proposed lease areas would accommodate boat docks and provide access to the reservoir for residents of the North View Harbour Subdivision. The proposed docks would accommodate 208 boats. In addition, one boat launch ramp and one pump-out station are proposed. No dredging is proposed.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http:www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the

Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives

David P. Boergers,

Secretary.

[FR Doc. 01–15377 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

June 13, 2001.

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

a. *Type of Application:* New Major License 5 Megawatts or Less.

b. *Project No.:* P–2056–016.

c. *Date filed:* December 21, 1998.

d. *Applicant:* Northern States Power Company.

e. *Names of Project:* St. Anthony Falls Project.

f. *Location:* On the Mississippi River, near Minneapolis and St. Paul, Hennepin County, Minnesota. There are no Federal lands within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mark H. Holmberg, P.E., Northern States Power Company, 414 Nicollet Mall, Minneapolis, MN 55401, or call (612) 330–6568.

i. *FERC Contact:* Monte TerHaar, *monte.terhaar@ferc.fed.us.* 202–219–2768.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

Comments, Motions to intervene and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Paper copies of Motions to intervene and protests (original and eight copies) may be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

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 whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application has been accepted but is not ready for environmental analysis at this time.

l. *Description of the Project:* The Project consists of the following existing facilities located across from the U.S. Army Corps of Engineers Upper Saint Anthony Lock: (1) Horseshoe Dam, a 1,952-foot-long concrete, timber, and rock structure topped with 1.6-foot-high wooden flashboards; (2) the main spillway, a concrete, timber and rock structure 425 feet wide and 150 feet-long; (3) a 340-foot-long roll dam; (4) a 358-acre reservoir with a normal pool water surface elevation of 799.2 feet NGVD, and a total storage capacity of 967 acre-feet; (5) a concrete and masonry powerhouse, 133 feet long by 92 feet wide; (6) 5 turbines with a total installed capacity of 12,400 kilowatts, and a maximum hydraulic capacity of 4,025 cfs, producing an average of 79,518 megawatthours annually; and (7) four 115-kilovolt primary transmission lines; and other appurtenances.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20246, or by calling (202) 208–1371. This application may be viewed at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

n. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

David P. Boergers,

Secretary.

[FR Doc. 01–15378 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 13, 2001.

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

a. *Application Type:* Request for amendment of the project's LaGrande Canyon Whitewater Boating Plan.

b. *Project No.* 1862–085

c. *Date Filed:* March 30, 2001.

d. *Licensee:* City of Tacoma, Washington, Department of Public Utilities.

e. *Name of Project:* Nisqually Hydroelectric Project

f. *Location:* On the Nisqually River, in Pierce, Thurston, and Lewis Counties, Washington. The project is partially located on lands of the Mount Baker-Snoqualmie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Licensee Contact:* Mr. Garth Jackson, Tacoma Power, 3628 South 35th Street, Tacoma, Washington 98409–3192. (253) 502–8298.

i. *FERC Contact:* Any questions on this notice should be addressed to Jean Potvin, Jean.potvin@ferc.fed.us, or (202) 219–0022.

j. *Deadline for filing comments and or motions:* July 25, 2001.

All documents (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/rfi/doorbell.htm.* Please reference the following number,

P–1862–085, on any comments or motions filed.

k. *Description of Proposal:* The licensee proposes to amend the project license by deleting the requirement to make whitewater releases for recreational purposes during the rest of the license term.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling 202–208–1371. The application may be viewed on-line at http://*www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). A copy is available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protests, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–15379 Filed 6–18–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Fifth Interstate Natural Gas Facility-Planning Seminar and Request for Comments

June 13, 2001.

The Office of Energy Projects will hold the fifth in a series of public meetings for the purpose of exploring and enhancing strategies for constructive public participation in the earliest stages of natural gas facility planning. This seminar will be held in Portsmouth, New Hampshire on Thursday, July 19, 2001, This seminar will be a new experience because we will present and discuss the draft Outreach Action Options for Industry, Agencies, Citizens, and FERC staff which we have developed based on the first four seminars. The draft Outreach Action Options are a compilation of the ideas, or ''tools'' so to speak, the FERC staff has designed to provide each stakeholder group with practical strategies for reaching consensus and developing win-win solutions.

The staff of the Commission's Office of Energy projects will give a briefing on the draft plans. Then, you will be given an opportunity to provide feedback on the plans to help ensure that they address the necessary issues. We are inviting interstate natural gas companies; Federal, state and local agencies; landowners and non-governmental organizations to join us as we continue to develop new strategies in participatory project design. Interactive breakout sessions will be held with representatives from each stakeholder group to review and comment on the draft Outreach Action Options. Then, each breakout group will have an opportunity to share its results with the overall seminar group in an interactive ''brainstorming'' session.

The objectives of the seminar are:

1. Present and discuss the draft Outreach Action Options;

2. Collect constructive comments and make constructive revisions to the plans;

3. Explore other ideas for improving the FERC's environmental review process.

We are continuing to work toward developing a toolbox of the best available techniques for increasing public involvement and developing solutions to issues during the pre-filing planning process. This will help to plan projects with less opposition that can achieve faster action from the Commission with less controversy and fewer conditions. These action options will be one of the aids we can provide to further that effort.

The meeting in Portsmouth, New Hampshire will be held at the Holiday Inn, 300 Woodbury Avenue, Portsmouth, New Hampshire 03801, phone number 1–603–431–8000 (website www.hiportsmouth.com). The meeting is scheduled to start at 9:00 a.m. and finish at 2:45 p.m. A preliminary agenda (attachment 1) and directions to the Holiday Inn (attachment 2) are enclosed.

If you plan to attend, please email our team at: gasoutreach@ferc.fed.us by July 6, 2001. Or, you can respond via facsimile to Pennie Lewis-Partee at 202–208–0353. Please include in the response the names, addresses, and telephone numbers of all attendees from your organization. We will send an acknowledgment of your request. Attendance is first-come, first-served. However, if it becomes necessary to limit attendance to achieve balance in stakeholder representation, we will notify you.

Prior to July 19, 2001, the draft Outreach Action Options will be posted on the FERC website (*www.ferc.gov*) and will be mailed to all past seminar participants and to all registrants for this seminar. Interested persons will then have an opportunity to review the draft Outreach Action Options and offer comments. Comments should be sent via e-mail to: *gasoutreach-feedback@ferc.fed.us* and should be sent by August 3, 2001.

If you have any questions, you may contact any of the staff listed below:

Richard Hoffmann 202/208–0066
Lauren O'Donnell 202/208–0325
Jeff Shenot 202/219–2178
Howard Wheeler 202/208–2299

J. Mark Robinson,

Director, Office of Energy Projects.

Agenda

5th Interstate Natural Gas Facility Planning Seminar, Federal Energy Regulatory Commission, Holiday Inn, Portsmouth, New Hampshire

July 19, 2001, 9:00 a.m. to 2:45 p.m.

9:00

Introductions and Welcome:
Rich Hoffmann, Division of

Environmental & Engineering Review, Office of Energy Projects (OEP), FERC

Background on the Seminars & The Pipeline Planning/Approval Process

- What's the role of FERC?
- Why are we here?

Rich Hoffmann & Lauren O'Donnell, OEP

9:30

Briefing on the Contents of the Industry, Agency, Citizen, and FERC staff draft Outreach Action Options

Rich Hoffmann, Jeff Shenot, Howard Wheeler, and Lauren O'Donnell

10:30

Breakout Groups to discuss, Critique and Improve Each draft Outreach Action Option

- Discussion of factors re: announcement of the project, planning of the route, types of surveys needed; extent of disturbance, and who to tell. What are the needs of the various stakeholders? How can they best be met?

12:00

Lunch

1:00

Presentation of Breakout groups results: Each group will present its feedback to all seminar participants (15 minutes each group). This includes a discussion of other potential ways of improving the draft action options and/or the environmental review of interstate natural gas pipeline projects.

2:30

Summary of the day & next steps

[FR Doc. 01–15380 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting Wednesday, June 20, 2001

June 13, 2001.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, June 20, 2001, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Cable Services	Title: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming. Summary: The Commission will consider a Notice of Inquiry seeking information and comment for the Eighth Annual Report to Congress on the status of competition in the market for the delivery of video programming.
2.	Wireless Telecommunications	Title: Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993—Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services. Summary: The Commission will consider a Sixth Report concerning the status of competition in the commercial mobile wireless industry.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its__inc@ix.netcom.com. Their Internet address is http://www.itsdocs.com/.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at http://www.fcc.gov/realaudio. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15438 Filed 6–14–01; 4:24 pm]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, June 21, 2001, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

The following item has been added to the agenda:

Final Draft of the Fourth National Voter Registration Act (NVRA) Report to the Congress

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer Telephone (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–15484 Filed 6–5–01; 12:18 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Sweetwater Financial Group, Inc., Powder Springs, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Georgian Bank (in organization), Powder Springs, Georgia.

Board of Governors of the Federal Reserve System, June 14, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–15415 Filed 6–18–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 2001.

A.Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Commercial Bancgroup, Inc., Harrogate, Tennessee; to acquire 100 percent of the voting shares of Cumberland Mountain Bancshares, Inc., Middlesboro, Kentucky, and thereby indirectly acquire Middlesboro Federal Bank, FSB, Middlesboro, Kentucky, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, June 14, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–15414 Filed 6–18–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 noon, Monday, June 25, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 15, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–15544 Filed 6–15–01; 2:08 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Office on (202) 690–6207.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project 1. Protection of Human Subjects: Common Rule and HHS Regulations at 45 CFR Part 46–A Common Rule (56 FR 28003) and Department of Health and Human Services regulations (45 CFR part 46) establish common Federal policy for the protection of human subjects of government conducted or sponsored research. The Common Rule, published in 1991, requires applicant and awardee institutions to establish procedures to report, disclose, and keep required records for the protection of human subjects to include informed consent, assurances that an Institutional Review Board has been established, IRB recordkeeping and disclosure

requirements, and certification that projects have been reviewed by the IRB.

Respondents: Individuals, Business or other for-profit, Non-profit institutions, Federal, State, Local or Tribal Governments.

Section of rule and description	Annual No. of responses	Hours per response	Total burden
.103(a), .103(b) and .103(c)—assurances and underlying written policies and procedures	2,100	40	84,000
.103(b)(3)—report change in IRB membership	250	.083	20
.103(b)(5)—report problems, terminations, suspensions	42	8	336
.103(f)—certification	26,600	.083	2,208
.103(b)(4)(i) and .109(d)—IRB disclosure of actions	38,000	1	38,000
.103(b)(4)(ii)—proposed changes reported to IRB	250	.083	20
.103(b)(5)—problems disclosed to IRB and institution	15	8	120
.113—notice of suspension of IRB approval	30	8	240
.116 and .117—informed consent	140,000	.25	35,000
.115(a)—IRB recordkeeping	23,000	1	23,000
Total			182,944

Proposed Project 3. Optional Form 310: Protection of Human Subjects Assurance Identification/IRB Certification/Declaration of Exemption—This form may be used by Federal agencies to implement the requirement of the Common Rule which requires that institutions submitting applications for Federal support of research involving human subjects submit certification of appropriate Institutional Review Board review and approval (Section _.103(f) of the Common Rule). The burden associated with this form is included in the table above.

Please send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC, 20201. Written comments should be received within 60 days of this notice.

Dated: June 13, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–15405 Filed 6–18–01; 8:45 am]

BILLING CODE 4150–28–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

Time and Date: 9:00 a.m. to 5:00 p.m., June 26, 2001.

Place: Renaissance Hotel, 999 9th Street, NW., Washington, DC, (202) 898–9000.

Status: Open.

Purpose: At this working session, the Subcommittee on Standards and Security will complete their assessment of the modifications to transaction standards and final rules recommended by the Designated Standards Maintenance Organizations, and of general industry HIPAA readiness. Recommendations to the Secretary will be drafted for full committee review.

Contact person for more information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from J. Michael Fitzmaurice, Ph.D., Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street, #600, Rockville, MD 20852, phone: (301) 594–3938; or Marjorie S. Greensberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Dated: June 7, 2001.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 01–15364 Filed 6–18–01; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request the Office of Management and Budget (OMB) to allow a proposed information collection project: ''Primary Care Network Survey (PRINS)''. In accordance with the Paperwork Reduction Act as amended (see in particular 44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection request to allow AHRQ to conduct research in primary care settings.

DATES: Comments on this notice must be received by August 20, 2001.

ADDRESSES: Written comments should be submitted to: Cynthia D. McMichael, Reports Clearance Officer, AHRQ, 2101 East Jefferson Street, Suite 500, Rockville, MD 20852–4908.

All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Cynthia D. McMichael, AHRQ, Reports Clearance Officer, (301) 594–3132.

SUPPLEMENTARY INFORMATION:

Primary Care Network Survey (PRINS)

As directed in its reauthorization legislation, AHRQ supports activities designed to improve the capacity of practice-based research networks (PBRNs) to conduct research in primary care settings. A PBRN is a group of ambulatory practices devoted principally to the primary care of patients, affiliated with each other in order to investigate questions related to community-based practice. AHRQ has recently established cooperative agreements with 19 PBRNs who have specifically been asked to conduct network-defining surveys using the 1999–2000 version of the National Ambulatory Medicare Care Survey (NAMCS) instrument (OMB No. 0920–0234). To distinguish data collected through the survey from NAMCS data collected from the nationally representative physician sample of the National Center for Health Statistics,

CDC, this survey will be known as the Primary Care Network Survey (PRINS).

Method of Collection

PRINS will provide a range of baseline data on the clinicians enrolled in each network, the services provided, and the characteristics of patients receiving those services. Data to be collected include the patients' demographic characteristics and reason(s) for visit, and the providers' diagnosis(es) and diagnostic services, medications and disposition. These data may be used by the PBRN to define the network's capacity to study specific clinical conditions seen in primary care, establish a denominator for epidemiological or surveillance studies, and stimulate further research on the use, organization and delivery of primary care. All identifiable data that is collected will be protected in accordance with the AHRQ confidentiality statute, 42 U.S.C 299c–3(c).

The estimated annual hour burden is as follows:

Form	Number of respondents (clinicians) (1)	Number of forms/ respondent (2)	Avg. burden/form (in hrs) (3)	Response burden (hrs) (1)*(2)*(3) [1]
Intake Form	1,000	1	.25	250
Patient Form	1,000	30	.03	900
Total	1,000	31	1.15	1,150

[1] For rows 1 and 2.

To calculate the burden hours, the number of respondents for PRINS is based on a sample of 1,000 clinicians who have agreed in advance to participate. Each clinician fills out an intake form (which requires about 15 minutes).

The same 1,000 then record (on separate forms) information about 30 consecutive patients seen in his/her practice (requiring less than 2 minutes per form to complete). The total cost to respondents is estimated to be $150,000.

Request for Comments

Comments are invited on: (a) The necessity of the proposed collections; (b) the accuracy of the Agency's estimate of burden (including hours and cost) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Copies of these proposed collection plans and instruments can be obtained from the AHRQ Reports Clearance Officer (see above).

Dated: June 8, 2001.

Carolyn Clancy,

Acting Director.

[FR Doc. 01–15288 Filed 6–18–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 01124]

Assess Human Exposures to Contaminants Near Kelly Air Force Base, Texas; Notice of Availability of Funds

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2001 funds for a grant to address community health concerns through evaluating the health status, evaluating potential exposures, and providing health education to the community surrounding Kelly Air Force Base, Texas. This program address the ''Health People 2010'' focus area of Environmental Health.

The purpose of the program is to assist the San Antonio Metropolitan Health District (SAMHD) in addressing the health concerns of the community and providing health education to the residents. These site-specific health activities should target area residents and surrounding communities and address site-specific health concerns. Results of any clinical assessments will be provided to individual participants to address their own personal health concerns.

B. Eligible Applicants

Assistance will be provided only to the San Antonio Metropolitan Health District (SAMHD). No other applications are solicited. Eligibility is limited to the SAMHD because fiscal year 2001 Federal appropriation specifically directs CDC to award the district to address community concerns around Kelly Air Force Base, Texas.

Note: Title 2 of the United States Code, Chapter 26, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $177,729 is available in FY 2001 to fund this award. it is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to one year. Funding estimates may change.

Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies, and services. Funds for contractual services may be requested; however, the grantee, as the direct and primary recipient of grant funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Requests for equipment purchases will be reviewed and approved only under the following conditions: (1) ATSDR retains the right to request return of all equipment purchased (in operable condition) with grant funds at the conclusion of the project period, and (2) equipment purchased must be compatible with ATSDR hardware. Computers purchased with ATSDR funds should be IMB compatible and adhere to the Centers for Disease Control and Prevention (CDC)/ ATSDR hardware standards.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will:

a. Develop a community-based mechanism for ongoing interaction with the affected residents and communities. This mechanism will include assembling a formal community-based assistance group to consist of representatives from the affected communities.

b. Interact with communities around the Kelly Air Force Base to assess their exposure.

c. Develop environmental health education materials that are appropriate for residents surrounding Kelly AFB considering literacy levels, cultural values, and languages spoken.

E. Application Content

Use the information in the 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. These criteria serve as the basis for evaluating the application; therefore, omissions or incomplete information may affect the rating of the application.

Narrative should be no more than 30 pages, double-spaced, printed on one-side, with 1″ margins, and unreduced fonts (font size 12 points) on 8½″ by 11″ paper. The pages must be clearly numbered, and a complete index to the application and its appendices must be included. The original and two copies of the application must be submitted unstapled and unbound.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/ * * * Forms,* in the application kit.

On or before July 31, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

The application will be evaluated individually against the following criteria by an independent review group appointed by ATSDR.

1. Proposed Program (50 Percent)

Extent to which the applicant's application addresses: (a) The feasibility of the approach and the adequacy of the design of the proposed project; (b) the technical merit of the proposed project, including the degree to which the project can be expected to yield or demonstrate results that will be useful and desirable in furthering the program objectives; and (c) the proposed project schedule, including clearly established and obtainable project objectives for which progress toward attainment can and will be measured.

2. Capability and Coordination Efforts (15 Percent)

Extent to which the application has described: (a) The capability of the applicant's administrative structure to foster successful scientific and administrative management of a program; (b) the capability of the applicant to demonstrate an appropriate plan for interaction with the community and other partners participating in the program and (c) the suitability of facilities and equipment available or to be purchased for the project.

3. Program Personnel (35 Percent)

Extent to which the proposed program staff is qualified and appropriate, and the time allocated for them to accomplish program activities is adequate.

4. Budget (Not Scored)

Extent to which the budget is reasonable, clearly justified, and consistent with intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide ATSDR with original plus two copies of

1. Annual progress report;
2. Financial status report, no more than 90 days after the end of the budget period; and
3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2000
AR–12 Lobbying Restrictions
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 104(i)(1)(E), (7), and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)(1)(E), (7), and (15)]. The Catalog of Federal Domestic Assistance number is 93.161.

J. Where to Obtain Additional Information

A complete copy of the announcement may be downloaded from CDC's home page on the Internet at: *http://www.cdc.gov*. Click on ''Funding'' the ''Grants and Cooperative Agreements.'' If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 01124, Centers for Disease Control and Prevention, 2920 Brandywine Rd., Suite 3000, Atlanta, Georgia 30341–4146, Email address: nag9@cdc.gov, Telephone: (770) 488–2722.

For program technical assistance, contact: Maurice West, Environmental Engineer, Agency for Toxic Substances and Disease Registry, Division of Health Assessment and Consultation, 1600 Clifton Rd., NE., Mailstop E–32, Atlanta, Georgia 30333, Telephone: (404) 498–0497, Fax: (404) 498–0777, Email address: myw4@cdc.gov.

Dated: June 12, 2001.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–15355 Filed 6–18–01; 8:45 am]

BILLING CODE 4163–70–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01099]

Research on Community Cancer Control 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 Research on Community Cancer Control. This program addresses

the ''Healthy People 2010'' focus area of Cancer.

The purpose of this Cooperative Agreement is to increase the number of evidence-based intervention studies in the areas noted in Appendix A. This will be accomplished through solicitation of well-designed, methodologically-sound studies.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, State, and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

C. Availability of Funds

Approximately $2,900,000 is available in FY 2001 to fund six to 13 awards. 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 five years. Funding estimates may change. Awards can be made to applicants for projects on breast cancer alone, cervical cancer alone, colorectal cancer alone, prostate cancer alone, or a combination of these.

Breast and Cervical Cancer

Approximately $1,100,000 is available in FY 2001 to fund two to five awards. It is expected that the average award will be $550,000 ranging from $200,000 to $600,000. Awards can be made to applicants for projects on breast cancer alone, cervical cancer alone, or breast and cervical cancers together.

Colorectal Cancer

Approximately $850,000 is available in FY 2001 to fund approximately two to four awards. It is expected that the average award will be $300,000 ranging from $200,000 to $400,000.

Prostate Cancer

Approximately $500,000 is available in FY 2001 to fund approximately two to four awards. It is expected that the average award will be $250,000 ranging from $200,000 to $300,000.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and on the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Research Activities

(1) Develop a written research protocol according to the standards for effective intervention research in the Community Guide for testing the effectiveness of an intervention. The protocol should include hypotheses and research questions, literature review, study design, plans for sampling, data collection, and quantitative data analyses. Given the demonstrated need for effective interventions on breast, cervical, and colorectal cancer, recipient is encouraged to submit a protocol that combines two or more intervention strategies listed in Attachment B in which the effect of the entire intervention is measured as well as the independent effects of each component.

(2) Develop plans for peer-reviewed publications that will present, summarize, and interpret the results of the study.

b. Administrative activities

(1) Develop a time-table listing duration and expected completion dates for all major activities.

(2) Submit the research protocol for Institutional Review Board review by all cooperating institutions participating in the research project.

(3) Develop and submit the Office of Management and Budget package. (See AR–9 in Other Requirements section of this document.)

2. CDC Activities

a. Assist in the development of document for CDC's required IRB review. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

b. Provide consultation and technical assistance regarding the study.

c. Monitor the recipient's performance of project activities and attainment of project objectives through the provisions of technical assistance and progress reporting.

d. Collaborate with the preparation and publication of research findings.

E. Content

Letter of Intent (LOI)

An LOI is requested for this program. The narrative should be no more than two, double spaced pages, printed on one side, with one inch margins, and unreduced font. Your letter of intent will be used to enable CDC to determine level of interest in the announcement and should include the following information:

1. Priority area of application
2. Audience
3. Study design
4. Proposed outcomes

On or before June 29, 2001, submit the original and two signed copies of the LOI to the Program Technical Assistance contact identified in the ''Where to Obtain Additional Information'' section of this announcement.

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections in this program announcement 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. Number all pages clearly and sequentially and include a complete table of contents to the application and its appendices. The original and each copy of the application should be submitted unstapled and unbound. Print all materials single-spaced in a 12-point or larger font on 8.5 by 11 paper with at least one inch margins and printed on one side only. All graphics, maps, overlays, etc., should be in black and white and meet the above criteria. The narrative should be no more than 30 pages including budget and justification. Applicants should also submit appendices which should not exceed an additional 20 pages.

1. Executive Summary

a. Provide a clear, concise one to two page summary of the proposed study.

b. State the need for the proposed study, the capacity of the investigators to carry out the research, the program announcement priority area(s) addressed, and the study design. Include descriptions of the intervention(s), exposures, outcomes, data collection procedures, and statistical analyses.

2. Background

a. Demonstrate the need for the research study within the context of the priority area(s) and population(s) it is intended to address.

b. Provide a review of relevant research studies.

c. Present evidence for research gap(s) the proposed project will fill.

3. Qualifications and experience

a. Provide evidence of qualifications and experience of research team, which should include but not be limited to a principal investigator, co-investigator,

statistician or investigator with sufficient statistical background and experienced.

b. Provide evidence of ability to access the population selected for study including

(1) Specific letters of support from named collaborators

(2) Descriptions of past research with intended collaborators

c. Identify level of effort and time commitments for key investigators and staff.

d. Provide resumes or curriculum vitae in appendices.

e. Describe the necessary qualifications, experience, and abilities for unassigned positions.

f. Describe team structure and methods of routine communication.

4. Work plan and timetable

a. Provide evidence of research within priority areas.

b. Provide evidence that priority populations as defined within this announcement will be studied.

c. Provide specific objectives that are time-related, measurable, and consistent with the purpose of the cooperative agreement.

d. Provide specific and feasible time-lines specifying major milestones for the proposed research, including a schedule of detailed activities for the first 12 months of the project period, with milestones for the cooperative agreement five year project period.

e. Provide plans for feedback of results to community.

5. Methods

a. Provide hypotheses and research questions in the context of the intervention strategy.

b. Describe study population(s)

c. Describe sampling protocol

d. Describe study design proposed from standards in Community Guide (see list in Appendix A), including:

(1) Experimental and comparison group(s)

(2) Exposures and outcomes

(a) Validity

(b) Reliability

e. Describe data collection procedures

f. Provide a clear and appropriate plan for statistical analyses

6. Inclusion of Women and Minorities

State the degree to which the proposed research will meet the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

7. Budget

The budget should be reasonable, clearly justified, and consistent with the intended use of funds. All budget categories should be itemized. Budgets should include travel for at least one investigator to travel to Atlanta each year for a reverse site visit. Proposed sub-contracts should identify the name of the contractor, if known; describe the services to be performed; provide an itemized budget and justification for the estimated costs of the contract; specify the period of performance; and describe the method of selection. If indirect costs are requested, a copy of the current Indirect Cost Rate Agreement should be included.

F. Application submission and deadline

Submit original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit and at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm.

On or before July 27, 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 objective 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 will not be accepted as proof of timely mailing.)

Late Applications: Applications that do not meet the criteria in 1. or 2. above are considered late applications and 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 (5 points)

The extent to which the applicant;

a. demonstrates the need for the research study within the context of the priority area(s) and population(s) it is intended to address;

b. provides a review of relevant research studies; and

c. presents evidence for research gap(s) the proposed project will fill.

2. Qualifications and Experience (15 points)

The extent to which the applicant:

a. provides evidence of qualifications and experience of research team, which should include but not be limited to a principal investigator, co-investigator, statistician or investigator with sufficient statistical background and experienced;

b. provides evidence of ability to access the population selected for study including letters of support from named collaborators;

c. identifies level of effort and time commitments for key investigators and staff.

3. Work Plan and Time Table (5 points)

The extent to which the applicant:

a. provides evidence of research within priority areas;

b. provides evidence that priority populations will be studied;

c. provides specific objectives that are time-related, measurable, and consistent with the purpose of the cooperative agreement; and

d. provides specific and feasible time-lines specifying major milestones for the proposed research, including a schedule of detailed activities for the first 12 months of the project period, with milestones for the cooperative agreement five year project period.

4. Methods (65 points)

The extent to which the applicant:

a. describes the hypotheses and research questions in the context of the intervention strategy (5 points);

b. describes the study population(s) (5 points);

c. describes sampling, including (15 points);

(1) unit of analysis (entire population or sample)

(2) type of sample (random, convenience, etc.)

(3) potential selection biases

(4) power calculations

d. describes study design (from list in Appendix A), including (20 points):

(1) experimental and comparison group(s);

(2) Exposures and outcomes

(a) Validity

(1) Verifies by a variety of methods, if possible, that participants were exposed to the intervention.

(2) Provides evidence of validity in the proposed population for existing interventions and instruments, including those newly developed.

(b) Reliability provides evidence that the variables used to measure exposures and outcomes are consistent and reproducible.

e. describes data collection procedures (5 points)

f. provides a clear and appropriate plan for statistical analyses that includes: (15 points)

(1) quantitative data analyses

(2) statistical models

(3) statistical approach to confounding and bias

(4) statistical approach to complex sampling (*i.e.,* other than simple random sampling) and sample weighting, if relevant.

(5) discussion of other statistical issues, such as use of repeated measures analyses, where relevant.

5. Inclusion of Women and Minorities (10 points)

State the degree to which the proposed research will meet the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. the proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation;

b. the proposed justification when representation is limited or absent;

c. a statement as to whether the design of the study is adequate to measure differences when warranted; and

d. 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.

6. Budget (reviewed, but not scored)

The extent to which the budget is reasonable, clearly justified, and consistent with the intended use of funds. All budget categories should be itemized.

7. Human Subjects Protection (not scored)

Does the application adequately address the requirements of Title 45 CFR part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements:

Provide CDC with the original plus two copies of

1. Semiannual progress reports;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial report and performance report, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
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 sections 317(k)(2), 1507 [42 U.S.C. 247b(k)(2) and 42 U.S.C. 300n–3]; and 1501 [42 U.S.C. 300k] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.919 for breast and cervical cancers and 93.283 for colorectal and prostate cancer.

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''.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Glynnis Taylor, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Announcement 01099, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2752, Email address: gld1@cdc.gov.

For program technical assistance, contact: Rosalind Breslow, Epidemiologist, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, Mail Stop K–55, Atlanta, GA 30341–3717, Telephone number: 770–488–3086, Email address: zyd1@cdc.gov.

or

Katherine Wilson, Public Health Educator, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, Mail Stop K–48, Atlanta, Ga 30341–3717, Telephone number: 770–488–3079, Email address: kxw1@cdc.gov.

Dated: June 13, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15389 Filed 6–18–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following council meeting.

Name: Advisory Council for the Elimination of Tuberculosis (ACET).

Times and Dates: 8:30 a.m.–5 p.m., July 12, 2001. 8:30 a.m.–12 p.m., July 13, 2001.

Place: Corporate Square Building 8, 1st Floor Conference Room, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters to be Discussed: Agenda items include issues pertaining to the Tuberculosis control in low incidence areas, Latent TB Infection, and CDC's

proposed response to the Institute of Medicine's report on TB Elimination in the U.S. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paulette Ford-Knights, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8008.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 13, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–15388 Filed 6–18–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for a Permit for the Incidental Take of the Houston Toad (*Bufo houstonensis*) During Construction and Operation of a School Building on Approximately 0.5 Acres of the 119.84-acre Property on Park Road 1–C, Bastrop County, Texas (Woodside Trails)

SUMMARY: Woodside Trails Wilderness Experience, Inc. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–041786–0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and operation of a school building on approximately 0.5 acres of the 119.84-acre property on Park Road 1–C, Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before July 19, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico, 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE–041786–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Woodside Trails Wilderness Experience, Inc. plans to construct a school building on approximately 0.5 acres of the 119.84-acre property on Park Road 1–C, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the property. The Applicant proposes to compensate for this incidental take of the Houston toad by providing volunteer labor for a minimum of six days per year, over the next three years, for restoration of Houston toad habitat in Bastrop State Park, Bastrop County, Texas. The applicant also intends to construct an exhibit at the entrance of the 119.84-acre property providing information about the Houston toad in Bastrop County.

Geoffery Haskett,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–15359 Filed 6–18–01; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish And Wildlife Service

Notice of Availability of a Finding of No Significant Impact/Habitat Conservation Plan for Issuance of an Incidental Take Permit for the Gunston Manor Subdivision, Block 40, Lots 11–17, Single-Family Home Construction, Mason Neck, Fairfax County, Virginia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Applicant has submitted three incomplete Habitat Conservation Plan (HCP) permit applications pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). These permits were not processed because the applications did not meet either the statutory application criteria or the statutory issuance criteria.

The applicant initiated litigation over this project arguing that the Service has unconstitutionally ''taken'' his property without just compensation. The Service has taken the position that an acceptable plan could be produced and that a permit could be issued if an acceptable plan were submitted, but has decided that it is more efficient to draft a compliant HCP and issue the permit than to continue to litigate. This draft HCP is offered as part of his ITP application. The draft Finding of No Significant Impact (FONSI)/HCP made available by this notice were prepared by the Service based on information previously provided by the Applicant and other information acquired by the Service. The Applicant has been assigned permit number TE041642–0. The permit, which is for a period of 30 years upon approval, would authorize the incidental take of the threatened bald eagle (Haliateetus leucocephalus). The proposed take would occur as a result of the construction and occupancy of a single-family home in Fairfax County, Virginia.

The Service has prepared the FONSI/HCP for the incidental take permit (ITP) application. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on this draft FONSI/HCP should be received on or before July 19, 2001.

ADDRESSES: Persons wishing to review the FONSI/HCP may obtain a copy by written or telephone request to John Wolflin, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, MD 21401 (410–573–4500). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Annapolis, MD. Data or comments concerning the FONSI/HCP should be submitted in writing to the Project Leader, U.S. Fish and Wildlife Service Office, Annapolis, MD at the above address. Please refer to permit number TE041642–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: John Wolflin at the above U.S. Fish and Wildlife Service Office, Annapolis, MD.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act prohibits the ''taking'' of endangered and threatened species such as the bald eagle. However, the Service, under limited circumstances, may issue permits to take endangered or threatened wildlife species where the taking is incidental to, and not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant: Mr. John Taylor plans to construct and sell a single-family home in an existing subdivision. After the initial judicial determination that the Service had effectively denied the inadequate applications submitted by the applicant, the Service has developed the draft FONSI/HCP that meets the statutory application and issuance criteria required for the issuance of this permit. Five alternatives were developed.

Alternative 1, The No Action Alternative. Under this Alternative, the lot would remain in its existing naturally wooded condition. Since the lot would not be cleared for the construction of a single family home, this alternative would avoid all take of bald eagles and no ITP permit would be necessary. However, the stated purpose of acquiring the land by the applicant was to build a house and sell the lot. Therefore, this alternative would not satisfy the needs and purpose of the proposed project and was rejected.

Under Alternative 2, the Proposed Action. The Service would issue a section 10(a)(1)(B) ITP for the take of bald eagles resulting from clearing, construction, and occupancy of the house. The proposed HCP includes implementation of a time of year restriction on development activities, measures to minimize impacts to on-site bald eagle habitat, protection of forested buffers on-site, and in addition to the minimization measures, a private conservation organization will provide/insure funding for off-site artificial nest construction to mitigate for the possible abandonment of the nest by the resident nesting eagles.

Alternative 3 is the Alternate Development Configuration Alternative. If the local zoning authority does not issue the variances to the extent envisioned by this HCP, it might require that the house be placed further back on the lot thus reducing the amount of a front lot setback variance, or moving the house further forward, or turning the house at 90 degrees to comply with side lot setbacks. The Service will need to re-analyze the specific impacts on the bald eagles anticipated from the site plan as approved and determine whether or not it could still address the standards of minimization of impacts to the maximum extent practicable under this alternative.

Alternative 4 is the Increased Impact Alternative. The applicant initially proposed placing a Mod-u-Kraf modular home comprising 1560 square feet on the site which would have entailed cutting the majority of the trees on the site and maintaining little or no vegetative buffer on the property. The applicant's initial and October, 1998 HCP's provided no specific site plan detailing the exact configuration he envisioned, no analysis of the impacts anticipated from development within 250 feet of the nest tree, and no specific mitigation or minimization proposals other than construction outside of the nesting season. Therefore, the Service determined that these requests for an HCP were incomplete and could not meet the issuance criteria of section 10(a)(2)(A) of the Act. The Service has developed Alternative 2 in order to fulfill the goal of constructing a house of at least 1560 square feet which would also minimize the impacts of normal human occupancy activities on the site which likely would disturb, harm or harass the bald eagles.

Alternative 5 is the Conservation Acquisition Alternative under which the site would be acquired by a government, private association, or lands trust organization to be retained in its natural condition. Although the project site is located within ½ mile of the Mason Neck National Wildlife Refuge and county and state parks, the parcel is an isolated block that is less than ½ acre of habitat within a residential community, and therefore has not been considered a priority for acquisition by various public or private land protection programs or organizations or the Service's National Wildlife Refuge System.

Public Comments Solicited

The Service solicits written comments on the draft FONSI/HCP described. All comments received by the date specified above will be considered prior to approval of the FONSI/HCP.

Authority

The authority for this action is section 10(a)(1)(B) of the Endangered Species Act, 16 U.S.C. 1539(a)(B).

Dated: May 1, 2001.

Richard O. Bennett,

Acting Regional Director.

[FR Doc. 01–15390 Filed 6–18–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–930–01–1310–EI–241A: MSES 46739 and MSES 46740]

Notice of Proposed Reinstatement of Terminated Oil and Gas Leases; Correction

AGENCY: Bureau of Land Management Interior.

ACTION: Correction to Notice of Proposed Reinstatement of Terminated Oil and Gas Leases.

SUMMARY: The Bureau of Land Management published in the **Federal Register** on March 29, 2001, a notice announcing the proposed reinstatement of oil and gas leases MSES 46739 and MSES 46740. That notice contained errors which this notice corrects.

FOR FURTHER INFORMATION CONTACT: Ida V. Doup, Chief, Branch of Use Authorization, Division of Resources Planning, Use and Protection at (703) 440–1541.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management published in the **Federal Register** on March 29, 2001 (66 FR 17196), a notice announcing the proposed reinstatement of oil and gas leases MSES 46739 and MSES 46740. That notice incorrectly stated the increased rental for reinstated leases as $10. The correct rental rate for the reinstated leases would be $5. The notice also incorrectly stated the cost of publishing the notice as $148. The correct publication cost is $158.

Dated: May 31, 2001.

Ida V. Doup,

Chief, Branch of Use Authorization, Division of Resources Panning, Use and Protection.

[FR Doc. 01–15367 Filed 6–18–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Arrowrock Dam Outlet Works Rehabilitation

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of Record of Decision.

SUMMARY: This notice is issued under authority of the National Environmental Policy Act of 1969. The Record of Decision (ROD) signed on April 30, 2001 contains the decision of the Department of the Interior, Bureau of Reclamation (Reclamation) Pacific Northwest Region, to select and implement the Preferred Alternative (Alternative A), as described in the Final Environmental Impact Statement (FEIS). Alternative A was identified as the environmentally preferred alternative in the FEIS. This alternative best achieves the project objectives and meets the purpose and need of the project in an environmentally sensitive manner.

ADDRESSES: Copies of the ROD may be requested from the following locations:

- Bureau of Reclamation, Pacific Northwest Region, 1150 North Curtis Road, Suite 100, Boise, ID 83706–1234.
- Bureau of Reclamation, Snake River Area Office, 214 Broadway Ave, Boise, ID 83702–7298.
- The ROD is also available for viewing or downloading on the internet at *http://www.pn.usbr.gov/project/arrowrock/arrowrock.shtml*.

FOR FURTHER INFORMATION CONTACT: Steve Dunn, Environmental Specialist, (208) 334–9844.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, Reclamation prepared a FEIS to examine the impacts of alternative methods to rehabilitate the outlet works at Arrowrock Dam by removing the 10 lower level Ensign valves and replacing them with clamshell gates. Two action alternatives were identified that differed only in the timing of reservoir drawdown and the elevation of Arrowrock Reservoir and Lucky Peak Lake in the third construction season. The preferred alternative (alternative A) requires a longer period of drawdown of Arrowrock Reservoir, but both Arrowrock Reservoir and Lucky Peak Lake would remain at a higher elevation than with the other action alternative. Based on comments received on the Draft EIS concerning impacts to water quality and bull trout, the preferred alternative was modified so that the probability of sluice gate use, which could release large amounts of sediment form Arrowrock Reservoir, was reduced from 42% to 15%. The No Action Alternative, which included actions that would be required for an intensive maintenance program if the Ensign valves were not replaced, was also evaluated.

Dated: May 24, 2001.

Kenneth R. Pedde,

Acting Regional Director.

[FR Doc. 01–15411 Filed 6–18–01; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[WITC SC–01–024]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 29, 2001 at 2:00 p.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–415 and 731–TA–933–934 (Preliminary)(Polyethylene Terephthalate Film, Sheet, and Strip from India and Taiwan)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on July 2, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce July 10, 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.

By order of the Commission.

Issued: June 13, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–15485 Filed 6–15–01; 12:19 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Revision of a Currently Approved Collection Drug Court Grantee Data Collection Survey.

The Department of Justice, Office of Justice Programs has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. These proposed information collection was previously published in the **Federal Register** on March 21, 2001, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until July 19, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in each notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Revision of currently approved collection.

(2) *The title of the form/collection:* Drug Court Grantee Data Collection Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* none. Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government, State, Local or Tribal. *Other:* None.

This survey will assist in the national evaluation of drug courts. The data to be collected will assist in determining the effectiveness of these grants and the information will be shared with the drug court field to improve program quality.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/rely:* It is estimated time that 300 respondents will complete the survey is between .75 to 1.25 hours semi-annually.

(6) *An estimate of the total public burden (in hours) associated with the collection:* An estimate of the total public burden hours associated with the collection is 450–750 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, Washington Center, 1331 Pennsylvania Avenue, NW., Washington.

Dated: June 13, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–15431 Filed 6–18–01; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed new collection of information for the Resource Justification Model (RJM). ETA would use the RJM to formulate a budget request for the unemployment insurance (UI) program from States' data and allocate appropriated funds among the States.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 20, 2001.

ADDRESSES: Timothy S. Felegie, Room C4526, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–2934 (this is not a toll-free number). E-mail address is tfelegie@doleta.gov and fax number is (202) 693–3229.

SUPPLEMENTARY INFORMATION:

I. Background

ETA developed the RJM to replace an outdated budget formulation and allocation process for the UI program. Although the RJM entails a substantial data collection effort, it would provide ETA with current cost information to justify budget requests for State UI program administration. The RJM's goals are to build a credible budget from State-submitted data in order to obtain needed resources, allocate administrative funds equitably among States, and promote cost-effective practices.

Using the RJM, State agencies would submit detailed data by major cost categories in a structured format. This would provide States with a means to justify their funding needs and would provide ETA with an objective tool to evaluate those needs. State agencies that have an accounting system with a relational database could build queries for data extraction from the accounting system; this would keep the data collection burden at a minimum.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

RJM consists of six modules:

—State data collection and submission
—Regional Office data review
—National Office data analysis and evaluation
—National Office budget formulation
—Resource allocation
—Monitoring

The first module is most pertinent to this proposed data collection effort. Module I consists of three parts: a mandatory Microsoft Excel® file with 39 linked spreadsheets with an optional file with four spreadsheets, a narrative justification that explains budget increases, and a narrative performance and capital improvement (PCI) request. State agencies would enter data into the indicated cells through either hand entry or through database extraction from their accounting systems. The spreadsheets are set up to calculate much of the data to minimize data entry to the extent possible. Each State agency would submit Module I to ETA once annually in February. For the first year only, State agencies would submit PCI requests two months earlier (December 2001) to allow time for ETA review and consultation with the States.

The mandatory Excel® file has three basic categories of cost data: workload-related staff years for each major workload activity (e.g., initial claims, subject employers), non-workload-related staff years (e.g., benefit payment control), and non-personal services (NPS) (e.g., facilities, communications). The optional file relates only to more

detailed data for communications, utilities, ADP, and office equipment. The data in each file cover four fiscal years: the year just completed, the current year, the next year, and the budget request year. A Portable Document Format version of each file may be printed from *www.ows/doleta.gov/* by clicking on the ''News'' link or the scrolling RJM article under the News section; this will link to a site where the user can select the files. Please contact Tim Felegie at (202) 693–2934 for a paper copy of the files or for help in using the site.

State agencies would submit a narrative justification to explain incremental changes from the previous year to the budget request year that are not related to a PCI request. Examples include personal services or personnel benefit increases and changes to minutes per unit (MPU) value.

State agencies would have an opportunity to submit PCI requests for certain types of investments: program performance improvements, capital projects for facilities and technology, and law changes. State agencies would incorporate the PCI request into the RJM data file and the funding increase could be expressed as an increase in MPU value, an increase in non-workload-related staff years, or an increase in NPS. The funding increase could be requested for a single year or spread over multiple years. ETA would evaluate these requests on how they address performance and capital improvements, impact on customer service, and cost benefit/cost avoidance.

ETA would load the Excel® file data into a database for array and analysis.

Type of Review: New.

Agency: Employment and Training Administration.

Title: Resource Justification Model.

Affected Public: State Government.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden (hours)
RJM 1 ser	53	Anually	53	41	2,173
RJM 2 ser	53	Anually	53	30	1,590
RJM 3 ser	53	Anually	53	6	318
RJM 4 ser	53	Anually	53	12	636
RJM 5 ser	53	Anually	53	12	636
RJM 6 ser	53	Anually	53	7	371
Narrative	53	Anually	53	11	583
PCI	53	Anually	53	114	6,042
Totals			424		12,349

Total Burden Cost (capital/startup): $500,000 (based on variable cost per State—negligible for some States and up to $60,000 for others).

Total Burden Cost (operating/maintaining): $375,028.

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

Dated: June 11, 2001.

Grace A. Kilbane,

Administrator, Office of Workforce Security.

[FR Doc. 01–15360 Filed 6–18–01; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

Firstenergy Nuclear Operating Company, et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License (OL) Nos. DPR–66 and NPF–73, issued to FirstEnergy Nuclear Operating Company, et al. (FENOC, the licensee), for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2), located in Shippingport, Pennsylvania.

The proposed amendments would change the OLs and technical specifications for BVPS–1 and 2 to reflect an increase in the licensed core power level for each unit to 2689 megawatts (thermal), approximately 1.4 percent greater than the current level.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 19, 2001, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and petitions for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board (Board), designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered

in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated January 18, 2001 (ADAMS Accession No. ML010230096), as supplemented by letters dated February 20 (ADAMS Accession No. ML010540305) and April 12, 2001 (ADAMS Accession No. ML011130105), which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*). If there are problems accessing the document located in ADAMS, contact the PDB Reference staff at 1–800–397–4209 or 301–415–4737, or send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 31st day of May 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhart,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15371 Filed 6–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison; San Onofre Nuclear Generating Station, Unit Nos. 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating Licenses Nos. NPF–10 and NPF–15, issued to Southern California Edison Company (SCE or the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Units Nos. 2 and 3, located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action

The proposed action would amend the facility license and the technical specifications for SONGS Units 2 and 3, to allow SCE to increase the maximum reactor core power level for each unit from 3390 megawatts thermal (MWt) to 3448 MWt, which is an increase of 1.42 percent of rated core thermal power for SONGS Units 2 and 3.

The proposed action is in accordance with the licensee's application for amendment dated April 3, 2001, and supplemented April 23, May 11, May 25, and May 31, 2001.

The Need for the Proposed Action

The proposed action would permit an increase in the licensed core thermal power from 3390 MWt to 3448 MWt and is needed to allow an increase in the net electrical output of SONGS Units 2 and 3 and, thus, provide additional electrical power to service domestic and commercial areas of the licensee's grid.

Environmental Impacts of the Proposed Action

In support of its request for the proposed power uprate, SCE evaluated the radiological effects of the proposed action, and specifically evaluated its radioactive waste management systems including system/component activity inventories and activity releases associated with the liquid, gaseous, and solid waste management systems, as well as the process and effluent radiological monitoring and sampling systems. In addition, SCE evaluated the non-radiological effects of the proposed action. Based on its review of the licensee's evaluation of the environmental impacts, the NRC staff concludes that the proposed increase in power would not result in a significant

environmental impact as discussed below.

Radiological Environmental Assessment

Radioactive Waste (Radwaste) Management

SCE has evaluated the system/component activity inventories and activity releases associated with the liquid, gaseous, and solid waste management systems, as well as the process and effluent radiological monitoring and sampling systems. SONGS radwaste management and radiation protection analyses are based on the Units 2 and 3 Cycle 1 core activity inventory profile with one percent fuel cladding defects. The licensee has determined that the activity inventories of Cycle 1 core isotopes (primarily some iodine and noble gas isotopes) are greater than the core activity inventories associated with 102 percent of current licensed power, i.e., 3458 MWt. The licensee has also evaluated the dose contributions of iodine, noble gas, and particulate core isotopes for the power uprate conditions. Based on its evaluation, the licensee determined that the core and system activity profiles of record bound (i.e., are equal to, or more severe than) the core and system activity source terms at the proposed uprated power level. Therefore, the licensee has concluded that its operation of the radwaste systems at SONGS Units 2 and 3 will not be impacted by operation at uprated power conditions and the effluents discharged would continue to meet the requirements of 10 CFR part 20 and 10 CFR part 50, Appendix I. Based on the above, the staff has determined that the proposed power uprate will not appreciably affect the ability to process liquid or gaseous radioactive effluents and there are no significant environmental effects from radiological releases.

Dose Consideration

SCE evaluated the effects of power uprate on the radiation sources within the plant and radiation levels during normal and post-accident conditions. Based on its evaluation, the licensee determined that SONGS Units 2 and 3 dose contributions and the activity inventories of Cycle 1 core isotopes (primarily some iodine and noble gas isotopes) are greater than the dose consequences and core activity inventories associated with the 102 percent of the current licensed power, i.e., 3458 MWt, and therefore bound the proposed uprated power level. Further occupational doses for normal operations will be maintained within acceptable limits by the site's as-low-as-reasonably-achievable program, which is required by 10 CFR 20.1101(b).

Therefore, the NRC staff concludes that the radiological doses would remain below the 10 CFR part 100 guidelines and all radiological safety margins are maintained.

Summary

The proposed power uprate will not significantly increase the probability or consequences of accidents, will not involve any new radiological release pathways, will not result in a significant increase in occupational or public radiation exposure, and will not result in significant additional fuel cycle environmental impacts. Accordingly, the NRC staff concludes that there are no significant radiological environmental impacts associated with the proposed action.

Non-Radiological Environmental Assessment

The licensee reviewed the non-radiological environmental impacts of the requested power uprate based on information submitted in the Environmental Report, Operating License Stage, the NRC Final Environmental Statement (FES) related to the operation of San Onofre Nuclear Station, Units 2 and 3, (NUREG–0490, dated April 1981), and the requirements of the Environmental Protection Plan. Based on this review, the licensee concluded that the proposed power uprate would have no significant effect on the non-radiological elements of concern and the plant will be operated in an environmentally acceptable manner as established by the FES. In addition, the licensee states that existing Federal, State, and local regulatory permits presently in effect accommodate the power uprate without modification.

The SONGS units are cooled by once-through cooling water systems, withdrawing cooling water from the Pacific Ocean and discharging it to the ocean through separate underwater diffusers on the ocean bottom. The licensee determined that the differential temperature developed by the cooling system will increase by approximately 0.3°F, increasing the calculated differential to approximately 19.2 °F. The limit on differential temperature allowed by the California Regional Water Quality Control Board, San Diego Region, is 25 °F and includes an allowance of 0.4 °F for increases in thermal power level. The licensee also evaluated other environmental discharges and determined that the small increase in reactor power will not have significant impact on the environment.

SONGS operates in compliance with a National Pollution Discharge Elimination System (NPDES) Permit, which requires all effluents to be closely monitored to assure compliance with the permit levels. Effluent increases due to the power uprate of SONGS Units 2 and 3 are not expected. With regard to potential non-radiological impacts, the proposed action would not change the method of operation at SONGS or the methods of handling effluents. No changes to land use would result and the proposed action does not involve any historic sites. Therefore, no new or different types of non-radiological environmental impacts are expected. Accordingly, the NRC staff concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the FES for SONGS Units 2 and 3 dated March 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on June 7, 2001, the NRC staff consulted with the California State official, Mr. Steve Hsu, of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated April 3, 2001, and the supplements dated April 23, May 11, May 25, and May 31, 2001, which may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555

Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov,* (the Electronic Reading Room). 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, or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 13th day of June 2001.

For the Nuclear Regulatory Commission.

Joseph E. Donoghue,

Senior Project Manager, Project Directorate IV, Section 2, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15370 Filed 6–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Discrimination Task Group; Notice of Meetings

In August 2000, the NRC announced the formation of a Discrimination Task Group, which is evaluating the NRC processes used in the handling of discrimination allegations and violations of employee protection standards (Applicable regulations include 10 CFR 30.7, 10 CFR 40.7. 10 CFR 50.7, 10 CFR 60.9, 10 CFR 61.9, 10 CFR 70.7, 10 CFR 76.7, 10 CFR 72.10, 10 CFR 150.20). The group is a management-level review group which is evaluating the Commission's handling of discrimination cases.

The group has developed draft recommendations for changes to the regulatory requirements, the enforcement policy or other agency guidelines as appropriate. The draft recommendations have been released for public comment and can be obtained via the Office of Enforcement web site at http://www.nrc.gov/OE/. Following a pubic comment period on the draft that expires on August 17, 2001, the Task Group will develop a Commission Paper outlining the final recommendations for NRC offices to consider in making changes to their processes.

The Task Group is holding several public stakeholder meetings in various areas of the country to solicit comment on the draft recommendations for changes in the Agency's handling of discrimination issues.

—A public meeting will be held in Chattanooga, TN, on June 25, 2001, at the USNRC Technical Training Center, Osborne Office Center, 5746 Marlin Road, Chattanooga TN 37411 This will be an evening meeting from 7 p.m. to 9 p.m.

—A public meeting will be held, on July 11, 2001, at the USNRC Region III offices located 801 Warrenville Road, Lisle, IL 60532. This will be an evening meeting from 7 p.m. to 9 p.m.

—A public meeting will be held, on July 12, 2001, in Paducah, KY, at the Paducah Community College Engineering Building, Crounse Hall Main Lecture Hall, 4810 Alben Barkely Drive, Paducah, KY. This will be an evening meeting from 7 p.m. to 9 p.m.

—A public meeting will be held on August 9, 2001, at the San Luis Obispo Public Library, Library Conference Room, 995 Palm Street, San Luis Obispo CA. This will be an evening meeting from 7 p.m. to 9 p.m.

—A public meeting will be held on August 14, 2001, at the Waterford Town Hall, 15 Rope Ferry Road, Waterford, CT This will be an evening meeting from 7 p.m. to 9 p.m.

—A public meeting will be held on August 16, 2001, at the USNRC offices in the TWFN Auditorium, located at 11555 Rockville Pike, Rockville, Maryland. The meeting will start at 9:30 a.m.

These meetings are open to the members of the public. Oral or written views regarding the NRC's draft recommendations for improving processes for handling employee protection issues may be presented by the members of the public, including members of the nuclear industry. Persons desiring to make prepared oral presentations or statements should notify Mr. Barry Westreich (Telephone 301/415–3456, e-mail BCW@nrc.gov) five days prior to the meeting date, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such a presentation or statements. Use of still, motion picture, and television cameras as well as audio recording devices will be permitted during these meetings.

Further information regarding topics of discussion, whether the meeting has been canceled, rescheduled, or relocated; may be obtained via the Office of Enforcement web site at *http://www.nrc.gov/OE* or by contacting Mr. Barry Westreich between 8 a.m. and 4:30 p.m. EDT.

For those unable to attend one of the public meetings on this issue, comments on the draft report can be submitted via the Office of Enforcement web site at *http://www.nrc.gov/OE.* and may also be submitted in writing addressed to Barry Westreich, Office of Enforcement, U.S. Nuclear Regulatory Commission 11555 Rockville Pike, Rockville, MD, 20852.

This meeting will not be transcribed but, if needed, a meeting report will be available electronically for public inspection on the Office of Enforcement web site at *http://www.nrc.gov/OE* and in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room). The Task Group Charter and other pertinent documents related to Task Group Activities will also be periodically posted and updated on the Office of Enforcement web site.

Dated at Rockville, Maryland this 11th Day of June 2001.

For the Nuclear Regulatory Commission.

Frank Congel,

Director, Office of Enforcement.

[FR Doc. 01–15372 Filed 6–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Workshop on Future Licensing Activities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) has scheduled a public workshop to inform the public of the current and proposed activities of the NRC staff regarding future applications and to solicit public concerns and feedback on identified issues and challenges.

DATES: July 25, 2001, from 9 a.m.–8 p.m.; July 26, 2001, from 9 a.m.–1 p.m.

ADDRESSES: The workshop will be held in the NRC's Auditorium at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852–2738.

FOR FURTHER INFORMATION CONTACT: Contact Eric Benner, Mail Stop O–12D1, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Members of the public may pre-register for this meeting by contacting Eric Benner at (800) 368–5642, ext. 1171, or by Internet at *ejb1@nrc.gov* by July 20, 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 e-mail to *pdr@nrc.gov*.

SUPPLEMENTARY INFORMATION: Recently, the nuclear industry has indicated that they may be submitting licensing applications in accordance with parts 50 and 52 of the Code of Federal Regulations (10 CFR parts 50 and 52) in the near future with the intent to build and operate new nuclear power plants. These submittals could include applications for Early Site Permits, Design Certifications, Combined Licenses, and Operating Licenses. Additional activities could include pre-application reviews related to these submittals and requests to reactivate Construction Permits to allow the applicant to resume construction of nuclear facilities.

The purpose of this workshop is to inform the public of the current and proposed activities of the NRC staff to prepare for these potential future licensing applications, discuss the mechanisms available to the public for providing input during these licensing activities, and to solicit public feedback on identified issues and challenges.

A final agenda and schedule will be published on the NRC future licensing web site when it is available: *http://www.nrc.gov/NRC/REACTOR/FLO/index.htm*

For each of the agenda topics, the NRC staff will describe the activity and the regulatory process governing the activity, discuss the actions the NRC is taking to prepare for the anticipated submittal, and provide an estimate of expected milestone dates, where available. The staff will discuss how the public can provide input to the staff during different stages of the activity. The remainder of the allotted time will then be used for an open dialogue among all workshop participants. The NRC staff will then briefly summarize the identified concerns.

In addition, the workshop will contain two open sessions to allow public participants to discuss issues not addressed or to have further discussions on the agenda items. The first of these sessions will be on the evening of July 25, 2001, to allow participation by individuals who cannot attend during the work day and will include a brief presentation by the NRC staff summarizing all of the agenda items. The second of these sessions will be held on the morning of July 26, 2001.

Following the workshop, the NRC staff will summarize and document the identified concerns. The summary will be sent to those workshop participants who request a written copy, as well as the Commission, and will be posted on NRC's future licensing website.

AGENDA TOPICS

Licensing Processes

Early Site Permits

10 CFR part 52 allows an applicant to apply for an early site permit, which provides for resolution of site safety, environmental protection, and emergency preparedness issues, independent of a specific nuclear plant review. The early site permit application must address the safety and environmental characteristics of the site and evaluate potential physical impediments to developing an emergency evacuation plan.

Design Certification

The NRC may certify a standard plant design through a rulemaking under 10 CFR part 52, independent of a specific site. Among other requirements, the design certification applicant must demonstrate that its design complies with current NRC regulations, provide a probabilistic risk assessment, and provide a proposed set of inspections, tests, analyses, and acceptance criteria that will demonstrate that the plant will operate in accordance with the design certification.

Combined License

A combined license, issued under 10 CFR part 52, authorizes construction of the facility and specifies the inspections, tests, and analyses that the licensee must perform. It will also specify the acceptance criteria that, if met, are necessary to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license and the applicable regulations.

Construction Inspection

The NRC is reactivating the construction inspection program revision effort suspended in 1994. This effort will include review and revisions of applicable inspection guidance and training for inspection of critical attributes of construction processes and activities.

Reactivation of Construction Permits

A licensee has indicated that it may consider resumption of construction and application for operation of an unfinished nuclear power plant. Resumption of construction would require the normal NRC reviews and inspections under the existing Construction Permit and application for operation would require the normal NRC reviews for an Operating License (OL) for the facility.

Regulatory Infrastructure

The NRC staff is planning to update some of its regulations to facilitate its review of new applications. The Nuclear Energy Institute is considering proposing a New Plant Regulatory Framework.

Current Activities

Readiness Assessment, Organizational Development, and Staffing

The NRC is performing a readiness assessment to develop postulated licensing scenarios for the future application reviews, including resource estimates and critical skills. In addition, the NRC is determining the appropriate organizational structure for future licensing activities and will be staffed accordingly.

Rulemaking

The NRC is currently revising several rules: (1) A revision to 10 CFR part 52 to clarify and incorporate lessons learned from previous design certifications; (2) a revision to 10 CFR Part 51 to address higher enrichment fuel; and (3) a revision to 10 CFR Part 51 to clarify the scope of alternative site reviews when applying for an Early Site Permit.

Pre-application Reviews

The NRC Policy Statement on advanced reactors encourages early interaction between applicants and vendors with the NRC. To that end, the following four applicants and vendors have initiated interactions with the NRC regarding different advanced reactor designs:

(1) Westinghouse ''AP1000;'' (2) Exelon ''Pebble Bed Modular Reactor'' (PBMR); (3) Westinghouse ''International Reactor Innovative and Secure'' (IRIS); and (4) General Atomics ''Gas Turbine-Modular Helium Reactor'' (GT–MHR).

Dated at Rockville, Maryland, this 13th day of June 2001.

For the Nuclear Regulatory Commission.

Richard J. Barrett,

Acting Director, Future Licensing Organization, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15369 Filed 6–18–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of June 18, 25, July 2, 9, 16, 23, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 18, 2001

There are no meetings scheduled for the Week of June 18, 2001.

Week of June 25, 2001—Tentative

Wednesday, June 27, 2001

9:25 a.m.—Affirmation Session (Public Meeting) (If needed)

Week of July 2, 2001—Tentative

There are no meetings scheduled for the Week of July 2, 2001.

Week of July 9, 2001—Tentative

Monday, July 9, 2001

1:25 p.m.—Affirmation Session (Public Meeting) (If needed)

Week of July 16, 2001—Tentative

Thursday, July 19, 2001

9:25 a.m.—Affirmation Session (Public Meeting) (If needed)

9:30 a.m.—Briefing on Results of Agency Action Review Meeting—Reactors (Public Meeting) (Contact: Ron Frahm, 301–415–2986)

1:30 p.m.—Briefing on Readiness for New Plant Applications and Construction (Public Meeting) (Contact: Nanette Gilles, 301–415–1180)

Friday, July 20, 2001

9:30 a.m.—Briefing on Results of Reactor Oversight Process Initial Implementation (Public Meeting) (Contact: Tim Frye, 301–415–1287)

1:00 p.m.—Briefing on Risk-Informing Special Treatment Requirements (Public Meeting) (Contact: John Nakoski, 301–415–1278)

Week of July 23, 2001—Tentative

Wednesday, July 25, 2001

9:25 a.m.—Affirmation Session (Public Meeting) (if needed)

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

* * * * *

ADDITIONAL INFORMATION: By a vote of 5–0 on June 11 and 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72–22; Review of LBP–01–03'' be held on June 14, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301)–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: June 14, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–15470 Filed 6–15–01; 9:58 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council; Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of Meeting.

SUMMARY: The Federal Salary Council will meet at the time and location shown below. The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations or pay policy. A provision of law enacted in 2000 requires the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) to determine whether five additional metropolitan areas (Austin, TX, Las Vegas, NV, Louisville, KY, Nashville, TN, and Raleigh, NC) should become separate locality pay areas under the locality pay program for General Schedules employees in 2002. The law authorizes the required determinations to be made by using salary surveys conducted by the Bureau of Labor Statistics, salary survey data compiled by organizations or entities for private sector businesses, or a combination of these data sources. The Federal Salary Council will review the results of special studies directed by the Office of Personnel Management and develop recommendations for the Pay Agent on locality pay methodology as it pertains to the five metropolitan areas. The Pay Agent will submit a report to Congress later this year. The meeting is open to the public.

DATES: July 23, 2001, at 9:30 a.m.

Location: Office of Personnel Management, 1900 E Street NW., Room 5303 (Pendleton Room), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Donald J. Winstead, Associate Director for Compensation Administration, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415–8200. Phone (202) 606–2838; FAX (202) 606–0824; or email at payleave@opm.gov.

For the President's Pay Agent.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15354 Filed 6–18–01; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25002; File No. 812–12482]

Aetna Life Insurance and Annuity Company, et. al.

June 13, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an order under section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'' or the ''Act'') to amend a prior order of the Commission under section 6(c) of the 1940 Act which granted exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the recapture of credits applied to contributions made under certain deferred variable annuity contracts.

Applicants: Aetna Life Insurance and Annuity Company (''ALIAC'') and its Variable Annuity Account B (''V A B''), Aetna Insurance Company of America (''AICA'' and, together with ALIAC, ''Aetna''), Golden American Life Insurance Company (''Golden'') and its Separate Account B (''Account B''), First

Golden American Life Insurance Company of New York (''First Golden''), Reliastar Life Insurance Company of New York (''Reliastar'' and, together with Golden and First Golden, the ''Life Companies''), Directed Services, Inc., (''DSI''), and Washington Square Securities, Inc., (''WSS'') (collectively, the ''Applicants'').

Summary of Application: Applicants seek an order under section 6(c) of the 1940 Act to amend a existing order (Investment Company Act Release No. 24649, dated September 20, 2000, File No. 812–12098) (''Existing Order'') to: (1) Add the Life Companies, Account B, DSI, and WSS (collectively, ''Additional Applicants'') as parties to the Existing Order, and (2) permit the Additional Applicants to recapture certain bonuses applied to purchase payments made under (a) certain deferred variable annuity contracts and certificates, including certain certificate data pages and endorsements, that Golden will issue through Account B (the ''Account B Contracts'') and under (b) contracts and certificates, including certain certificate data pages and endorsements, that the Life Companies may issue in the future through Account B, or through any other separate accounts, whether existing or created in the future, of the Life Companies (the ''Future Accounts,'') and together with Account B, the ''Accounts'') and that are substantially similar in all material respects to the deferred variable annuity contracts (''V A B Contracts'') covered by the Existing Order (collectively, the ''Future Contracts'' and together with the Account B Contracts, the ''Contracts''). Applicants also request that the order being sought extend to any National Association of Securities Dealers, Inc. (''NASD'') member broker-dealer controlling or controlled by, or under common control with any Additional Applicant, whether existing or created in the future, that serves as a distributor or principal underwriter of the Contracts offered through the Accounts (collectively ''Affiliated Broker-Dealers'').

Filing Date: The application was filed on March 21, 2001, and amended and restated on June 8, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 9, 2001, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0609. Applicants, in care of Aetna, 151 Farmington Avenue, TS31, Hartford, Connecticut 06156, Attn: J. Neil McMurdie, Esq.

FOR FURTHER INFORMATION CONTACT: Alison Toledo, Attorney, or Lorna MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 5th St., NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Golden is a stock life insurance company originally incorporated under the laws of Minnesota on January 2, 1973 and later redomiciled in Delaware. Like ALIAC and AICA, Golden is an indirect wholly-owned subsidiary of ING Groep. N.V. (''ING''), a global financial services holding company based in The Netherlands. Golden is the depositor for Account B, which was established on July 14, 1988 pursuant to authority granted under a resolution of Golden's Board of Directors. Golden also serves as depositor for several currently existing Future Accounts. Golden may establish one or more additional Future Accounts for which it will serve as depositor.

2. First Golden is a stock life insurance company organized under the laws of the State of New York in 1996. First Golden is a wholly-owned subsidiary of Golden and an indirect wholly-owned subsidiary of ING. First Golden serves as depositor for several currently existing Future Accounts. First Golden may establish one or more additional Future Accounts for which it will serve as depositor.

3. Reliastar is a stock life insurance company organized under the laws of the State of New York in 1917. Reliastar is an indirect wholly-owned subsidiary of ING. Reliastar serves as depositor for several currently existing Future Accounts. Reliastar may establish one or more additional Future Accounts for which it will serve as depositor.

4. Account B is a segregated asset account of Golden. Account B is registered with the Commission under the Act as a unit investment trust. Account B will fund the variable benefits available under the Account B Contracts. Units of interest in Account B under the Account B Contracts it funds will be registered under the Securities Act of 1933 (the ''1933 Act''). Golden may issue Future Contracts through Account B. The Life Companies also may issue Future Contracts through Future Accounts of the Life Companies.

5. That portion of the assets of Account B that is equal to the reserves and other Account B Contract liabilities with respect to Account B is not chargeable with liabilities arising out of any other business of Golden. Any income, gains or losses, realized or unrealized, from assets allocated to Account B are, in accordance with the Account B Contracts, credited to or charged against Account B, without regard to other income, gains or losses of Golden. The same will be true of any Future Account of the Life Companies.

6. DSI is the principal underwriter of Account B. DSI is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, as amended (the ''1934 Act''), and is a member of the NASD. DSI, acting as principal underwriter, may enter into arrangements with one or more registered broker-dealers (that may or may not be affiliated with DSI) to offer and sell Contracts. A successor Affiliated Broker-Dealer may enter into similar arrangements for the Contracts. DSI may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts. A successor Affiliated Broker-Dealer also may act as principal underwriter for the Accounts and as distributor for any of the Contracts.

7. WSS is registered with the Commission as a broker-dealer under the 1934 Act and is a member of the NASD. WSS, acting as principal underwriter, may enter into arrangements with one or more registered broker-dealers (that may or may not be affiliated with WSS) to offer and sell Future Contracts. A successor Affiliated Broker-Dealer may enter into similar arrangements for Future Contracts. WSS may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts. A successor Affiliated Broker-Dealer also may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts.

8. On September 20, 2000, the Commission issued the Existing Order

exempting certain transactions of Aetna, V A B, and Future Accounts of Aetna from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent necessary to permit Aetna to recapture, under specified circumstances, certain bonuses applied to purchase payments made under the V A B Contracts described in the application for the Existing Order (''Prior Application'') (Investment Company Act Release No. 24629, dated Aug. 20, 2000, File No. 812–12098).

9. But for the depositor and issuing separate account, the Account B Contracts are identical to the V A B Contracts described in the Prior Application. Future Contracts will be substantially similar in all material respects to the V A B Contracts covered in the Existing Order.

10. Additional Applicants will recapture bonuses under the Contracts under the same circumstances covered by the Existing Order. The Existing Order grants exemptions from Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent necessary to permit Aetna to recapture bonuses in the following three instances: (i) Aetna will recapture all bonuses if the Contract owner returns the Contract for a refund during the 10-day (or longer, if required) ''free look'' period; (ii) the amount of any account value, step-up value or roll-up value death benefit will not include any bonus credited to a Contract owner's account after or within 12 months of the date of death; and (iii) Aetna will recapture the bonus according to the forfeiture schedules described in the Prior Application if the Contract owner withdraws Year 1 Payment(s) during the first seven account years.

Applicant's Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class of classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to Section 6(c) of the Act, grant exemptions summarized above with respect to Account B and any Future Account that the Life Companies have established or may establish in the future, in connection with the issuance of Contracts that are substantially similar in all material respects to the VA B Contracts described in the Prior Application and that are underwritten or distributed by DSI, WSS, or Affiliated Broker-Dealers. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants submit that the recapture of bonuses by Additional Applicants will not raise concerns under sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act, and Rule 22c–1 thereunder for the same reasons given in support of the Existing Order. The bonuses will be recapturable under the same circumstances and on the same basis as described in the Prior Application.

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15362 Filed 6–18–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44401; File No. SR–CBOE–2001–23]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Brokers' Blanket Bonds

June 8, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 14, 2001, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to revise CBOE Rule 9.22, ''Brokers' Blanket Bonds,'' to make its rule governing brokers' blanket bonds consistent with the rules of other self-regulatory organizations (''SROs'').

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 9.22 requires members approved to transact business with the public and every clearing member organization to carry brokers' blanket bonds covering officers and employees of the organization in such form and in such amounts as the Exchange may require. This rule imposes requirements on CBOE members that differ from those required of members of other SRO's.[3] The purpose of the proposed rule change is to amend CBOE Rule 9.22 to make its requirements similar to those of other SROs. By harmonizing CBOE Rule 9.22 with the rules of other SROs, CBOE intends to simplify compliance with the requirements of CBOE rule 9.22 for its members who are also members of other SROs.

Specifically, CBOE proposes to amend CBOE Rule 9.22, Interpretation and Policy .01(a)(2), to require minimum

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *see* NADS Rule 3020, Chicago Stock Exchange Rule 6, NYSE Rule 319, American Stock Exchange Rule 330, Philadelphia Stock Exchange Rule 705, and Pacific Exchange rule 2.25(a).

insurance coverage of not less than $25,000 for all insuring agreements required under Interpretation and Policy .01(a). Proposed Interpretation and Policy .01(a)(3) will specify that members maintain required coverage for Fidelity, On Premises, In Transit, Misplacement, and Forgery and Alternation insuring agreements of not less than 120% of its required net capital under Exchange Act Rule 15c3–1[4] up to $600,000. Minimum coverage for required net capital in excess of $600,000 shall be determined by reference to the following table:

Net capital requirement under SEC rule 15c3–1	Minimum coverage
$600,000–1,000,000	$750,000
1,000,001–2,000,000	1,000,000
2,000,001–3,000,000	1,500,000
3,000,001–4,000,000	2,000,000
4,000,001–5,000,000	3,000,000
6,000,001–12,000,000	4,000,000
12,000,001–and above ...	5,000,000

Proposed Interpretation and Policy .01(a)(4) will require members to maintain fraudulent trading coverage of not less than the greater of $25,000 or 50% of the coverage required in paragraph (a)(3), up to $500,000. Proposed Interpretation and Policy .01(a)(5) will require members to maintain securities forgery coverage of not less than the greater of $25,000 or 25% of the coverage required in paragraph (a)(3), up to $250,000.

In addition, proposed Interpretation and Policy .01(b)(3) will clarify that members covered under the brokers' blanket bond of an affiliate must deduct from their net capital the amount of the deductible in excess of the maximum permissible amount described in Exchange Act Rule 15c3–1.

Finally, the Exchange is making a number of non-substantive word changes to the rule to make its meaning more clear.

2. Statutory Basis

The CBOE believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[5] in general and furthers the objectives of Section 6(b)(5)[6] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Exchange Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] Because the foregoing rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; and the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change, it has become effective pursuant to Section 19(b)(3)(A) of the Exchange Act[9] and Rule 19b–4(f)(6) thereunder.[10]

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 Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. 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 Section. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to file number SR–CBOE–2001–23 and should be submitted by July 10, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15399 Filed 6–18–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 240.15c3–1.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44411; File No. SR–NASD–2001–36]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 by the National Association of Securities Dealers, Inc. To Eliminate the Service Desk Feature of the Automated Confirmation Transaction Service

June 12, 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 16, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq amended the proposal on May 31, 2001,[3] which amendment completely replaced and superseded the original proposal. On

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* May 30, 2001 letter from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), SEC and attachments (''Amendment No. 1'').

June 7, 2001, Nasdaq again amended the proposal.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to amend provision (g) of NASD Rule 7010, ''System Services,'' to eliminate the Automated Confirmation Transaction (''ACT'') Service Desk, the telephonic medium for trade reporting by member firms that report five or fewer transactions per day through ACT. Additionally, Nasdaq proposes to amend NASD Rules 4632, 4642, 4652, 6420, 6620, and 6920, all of which are entitled ''Transaction Reporting,'' to eliminate references to the ACT Service Desk. The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

4632. Transaction Reporting

(a) When and How Transactions are Reported

(1) No Change.

(2) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk (if qualified pursuant to Rule 7010(g)),] or if ACT is unavailable due to system or transmission failure, by telephone to the Market Operations Department, last sale reports of transactions in designated securities executed during normal market hours. Transactions not reported within 90 seconds after execution shall be designated as late and such trade reports must include the time of execution.

* * * * *

4642. Transaction Reporting

(a) When and How Transactions are Reported

(1) No Change.

(2) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk] or if ACT is unavailable due to system or transmission failure, by telephone to the Market Operations Department, last sale reports of transactions in designated securities executed during normal market hours. Transactions not reported within 90 seconds after execution shall be designated as late and such trade reports must include the time of execution.

* * * * *

4652. Transaction Reporting

(a) When and How Transactions are Reported

(1) No Change.

(2) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk (if qualified pursuant to Rule 7010(g)),] or if ACT is unavailable due to system or transmission failure, by telephone to the Market Operations Department, last sale reports of transactions in designated securities executed during normal market hours. Transactions not reported within 90 seconds after execution shall be designated as late and such trade reports must include the time of execution.

* * * * *

6420. Transaction Reporting

(a) When and How Transactions are Reported

(1) No Change.

(2)(A) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk (if qualified pursuant to Rule 7010(g)),] or if ACT is unavailable due to system or transmission failure by telephone to the Nasdaq Market Operations Department, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape otherwise than on a national securities exchange.

(B) Non-registered Reporting Members shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk (if qualified pursuant to Rule 7010(g)),] or if ACT is unavailable due to system or transmission failure, by telephone to the Nasdaq Market Operations Department, last sale reports of transactions in eligible securities executed in the United States otherwise than on a national securities exchange between the hours of 4:00 p.m. and 6:30 p.m. eastern Time; trades executed and reported after 4:00 p.m. Eastern Time shall be designated as ''.T'' trade to denote their execution outside normal market hours. Transactions not reported within 90 seconds after execution must include the time of execution on the trade report.

* * * * *

6620. Transaction Reporting

(a) When and How Transactions are Reported

(1) No change.

(2) Non-Market Makers shall, within 90 seconds after execution, transmit through ACT [or the ACT Service Desk (if qualified pursuant to Rule 7010(g)),] or if ACT is unavailable due to system or transmission failure, by telephone to the Nasdaq Market Operations Department, last sale reports of transactions in OTC Equity Securities executed during normal market hours. Transactions not reported within 90 seconds after execution shall be designated as late.

* * * * *

6920. Transaction Reporting

(a) When and How Transactions are Reported

(1) No change.

[(2) Members that do not have access to an ACT terminal and average five or fewer trades per day during the previous calendar quarter may use the ACT service desk for trade reporting. Such members shall be required to provide all information required by paragraph (c) of this Rule to the ACT service desk within the same time frames set forth in paragraph (a)(1) above.]

[(3)] (*2*) All members shall report to the Market Regulation Department in Rockville, Maryland on Form T, reports of transactions in DPPs that were not transmitted through ACT, for whatever reason, either on the trade date or the next business date. Form T shall be used exclusively as a back-up mode whenever electronic entry of trade data is not feasible due to system malfunctions or other unusual conditions.

[(4)] (*3*) A pattern or practice of late reporting without exceptional circumstances may be considered conduct inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of Rule 2110.

* * * * *

Rule 7010. System Services

(a)–(f) No Change.

(g) Confirmation Transaction Service (ACT):

Transaction Related Charges:

Comparison	$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares)

[4] *See* June 6, 2001 letter from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division, SEC (''Amendment No. 2''). In Amendment No. 2, Nasdaq made technical amendments to the proposal that were inadvertently omitted from Amendment No. 1.

Automated Give-Up	$0.01/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Late Report—T+N	$0.288/side
Browse/query	$0.288/query [1]
Terminal fee	$57.00/month (ACT only terminals)
CTCI fee	$575.00/month
Nasdaq ACT	$300/month (full functionality) or $150/month (up to an average of twenty transactions per day each month) [2]
[Service desk	$57.00/month [3]]
Trade Reporting	$0.29/side (applicable only to reportable transaction not subject to trade comparison through ACT) [4] [3]
Risk Management Charges.	$.035/side and $17.50/month per correspondent firm

Footnotes

[1] Each ACT query incurs the $0.288 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than $0.288 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the $0.288 query charge.

[2] For the purposes of this service only, a transaction is defined as an original trade entry, either on trade date or as-of transaction per month.

[4] [3] The ACT service desk is available to ACT participants that: (1) do not have access to Nasdaq equipment and that average five or fewer trades per day during the previous calendar quarter; or (2) utilized the Nasdaq Workstation I to report trades as of June 1999, do not have access to Nasdaq equipment, and average 20 or fewer trades per day during the previous calendar quarter.]

[4] [3] The trade reporting service charge is applicable to these trades input into ACT for reporting purposes only, such as NSCC Qualified Special Representative reports and reports of internalized transactions.

(h)–(p) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq icluded 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. Nasdaq 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

Nasdaq proposes to eliminate the ACT Service Desk, and to remove from the NASD rules all references to it.

ACT is the Nasdaq system used by members to report and compare trades for clearance and settlement, and transmit trade reports for regulatory purposes and public dissemination. After members enter trade information into ACT (as required by NASD ACT and trade-reporting rules),[5] the system sends locked-in trades to clearing. Under current NASD rules, members must report trades to ACT for certain transactions executed in the over-the-counter market, including transactions in Nasdaq National Market securities (''NNM''), Nasdaq SmallCap securities (''SmallCap''), Over-the-Counter Bulletin Board (''OTCBB'') securities, Nasdaq convertible debt securities, exchange-listed securities effected in the over-the-counter market, and securities traded exclusively in the over-the-counter market (*e.g.,* Pink Sheet securities).[6]

There generally are five methods to report trades to ACT: (1) Ordering a Nasdaq Workstation II service (''NWII''); (2) using the Nasdaq ACT Service Desk; (3) agreeing to permit the contra party to a trade to report that trade through the NWII trade (commonly known as a ''give-up'' relationship); (4) utilizing Nasdaq ACT, an internet-based service introduced in February of 2001; and (5) contracting with a third party to report trades on behalf of the firm (commonly referred to as a Qualified Service Representative or ''QSR'' arrangement). Each mode of trade-report entry accomplishes the same result, but they have different characteristics. In addition, firms have the option of operating as introducing brokers, meaning that all trades are sent to another member firm for execution and trade reporting.

The ACT Service Desk was designed as a cost-effective method of trade reporting for firms that effect very few transactions in Nasdaq securities or other securities traded in the over-the-counter market.[7] As such, NASD rules limit participation in the ACT Service Desk to only those members who do not have access to Nasdaq equipment and who have effected an average of five or fewer trades per day during the previous calendar quarter.[8] If a firm has reported more than five trades per day during the previous calendar quarter, the firm must either order a NWII to report trades or enter into a give-up arrangement.

Currently, approximately 375 NASD member firms use the ACT Service Desk to report trades to ACT. Of those, approximately 60 firms report an average of at least one trade per day, another 169 report an average of one trade per month, and an additional 146 firms report fewer than one trade per month on average. Each of these firms pays $57.00 per month for access to the ACT Service Desk, in addition to the fees assessed per transaction for the use of specific ACT services, including comparison, trade reporting, and risk management.

In light of the existing alternatives for reporting trades to ACT, Nasdaq has decided to eliminate the ACT Service Desk and to redirect those resources towards improving the ACT service for the market as a whole. When Nasdaq created the ACT Service Desk in 1990, that service was the primary low-cost mechanism for trade reporting by member firms with a relatively small volume of trades to report. Since that time, new options for trade reporting have arisen or become more prevalent in the market, including the availability of the give-up relationship [9], the ACT Service Bureau arrangement, and the recent establishment of Nasdaq ACT.[10] The give-up and Service Bureau arrangements are simple to establish and maintain and are available to any firm at low or no cost outside the standard ACT transaction-based fees. In addition, firms may also function as an introducing broker and, thereby,

[5] *See* NASD Rules 4630, 4640, 4650, 6100, 6400, 6600, and 6700.

[6] *See Id.*

[7] The ACT Service Desk is a phone-based service that allows firms to report trades over the phone to Nasdaq Market Operations staff, who in turn input the trades into the ACT system for dissemination to the tape. *See generally,* Securities Exchange Act Release No. 27908 (Apr. 17, 1990), 55 FR 15313 (Apr. 23, 1990) (approval order for ACT Service Desk).

[8] *See* NASD Rule 7010(g), footnote 3.

[9] In a ''give-up'' arrangement, a member who reports or accepts a trade in ACT on behalf of another member would identify in the ACT screen give-up box the member on whose behalf the trade was being reported or accepted. Where the executing broker accepts a trade that has been reported by another member, the reporting member would have to report the trade with the executing broker as the contra-side and identify the prime brokerage customer as the contra-side give-up. The executing broker may then accept the trade as presented. This would avoid a second trade report and ensure that the prime brokerage customer is identified to the NASD.

[10] Nasdaq ACT provides the same basic ACT features and functions offered through the NWII service. In the case of Nasdaq ACT, however, clients that use some but not all ACT functionality have the opportunity to reduce their expenses by purchasing a scaled-back version of the service.

completely avoid the obligation of reporting trades through ACT.

Nasdaq considered and rejected the possibility of increasing the monthly fee for the ACT Service Desk to more accurately reflect the true costs of providing this service. Nasdaq created the ACT Service Desk as a low-cost service and has steadfastly resisted raising the price of that service since its inception, in large part due to the perception that few alternatives for the service existed. This perception no longer reflects reality. Moreover, a fee that accurately reflected the cost of providing the ACT Service Desk would not have been significantly lower than the cost associated with Nasdaq ACT. ACT Service Desk users, which typically need only the trade entry and trade query function (and not risk management) can purchase that service for $150 per month, $93.00 more than they pay for the ACT Service Desk today. For that additional fee, users can report up to 20 trades per day (as opposed five per day on the ACT Service Desk), and they can do so more efficiently.

While Nasdaq believes that the elimination of the ACT Service Desk will not materially or unduly burden the current users of that service, it recognizes the inconvenience to users that have grown accustomed to this method of trade reporting. To minimize the disruption of its members' operations, Nasdaq will wait 90 days following Commission approval of this rule proposal before eliminating the ACT Service Desk. Nasdaq will also provide ACT Service Desk users with at least two forms of notice of its schedule for eliminating the service, and will provide accompanying information about firms' options for establishing new trade reporting practices. Finally, Nasdaq will, during this 90-day post approval period, offer current ACT Service Desk users the option of transitioning to Nasdaq ACT for $57.00 per month to enable them to assess whether that service meets their needs. ACT Service Desk users that transition to Nasdaq ACT after that 90-day period will be assessed the regular fees for Nasdaq ACT, as described in NASD Rule 7010(g).

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that the Association's rules must be designed 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. Nasdaq believes that the proposed rule change is wholly consistent with the purposes of the Act in that it will not materially reduce the availability of cost effective and efficient mechanisms to report trades, and therefore facilitates clearance and settlement. Additionally, Nasdaq believes the proposed rule change will not materially detract from the process through which members engage in the comparison and clearing of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Nasdaq staff has discussed the substance of this rule filing with what Nasdaq believes is a representative sample of current ACT Service Desk users that have reported an average of one or more trades per day during the last three months. Most of the members that Nasdaq contacted indicated that the elimination of the ACT Service Desk would not materially detract from the operation of their firms. Only one member firm stated that this proposal would have a material impact, and Nasdaq has committed to assisting that firm, and any others that may experience difficulty in transitioning away from the ACT Service Desk.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

Nasdaq has requested accelerated approval of the proposed rule change. While the Commission will not grant accelerated approval at this time, the Commission will consider granting accelerated approval of the proposal at the close of an abbreviated comment period of 15 days from the date of publication of the proposal in the **Federal Register**.

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 Nasdaq. All submissions should refer to file number SR–NASD–2001–36 and should be submitted by July 5, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15363 Filed 6–18–01; 8:45 am]

BILLING CODE 8010–01–M

[11] 15 U.S.C. 78o–3(b)(6).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Membership of a National Parks Overflights Advisory Group

AGENCY: National Park Service, Interior, Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The National Park Service (NPS) and Federal Aviation Administration (FAA) in accordance with the National Parks Air Tour Management Act of 2000, announce the membership of the National Parks

Overflights Advisory Group (NPOAG). The NPOAG is formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. This notice informs the public of the members initially selected to serve on the advisory group and next actions of the advisory group.

DATES: The National Parks Overflights Advisory Group was established on April 5, 2001; this notice announces those members initially selected to serve as the Advisory Group.

FOR FURTHER INFORMATION CONTACT: Howard Nesbitt, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 493–4981, or Marvin Jensen, Soundscapes Office, National Park Service, 1201 Oak Ridge Drive, Suite 200, Ft. Collins, Colorado, 80525, telephone: (970) 225–3563.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181. The Act applies to ''commercial air tour operations'' occurring over a unit of the national park system or tribal lands within or abutting a national park. The Act defines a commercial air tour operation and lists the factors that the Administrator may consider in determining whether or not an operator is conducting a commercial air tour operation. See Section 803 of the Act, to be codified at 49 U.S.C. section 40128(f)(4)(B). Once defined as a commercial air tour operation, that operation would be subject to the air tour management plan (ATMP) for that park. The process for the development of an ATMP will be delineated in future rulemaking which will codify the Act. In the meantime, to meet the mandate of the public law, the FAA and NPS publish this notice announcing the initial selections of membership on the Advisory Group who will serve to advise and counsel the persons implementing the regulations when they are adopted.

Advisory Group Requirements of Pub. L. 106–181

The Act requires the establishment of the advisory group within 1 year after its enactment. The advisory group is to be comprised of a balanced group of representatives of general aviation; commercial air tour operations; environmental concerns; and Indian tribes. The Administrator and the Director (or their designees) are to serve as ex officio members of the group. Representatives of the Administrator and Director will serve alternating 1-year terms as chairman of the advisory group. The Administrator's representative will serve the first term, which will terminate at the end of the calendar year following the year in which the advisory group is established.

The advisory group will ''provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title [the Act] and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.''

Members of the advisory group may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government service.

Request for Public Participation in the Advisory Group

On March 12, 2001, the FAA and NPS invited members of the public who are interested in serving on the advisory group to contact persons listed under **FOR FURTHER INFORMATION CONTACT**. Eleven requests were received. The FAA and NPS have selected the following persons to serve initially on the Advisory Group: Joseph Corrao, Helicopter Association International; Andrew Cebula, Aircraft Owners and Pilots Association; David Kennedy, National Air Transportation Association; Chip Dennerlein, National Parks Conservation Association; Charles Maynard, Friends of the Great Smoky Mountain National Park; and Boyd Evison, former National Park Superintendent and Regional Director. Ms. Germane White will represent the Confederated Salish and Kootani.

After the issuance of a final regulation implementing the Act, the agencies will consider other requests for membership on the Advisory Group. This may include persons who may, after the issuance of final rules implementing the Act, find that they have an interest to serve in an advisory role in the implementation of the regulations. At this time, however, the agencies find that the persons selected will serve as a balanced representation of the various interests of the national parks.

Next Actions of the Advisory Group

The FAA and NPS anticipate the Advisory Group may wish to hold at least one session before the issuance of final regulations on the legislation to establish organizational and administrative rules of conduct. The public will be informed of any such meetings by notice in the **Federal Register**.

Issued in Washington, DC on June 12, 2001.

Jane F. Garvey,

Administrator.

[FR Doc. 01–15419 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–45]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 10, 2001.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on June 14, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2001–9679.

Petitioner: Lufthansa Tecnik AG.

Section of 14 CFR Affected: 14 CFR 25.785(j).

Description of Relief Sought: To provide relief from that portion of 14 CFR 25.785(j) which requires a firm handhold along each aisle to enable persons to steady themselves while using the aisles in moderately rough air. The petitioner requests this exemption for the Boeing Model 737–700IGW, equipped with an executive interior, to be used in a private, not for hire, operation.

Docket No.: ANM–2001–6919.

Petitioner: Dassault Falcon Jet Corporation.

Section of 14 CFR Affected: 14 CFR 25.813(e).

Description of Relief Sought: To allow the petitioner to install a latchable sliding door which can be stored in a cabin partition during takeoffs, landings and emergency conditions on its Falcon 900 and 900EX aircraft operated in accordance with part 91 and part 135. When latched, the door permits totally free access to the cabin aisle and emergency exits.

[FR Doc. 01–15420 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Public Hearing

In accordance with 49 CFR 211.9 and 211.41, notice was published January 18, 2001 that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. (See Docket Number FRA–2000–8268, Item 3, available for inspection on the Internet at the docket facility's Web site at http://dms.dot.gov) It has subsequently been determined that a Public Hearing should be held relative to this request. The petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Burlington Northern Santa Fe Railway Company

[Waiver Petition Docket Number FRA–2000–8268]

Burlington Northern Santa Fe Railway (BNSF) seeks a permanent waiver of compliance from certain requirements of 49 CFR Part 229 (Railroad Locomotive Safety Standards) for a select group of C–44–9W locomotives, road numbers BNSF 700–799, 960–1123, 4300–4999, and 5370–5499. Specifically, BNSF requests a waiver from 49 CFR 229.23(a), which requires that the interval between any two periodic inspections may not exceed 92 days. BNSF proposes to extend this interval to 122 days on this group of locomotives.

In support of this proposal BNSF states: ''These locomotives contain the industry's latest technology in the areas of safety and reliability, are microprocessor controlled and equipped with New York Air Brake Corporation computer controlled brakes.'' They cite calender day inspections and other inspections that are done every 3 to 4 days which will help ensure safe operation. Since April 1, 1999 they have been performing periodic inspections every 61 days. They estimate that they have had a 0.87 % defect rate after 61 days. In conclusion BNSF states: ''Extending the periodic maintenance interval from 92 to 122 days will not adversely effect the safety or performance of C44–9W locomotives.''

Interested parties were invited to participate in these proceedings by submitting written views, data, or comments. Although the formal comment period closed on March 5, 2001, written comments received after that date will be considered as far as practicable. In addition, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9:00 a.m. on Wednesday, July 18, 2001, at the National Weather Service, National Training Center Auditorium, 7220 NW 101st Terrace, Kansas City, Missouri 64153. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

All communications concerning these proceedings should identify the appropriate docket number, (e.g., Waiver Petition Docket Number FRA–2000–8268) and must be submitted to the DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 Seventh Street, SW, Washington, D.C. 20590. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at http://dms.dot.gov.

Issued in Washington, DC on June 13, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–15406 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements To Support the Demonstration of Effective Programs Using Methods or Technologies Targeted at Reducing Alcohol Impaired Driving by Individuals Age 21 Through 34

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of discretionary cooperative agreements to support the demonstration of effective programs using inventive methods or technologies targeted at reducing alcohol impaired driving by individuals age 21 through 34.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement to solicit support for the demonstration of effective programs using inventive methods or technologies targeted at reducing alcohol impaired driving by individuals age 21 through 34.

The goal of NHTSA's Impaired Driving program is to reduce alcohol-related fatalities to no more than 11,000 by the year 2005. While progress has been made in reducing alcohol-related fatalities, successful inventive methods and collaborative partnering programs need to be demonstrated and made available for replication in order to achieve the national goal. This cooperative agreement project is to support the demonstration of inventive methods programs and new approaches that have demonstrated or have the potential to demonstrate reductions in alcohol-impaired fatalities and injuries by individuals age 21–34. NHTSA solicits applications from public and private, non-profit, not-for-profit and commercial organizations, governments and their agencies, or a consortium of these organizations that demonstrate effective programs using inventive methods or technologies targeted at reducing alcohol impaired driving by individuals age 21 through 34.

DATES: Applications must be received no later than August 3, 2001, at 3:00 p.m., Eastern Standard Time.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Joseph A. Comella, 400 7th Street, SW., Room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–01–H–07010.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Joseph A. Comella, Office of Contracts and Procurement at (202) 366–9568 or by e-mail: *jcomella@nhtsa.dot.gov.* Programmatic questions should be directed to J. De Carlo Ciccel, Impaired Driving Division, NTS–11, NHTSA, 400 7th Street, SW., Washington, DC 20590 (202) 366–1694, facsimile (202) 366–2766, or by e-mail: *dciccel@nhtsa.dot.gov.* Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

SUPPLEMENTARY INFORMATION:

Background

The goal of NHTSA's Impaired Driving program is to reduce alcohol-related fatalities to no more than 11,000 by the year 2005. Modest progress has been made in reducing alcohol-related fatalities over the last ten years. As a percentage of all traffic fatalities, alcohol-related fatalities dropped from 49 percent to 38 percent during the period 1989 to 1999. The 15,786 alcohol-related fatalities reported in 1999 represent a 30 percent reduction from the 22,404 reported in 1989.

From 1982 to 1999, the number of drivers involved in alcohol-related fatal crashes decreased for drivers of all age groups, with the youngest and oldest drivers experiencing the largest percentage decrease. Drivers 65 and older, involved in alcohol-related fatal crashes, decreased 50 percent (from 14 percent in 1982 to 7 percent in 1999); drivers 15 to 20 years of age, involved in alcohol-related fatal crashes, dropped 52 percent (from 43 percent in 1982 to 21 percent in 1999); drivers age 35–64, involved in alcohol-related fatal crashes, decreased 33 percent (from 30 percent in 1982 to 20 percent in 1999); and drivers age 21–34, involved in alcohol-related fatal crashes, dropped 33 percent (from 47 percent in 1982 to 32 percent in 1999).

The 1999 Fatality Analysis Reporting System (FARS) data indicates that 43 percent of all drivers involved fatal alcohol-related crashes were 21 to 34 years of age. In 1999, the highest percentages of drivers with blood alcohol concentrations (BAC) of 0.10 g/dl or greater in fatal crashes were drivers 21–24 years old (27 percent) and 25–34 years old (24 percent). For drivers with high BACs, these age groups have shown essentially no change in percentages since 1995.

In addition, 45 percent of occupants killed in alcohol-related crashes did not use safety belts or other restraints. Of those unrestrained occupants killed in alcohol-related crashes, approximately 80 percent were involved in a crash in which the driver had a BAC of 0.10 g/dl or greater.

Innovations in enforcement, public education, alcohol screening and treatment, prevention, technology, and the passage of legislation have all contributed to this decline. While some progress has been made in reducing alcohol-related fatalities, expanding beyond current technologies and program initiatives is imperative to significantly reduce the number of alcohol-related fatalities and achieve the national goal. Equally important is documenting and making available those programs that have demonstrated success in reducing alcohol-related fatalities among individuals age 21–34.

Partners in Progress

In 1995, NHTSA convened more than 100 people (Partners-in-Progress) to explore how to achieve this national goal. Then, in January 1996, NHTSA convened an Implementation Group to develop an action plan from the Partners in Progress recommended strategies in order to achieve the national goal. The Group drafted a ''Guide for Action'' addressing the following seven countermeasure areas:

(1) Public education;
(2) Individual responsibility;
(3) Legislation;
(4) Enforcement and adjudication;
(5) Technology;
(6) Health care community; and
(7) Businesses and employers.

Innovations in enforcement, alternative sanctions, public education, alcohol prevention, screening and treatment, technology, and the passage of tougher legislation have all contributed to the current decline. However, more needs to be done in order to continue making significant gains in reducing alcohol impaired driving. It will take new ideas, creative approaches, inventive programs, new partners, and new or improved technologies to significantly lower the number of alcohol-related deaths and, more importantly, to change the behavior of those who drive while impaired.

This announcement solicits proposals for cooperative agreements to demonstrate successful inventive programs that reduce driving while under the influence by individuals age 21 through 34, based on the effective application of one or more of the seven (7) countermeasure areas listed above and described in the *Partners in Progress: An Impaired Driving Guide for*

Action. In addition to countermeasure areas, inventive programs should include multifaceted elements of a community (*i.e.,* faith community, advocacy groups, media, public works, entertainment, law enforcement, highway safety, and recreation). Proposals will receive preference that demonstrate geographic and demographic diversity, that address or desire to address multiple countermeasure areas, as well as, varying size of community(s) to be reached.

Objective

The objective of this project is to demonstrate several comprehensive programs that have used or plan to use innovation and creativity, targeted at reducing alcohol impaired driving by individuals age 21 through 34. If an applicant has a new or an existing program targeted specifically at 21–34 year-olds that does not include one or more of the seven (7) countermeasure areas and/or multiple elements of the community as listed above, but proposes to use this project as an opportunity to implement those components in such a program, that proposal will receive consideration for award, if the implementation, evaluation, and documentation can be conducted during the time frame for this project.

Availability of Funds and Period of Support

A total of $1,000,000 is available in Fiscal Year 2001 to fund the demonstration of up to twelve (12) comprehensive programs targeted at individuals age 21–34. Individual project awards may range from $50,000 to $300,000. *This stated range does not establish a minimum or maximum funding level.* Given the amount of funds available for this effort, applicants are strongly encouraged to seek other funding opportunities to supplement the Federal funds. Preference will be given to applicants with cost-sharing proposals, matching funds, or in-kind commitment of resources.

NHTSA Involvement

NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of each cooperative agreement and to coordinate activities between the Grantee and NHTSA.

2. Provide information and technical assistance from government sources within available resources and as determined appropriate by the COTR.

3. Serve as a liaison between NHTSA Headquarters, Regional Offices and others (Federal, State, and local) interested in alcohol programs to reduce driving while under the influence of alcohol by individuals age 21 through 34, and the activities of the grantee as appropriate.

4. Stimulate the transfer of information among cooperative agreement recipients and others engaged in alcohol program activities, specifically designed to address individuals age 21 through 34.

5. Review and approve draft and final versions of the deliverables.

Eligibility Requirements

Applications may be submitted by public or private, non-profit, not-for-profit, commercial organizations, and governments and their agencies or a consortium of the above. Universities, colleges, research institutions, hospitals, other public and private organizations, and State and local governments are eligible to apply. Each application package must include a letter of acknowledgment or support for the proposed application from their Governor's Highway Safety Representative or Highway Safety Office to be deemed eligible. Interested applicants are advised that no fee or profit will be allowed under this cooperative agreement solicitation. Eligible programs will be limited to those that target individuals ages 21–34 and contain one or more of the seven (7) Partners in Progress countermeasure areas. Eligible programs will require collaboration among the various contributing partners, agencies, and organizations.

Application Procedures

Each applicant must submit one original and two copies of the application package to: NHTSA, Office of Contracts and Procurement (NAD–30), ATTN: Joseph A. Comella, 400 7th Street, SW., Room 5301, Washington, DC 20590. Submission of three (3) additional copies will expedite processing, but is not required. The application may be single spaced, must be typed on one side of the page only, and must include a reference to NHTSA Cooperative Agreement No. DTNH22–01–H–07010. Unnecessarily elaborate applications beyond what is sufficient to present a complete and effective response to this invitation are not desired. Only complete application packages received on or before due date, (See **DATES** above) will be considered.

Note: applicants interested in submitting more than one inventive project must prepare a separate application package for each project. In addition, programs with multiple partners must submit a single or collaborative application. Only one award will be awarded per eligible program.

Application Content

1. The application package must be submitted with OMB Standard Form (SF) 424 (Rev. 4–88, including 424A and 424B), Application for Federal Assistance, with the requirement information filled in and certified assurances signed. OMB forms are available for download and printing on the Internet at *www.whitehouse.gov/OMB/grants/index.html* site. While the SF 424A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail sufficient to provide meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided which presents a detailed breakdown of the proposed costs, as well as any costs which the applicant indicates will be contributed locally in support of the demonstration project.

2. The application shall include a program narrative statement which addresses the following information in separately labeled sections:

a. A description of the community or communities in which the program is or will be administered. For the purposes of this project, a ''community'' includes a state, city, town or county, small metropolitan area, a large neighborhood, even a workplace (i.e., it does not have to correspond with a political jurisdiction). It should be large enough so that program results are demonstrated. A description of an existing full working partnership or one that will be established to maintain or enhance the program. The application shall describe all the partners that will participate in this project (e.g., local government, law enforcement, health care providers, media, citizens, corporate, etc.) and the role of each partner.

b. A description of the goals and objectives of the program. Goals should be clearly stated and the objectives time-phased with specific, measured, and achieved outcomes that demonstrate the reduction of impaired driving by individuals age 21–34.

c. A Work Plan outline which will be the basis for developing the demonstration project. Applicants desiring to accomplish an inventive program targeted at reducing alcohol impaired driving by individuals 21 through 34 using one or more of the

seven (7) Partners in Progress countermeasure areas must address what they propose to develop, implement, evaluate, and document; how this will be accomplished, and include the major tasks/milestones necessary to complete this project. This involves identification and solution of potential technical problems and critical issues related to successful completion of this project. Briefly outline a specific work plan to document your program's history, how to implement a similar program, and a plan to evaluate the effectiveness of the program in reducing impaired driving to include lessons-learned, best practices, organizational support, outside agency support, and costs. This outline should identify specific tasks required to accomplish the goals and objectives of the project detailing how the program will be documented for replication by another agency, jurisdiction, or organization. The specific innovation, intervention, and/or activity must be included in the aforementioned work plan to include: What action will the community undertake to reach its objectives? How will the innovation, intervention, and/or activity be delivered and monitored? What are the expected results from the innovation, intervention, and/or activity?

d. An Evaluation Plan (both qualitative and quantitative) that describes the kinds of questions that may be posed in replicating the selected programs. *For existing programs* and for those who propose to use this project to incorporate countermeasure areas or community elements, this Evaluation Plan will describe the kinds of questions to be addressed by the evaluation design, what the outcome measures are, how they were or will be measured, the methodology for collecting that data, how often data is or will be collected, and how the data is being or will be analyzed. *For proposed programs,* the Evaluation Plan shall indicate how the incorporation of countermeasure areas or the community element will enhance the desired outcome to reduce impaired driving by individual age 21–34.

e. A description of how this project will be managed. The application shall identify the proposed project manager and any personnel considered critical to the successful documentation of the proposed program. The roles and responsibilities of the applicant and others included in the application package shall be specified. The proposed level of effort in performing various activities shall also be identified. A staffing plan and resume for all key project personnel shall be included in the application. Briefly outline the organizational resources the applicant will draw upon, and how the applicant will provide the program management capability and personnel expertise to successfully perform the activities states herein. Include staffing titles and a 1–2 sentence description of the position duties. The budget should segregate documentation project costs from implementation and evaluation costs that may be incurred if considering the use of the project to incorporate countermeasure area(s). For each of these activities, identify costs by *direct labor* with a breakdown of costs by proposed staffing; *direct materials/equipment* with a breakdown of major cost items; *total travel* costs with an explanation of the relationship to the project; *implementation* and *evaluation* costs; and *overhead.* Clearly identify any financial or in-kind commitment of resources by the applicant organization or other supporting organizations to support the project.

Program Review Procedures, Criteria and Evaluation Factors

Upon receipt of the application package, each package will initially be reviewed to ensure eligibility and that the application contains all of the items specified in the Application Contents section of this announcement. Applications meeting the requirements will be reviewed by an Evaluation Committee using the criteria outlined below.

Application Review Criteria and Evaluation Factors

The application package must concisely address the following criteria:

1. Description of what the organization or existing program has accomplished or plans to accomplish which:

(a) Clearly states the goals and objectives of the program;

(b) Clearly articulates the significant contribution the program has made or plans to make in the reduction of impaired drivers by individuals age 21–34;

(c) Explains the innovation and creative features of the program. If the program is more traditional, explain what makes or will make this program successful; and

(d) Describes how the program incorporates at least one or more of the seven (7) Partners in Progress countermeasure areas including elements from the community. If none of the seven (7) Partners in Progress countermeasure areas and/or community elements have been used in an otherwise successful program, clearly identify the countermeasure area(s) that are being considered by this project.

(e) Clearly articulates this project's impact on your program and the potential to make a significant contribution to the reduction of alcohol impaired driving by individuals age 21–34. (55 percent)

Note: Please note that preference will be given to proposals that demonstrate geographic and demographic diversity, that address or desire to address multiple countermeasure areas, as well as, varying size of community(s) to be reached.

2. The work plan will be evaluated with respect to its feasibility, realism, and ability to achieve the desired outcomes. The evaluation plan will be reviewed for qualitative and quantitative measures that are identified, the practicality of the proposed methodology, and the design. (30 percent)

3. The project management and budget will be evaluated in terms a clarity of organization, sound management structure, delineation of the roles of the partners in the project. The project personnel will be reviewed in terms of qualifications and experience. The staffing of the project should be adequate to manage and implement the project. The budget should clearly identify estimated costs and provide sound rationale. In-kind contribution or financial contributions from partners or outside sources will be evaluated. (15 percent)

Those applicants whose applications are not selected will be informed in writing. Those applicants whose applications are selected will also be notified in writing.

Terms and Conditions of Award

1. Prior to award, each grantee must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR part 29, Department of Transportation government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug Free Workplace (Grants).

2. Reporting Requirements and Deliverables:

a. *Quarterly Progress Reports* should include a summary of the previous quarter's activities and accomplishments, as well as the proposed activities for the upcoming quarter. Any decisions and actions required in the upcoming quarter should be included in the report. The grantee shall supply the progress report to the Contracting Officer's Technical

Representative (COTR) every ninety (90) days following date of award.

b. *Program Work Plan, Implementation, and Evaluation Plan Review.* The grantee shall submit a revised program work plan, implementation plan, and an evaluation plan, incorporating comments received from the NHTSA COTR, no more than 1 month after award of this agreement. The NHTSA COTR will review and comment, if necessary.

c. *Draft Final Report.* The grantee shall prepare a Draft Final Report that includes a description of the inventive project, partners, intervention strategies, program implementation, evaluation methodology and findings from the program evaluation shall be presented in the form of a process manual. In terms of information transfer, it is important to know what worked and did not work, under what circumstances, and what can be done to avoid potential problems in future projects. The grantee shall submit the Draft Final Report to the COTR 60 days prior to the end of the performance period. The COTR will review the draft report and provide comments to the grantee within 30 days of receipt of the document.

d. *Final Report.* The grantee shall revise the Draft Final Report to reflect the COTR's comments. The revised final report shall be delivered to the COTR 15 days before the end of the performance period. The grantee shall supply the COTR one camera ready version of the document, as printed and one copy, on appropriate media (diskette, Syquest disk, etc.) of the document in the original program format that was used for the printing process. Some documents require several different original program languages (e.g., PageMaker for the general layout and design, PowerPoint for charts, and another program for photographs, etc.). Each of these component parts should be available on disk, properly labeled with the program format and the file names. For example, PowerPoint files should be clearly identified by both a descriptive name and file name (e.g., 1999 Fatalities—chart1.ppt). A complete version of the assembled document shall be provided in portable document format (PDF) for placement of the report on the world wide web (WWW). This will be a file usually created with the Adobe Exchange program of the complete assembled document. The document must be completely assembled with all colors, charts, side bars, photographs, and graphics. This can be delivered to NHTSA on a standard 1.44 floppy diskette (for small documents) or on any appropriate archival media (for larger documents) such as an CD ROM, TR–1 Mini cartridge, Syquest disk, etc. The grantee shall provide four additional hard copies of the final document.

e. *Briefings, Presentations, and Journal Paper.* The Grantee shall make a briefing to NHTSA officials and other invited parties in Washington, DC at the completion of the project. The Grantee shall make a presentation concerning the project at a minimum of one national meeting (e.g., the National Commission Against Drunk Driving, the Community Anti-Drug Coalitions Leadership Forum, or Lifesavers, etc.). The Grantee shall prepare a paper and submit it for publication in a professional journal. An interim briefing approximately midway through the period of performance, in addition to a final briefing, may be required. All briefings, presentations, and papers will be submitted to NHTSA initially in draft format for review and comment. The Grantee shall submit drafts to the COTR 60 days before event date or publication submission date. The COTR will review the draft report and provide comments to the Grantee within 30 calendar days of receipt of the documents.

3. During the effective performance period of cooperative agreements awarded as a result of this announcement, the agreement as applicable to the grantee, shall be subject to the National Highway Traffic Safety Administration's General Provisions for Assistance Agreements, dated July 1995.

Rose A. McMurray,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 01–15413 Filed 6–18–01; 8:45 am]

BILLING CODE 4910–12–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34003]

The Burlington Northern and Santa Fe Railway Company—Construction and Operation Exemption—Seadrift and Kamey, TX

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction and operation by The Burlington Northern and Santa Fe Railway Company of a 7½-mile line of railroad between Seadrift and Kamey, TX.

DATES: The exemption will not become effective until the environmental review process is completed. Once that process is completed, the Board will issue a further decision addressing the environmental matters and establishing an exemption effective date at that time, if appropriate. Petitions to reopen must be filed by July 9, 2001.

ADDRESSES: Send pleadings, referring to STB Finance Docket No. 34003, to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Erika Z. Jones, Mayer, Brown & Platt, 1909 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā-To-Dā Office Solutions, Room 405, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 293–7776. E-mail: Da_To_Da@Hotmail.com. [TDD for the hearing impaired: 1–800–877–8339.]

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 12, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15432 Filed 6–18–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on its proposed information collection titled Merger Application.

DATES: Submit written comments on or before August 20, 2001.

ADDRESSES: *Mail:* Send comments to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0016.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, 1550–0016.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention 1550–0016.

E-Mail: Send e-mails to ''infocollection.comments @ots.treas.gov'', Attention 1550–0016, 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, interested persons may inspect comments at the Public Reference Room, 1700 G St. NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to , 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 we receive your request.

FOR FURTHER INFORMATION CONTACT: Nadine Washington, Office of Examination Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–6706.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection. Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of the OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title: Merger Application.

OMB Number: 1550–0016.

Form Number: 1639.

Abstract: The Bank Merger Act and the OTS merger regulations require a savings association that proposes to combine with either another savings association or insured depository to obtain written approval from the OTS.

Current Actions: OTS proposes to renew this information collection with revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 21.

Estimated Time Per Respondent: 30 hours.

Estimated Total Annual Burden Hours: 630 hours.

Dated: June 13, 2001.

Deborah Dakin,

Deputy Chief Counsel, Regulations and Legislation.

[FR Doc. 01–15365 Filed 6–18–01; 8:45 am]

BILLING CODE 6720–01–P

UNITED STATES INSTITUTE OF PEACE

Announcement of the Fall Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Upcoming Fall Unsolicited Grant Deadline, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution.

Deadline: October 1, 2001.

DATES: Application Material Available on Request.

Receipt Date for Return of Application: October 1, 2001.

Notification of Awards: February 1, 2002.

ADDRESSES: For Application Package: United States Institute of Peace, Grant Program • Unsolicited Grants, 1200 17th Street, NW • Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone), (202) 429–6063 (fax), (202) 457–1719 (TTY), Email: grant_program@usip.org.

Applications also available on-line at our web site: www.usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program, Phone (202)–429–3842.

Dated: June 12, 2001.

Bernice J. Carney,

Director, Office of Administration.

[FR Doc. 01–15361 Filed 6–18–01; 8:45 am]

BILLING CODE 6820–AR–M

Federal Register

Tuesday,
June 19, 2001

Part II

Department of Defense

Office of the Secretary

Proposed Science and Technology (S&T) Reinvention Laboratory Personnel Management Demonstration Project at the U.S. Army Communications-Electronics Command (CECOM), Research, Development and Engineering (RDE) Community; Notice

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Science and Technology (S&T) Reinvention Laboratory Personnel Management Demonstration Project at the U.S. Army Communications-Electronics Command (CECOM), Research, Development and Engineering (RDE) Community

AGENCY: DoD, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

ACTION: Notice of proposed demonstration project.

SUMMARY: The National Defense Authorization Act for Fiscal Year 1995, as amended by Section 1114 of the National Defense Authorization for Fiscal Year 2001, authorizes the Secretary of Defense to conduct personnel demonstration projects at Department of Defense (DoD) laboratories designated as Science and Technology (S&T) Reinvention Laboratories. The above-cited legislation authorizes DoD to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such change in personnel policy or procedures would result in improved Federal personnel management.

DATES: To be considered, comments must be submitted on or before August 11, 2001. A public hearing will be scheduled for July 12, 2001, 1:00 p.m., at the Myer Center, Building 2700, Pearl Harbor Boulevard, in the Charles Wood area of Fort Monmouth, New Jersey 07703. Employees located at other sites with video teleconferencing facilities can observe the public hearing and submit their written comments to the address provided below.

At the time of the hearings, interested persons or organizations may present their written or oral comments on the proposed demonstration. The hearings will be informal. However, anyone wishing to testify should contact the person listed under **FOR FURTHER INFORMATION CONTACT** and state the hearing location, so that DoD can plan the hearing and provide sufficient time for all interested persons and organizations to be heard. Priority will be given to those on the schedule, with others speaking in any remaining available time. Each speaker's presentation will be limited to five minutes. Written comments may be submitted to supplement oral testimony during the public comment period.

ADDRESSES: Written comments may be mailed to Patricia M. Stewart, Civilian Personnel Management Service, CPMS–AF, Suite B–200, 1400 Key Boulevard, Arlington, Virginia 22209–5144.

FOR FURTHER INFORMATION CONTACT: On proposed demonstration project: Thomas Sheehan, U. S. Army Communications-Electronics Command, Research Development and Engineering Center, (AMSEL–RD–LQ), Myer Center, Fort Monmouth, New Jersey 07703–5201, (732) 427–4465; on proposed demonstration project and public hearing: DoD, Patricia M. Stewart, CPMS–AF, Suite B–200, 1400 Key Boulevard, Arlington, VA 22209–5144.

SUPPLEMENTARY INFORMATION: Since 1966, many studies of Department of Defense (DoD) laboratories have been conducted on laboratory quality and personnel. Almost all of these studies have recommended improvements in civilian personnel policy, organization, and management. The proposed project involves: (1) Three appointment authorities (permanent, modified term, and temporary limited); (2) extended probationary period for newly hired Engineering and Science employees; (3) pay banding; (4) streamlined delegated examining; (5) modified reduction-in-force (RIF) procedures; (6) simplified job classification; (7) a pay-for-performance based appraisal system; (8) academic degree and certificate training; (9) sabbaticals; and (10) a voluntary emeritus corps.

Dated: June 13, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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I. Executive Summary

This project was designed by the U.S. Army Communications-Electronics Command (CECOM), Research, Development and Engineering (RDE) organizations, with participation and review by Department of Defense (DoD) and the Office of Personnel Management (OPM). CECOM RDE organizations are defined as the CECOM Research, Development and Engineering Center (RDEC) and the CECOM Software Engineering Center (SEC). Both the RDEC and SEC headquarters are located at Fort Monmouth, New Jersey.

The primary mission of the CECOM (RDE) organizations is focused on moving the 21st Century Army fully into the Information Age. Although these organizations are predominantly organized around a technology-centric theme, Information Age technologies will allow us to think in network-centric terms, i.e. the system-of-systems way of organizing, acquiring and maintaining our forces and capability. The RDE's vision is to enable commanders at all echelons to make truly informed and timely decisions, and see to it that those decisions get executed, as events require. In simple terms, getting the right information to the right place at the right time. CECOM RDE organizations support the war fighting and sustaining base communities as well as Program Executive Offices, Project Managers and other customers. We manage technology-based programs by defining, developing and acquiring superior technologies; developing, acquiring, testing and evaluating systems; and sustaining and enhancing systems and equipment for a trained and ready Army undergoing revolutionary changes. To do this, CECOM RDE organizations must be able to hire and retain enthusiastic, innovative, and highly educated scientists and engineers to meet mission needs, along with dynamic, committed technical, clerical and administrative support personnel.

The goal of the project is to enhance the quality and professionalism of the

CECOM RDE workforce through improvements in the efficiency and effectiveness of the human resource system. The project interventions will strive to achieve the best workforce for the RDE mission, adjust the workforce for change, and improve workforce satisfaction. This demonstration project builds on the concepts, and uses much of the same language, as the demonstration projects developed by the Army Research Laboratory (ARL), the Aviation and Missile Research, Development, and Engineering Center (AMCOM RDEC), the Navy's ''China Lake,'' and the National Institute of Standards and Technology (NIST). DoD, and Department of the Army (DA) will provide for an evaluation of the results of the project throughout the first 5 years after implementation. The Army has programmed a decision point 5 years into the project for permanent implementation, modification and additional testing, or termination of the entire demonstration project.

II. Introduction

A. Purpose

The purpose of the project is to demonstrate that the effectiveness of Department of Defense (DoD) laboratories can be enhanced by expanding opportunities available to employees and by allowing greater managerial control over personnel functions through a more responsive and flexible personnel system. The quality of DoD laboratories, their people, and products has been under intense scrutiny in recent years. A common theme has emerged that Federal laboratories need more efficient, cost effective, and timely processes and methods to acquire and retain a highly creative, productive, educated, and trained workforce. This project, in its entirety, attempts to improve employees' opportunities and provide managers, at the lowest practical level, the authority, control, and flexibility needed to achieve the highest quality organization and hold them accountable for the proper exercise of this authority within the framework of an improved personnel management system.

Many aspects of a demonstration project are experimental. Modifications may be made from time to time as experience is gained, results are analyzed, and conclusions are reached on how the system is working. The provisions of this project plan will not be modified, duplicated in organizations not listed in the project plan, or extended to individuals or groups of employees not included in the project plan without the approval of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy). ODASD (CPP) will inform DA of requirements for notification to stakeholders, which may include Congress, employees, labor organizations, and the public. The extent of notification requirements will depend on the nature and extent of the requested project modifications. As a minimum, however major changes and modifications will be published in the **Federal Register** subject to ODASD (CPP) approval. Minor modifications may be made without further notice.

B. Problems With the Present System

The current Civil Service General Schedule (GS) system has existed in essentially the same form since the 1920's. Work is classified into one of fifteen overlapping pay ranges that correspond with the 15 grades. Pay is set at one of those fifteen grades and the ten interim steps within each grade. The Classification Act of 1949 rigidly defines types of work by series and grade, with very precise qualifications for each job. This system does not quickly or easily respond to new ways of designing work and changes in the work itself.

The performance management model that has existed since the passage of the Civil Service Reform Act has come under extreme criticism. Employees frequently report there is inadequate communication of performance expectations and feedback on performance. There are perceived inaccuracies in performance ratings with general agreement that the ratings are inflated and often unevenly distributed by grade, occupation and geographic location.

The need to change the current hiring system is essential as CECOM RDE organizations must be able to recruit and retain scientific, engineering and information technology (IT) professionals. The CECOM RDE organizations must be able to compete with the private sector for the best talent and be able to make job offers in a timely manner with the attendant bonuses and incentives to attract high quality employees.

Finally, current rules on training, retraining and otherwise developing employees make it difficult to correct skill imbalances and to prepare current employees for new lines of work to meet changing missions.

C. Changes Required/Expected Benefits

The primary benefit expected from this demonstration project is greater organizational effectiveness through increased employee satisfaction. The long-standing Department of the Navy China Lake and NIST demonstration projects have produced impressive statistics on increased job satisfaction and quality of employees versus that for the Federal workforce in general. This project will demonstrate that a human resource system tailored to the mission and needs of the CECOM RDE workforce will result in: (a) Increased quality in the RDE workforce and resultant products; (b) increased timeliness of key personnel processes; (c) increased retention of ''excellent performers''; (d) increased success in recruitment of personnel with critical skills; (e) increased management authority and accountability; (f) increased satisfaction of RDE customers; and (g) increased workforce satisfaction with the personnel management system. An evaluation model was developed by the Director of Defense, Research and Engineering (DDR&E) in conjunction with laboratory and service representatives and OPM. The model will measure the effectiveness of demonstration projects, as modified in this plan, and will be used to measure the results of specific personnel system changes.

D. Participating Organizations

The CECOM RDE is composed of two major organizational entities: the Research, Development and Engineering Center (RDEC) and the Software Engineering Center (SEC), both headquartered at Fort Monmouth, New Jersey. RDE employees are geographically dispersed at the locations shown in Appendix A. It should be noted that some sites currently employ fewer than 10 people and that the sites may change as CECOM reorganizes, realigns, or complies with Base Realignment and Closure Act requirements. Successor organizations will continue coverage in the demonstration project.

E. Participating Employees and Union Representation

This demonstration project will cover approximately 2,100 CECOM RDE civilian employees under Title 5, United States Code in the occupations listed in Appendix B. The project plan does not cover members of the Senior Executive Service (SES), Scientific and Professional (S&T) employees, Federal Wage System (FWS) employees, employees presently covered by the Defense Civilian Intelligence Personnel System (DCIPS) and Department of Army (DA) and Major Subordinate Command (MSC) centrally funded interns and co-operative education students. Employees on temporary

appointments will not be covered in the demonstration project.

DA, MSC centrally funded and local interns (hired prior to implementation of the project) will not be converted to the demonstration project until they reach the target grade of the intern program and/or convert to a CECOM RDE employee. They will also continue to follow the TAPES performance appraisal system. Local interns hired after implementation of the project will be covered by all terms of the demonstration project.

Personnel brought into CECOM RDE organizations either through appointment, promotion, reassignment, change to a lower grade or where their functions and positions have been transferred to an RDE organization will be converted to the demonstration project.

The American Federation of Government Employees (AFGE) and the National Federation of Federal Employees (NFFE) represent many CECOM RDE employees. Of those employees assigned to the CECOM RDE organizations, approximately 50% are represented by labor unions.

In April 1997, unions representing the majority of RDE employees at Fort Monmouth were briefed, along with Directors and senior managers, on the major aspects of the Personnel Demonstration Plan. The unions have received updates as specific proposals evolved during the design phase. The unions have attended town meetings and smaller focus group briefings provided to the workforce. CECOM RDE organizations continue to fulfill our obligation to consult and/or negotiate with all labor organizations in accordance with 5 U.S.C. 4703(f) and 7117. We are committed to a full partnership with our unions in the development of this project.

F. Project Design

In September 1995, a Project Leader was appointed to lead the reinvention effort. During the next several months, waivers to various restrictions in the personnel arena were discussed, and it was learned that these initiatives should be merged into the DoD S&T Reinvention Laboratory Personnel Demonstration Project. Work then began gathering information from the original five Army S&T Reinvention Laboratories. Those demonstration projects were the first to introduce major changes to improve the personnel system specifically tailored to the Army labs.

In the summer/fall of 1997, the RDEC Associate Director for Operations hosted a series of town meetings providing an overview of Personnel Demonstration Projects. These meetings were held at Forts Monmouth and Fort Belvoir where the majority of CECOM RDE employees are located. Plans were outlined to establish teams of volunteers to design the major aspects of the project, e.g., Pay/Classification, Staffing, Employee Development and Performance Management along with an additional team dedicated to Workforce Communication. All levels of employees, supervisors and the labor organizations were invited to participate. The Associate Director for Operations provided executive oversight and briefed the project to senior managers and those local unions representing a majority of employees. From October 1997 through April 1998, the teams developed their portions of the project as outlined above. During this time, feedback was provided to RDE employees through briefings, newsletters, a web site and a dedicated anonymous electronic mailbox for employees to post questions and receive answers. As the majority of the members on the teams were non-supervisory employees, the opinions and comments of the workforce are clearly reflected in the overall design of this project. A draft proposal was developed and staffed throughout the CECOM RDE organizations and the Command. Comments and requested changes have been incorporated.

To further validate the proposed Pay for Performance (PFP) system, a test was conducted. The goals were to provide employees feedback on how they might fare under PFP, increase employee and management participation in the process and identify areas needing improvement before actual implementation. The results of the test have been briefed to senior managers, provided to the unions, published in the Personnel Demo Newsletter and placed on the website. An interactive tool is also available on the website which permits employees to input their current salary and calculate performance pay outs based upon projected performance scores.

G. Personnel Management Board

CECOM RDE organizations will create an RDE Personnel Management Board (PMB) to oversee and monitor the fair, equitable, and consistent implementation of the provisions of the demonstration project to include establishment of internal controls and accountability. Permanent members of the board will include RDE senior leaders appointed by the RDE Center Directors. Other members include the CECOM Deputy Chief of Staff for Personnel and the Equal Employment Officer (EEO) to ensure proper management and oversight of the project. Sub-boards may be established at the Center level, reporting to the RDE Personnel Management Board, to address specific issues within the scope of the separate CECOM RDE organizations. The boards will execute the following:

(a) Determine the composition of the pay-for-performance pay pools in accordance with the guidelines of this proposal and internal procedures;

(b) Review operation of pay pools and provide guidance to Pay Pool Managers;

(c) Oversee disputes in pay pool issues;

(d) Formulate and execute the civilian pay budget;

(e) Manage the awards pools;

(f) Determine hiring and promotion salaries as well as exceptions to pay for performance salary increases;

(g) Conduct classification review and oversight, monitoring and adjusting classification practices and deciding board classification issues;

(h) Approve major changes in position structure;

(i) Address issues associated with multiple pay systems during the demonstration project;

(j) Establish Standard Performance Elements and Benchmarks;

(k) Assess the need for changes to demonstration project procedures and policies;

(l) Review requests for Supervisory/Team Leader Pay Adjustments and provide recommendations to the appropriate Center Director;

(m) Ensure in-house budget discipline;

(n) Manage the number of employees by occupational family and payband;

(o) Develop policies and procedures for administering Developmental Opportunity Programs;

(p) Ensure that all employees are treated in a fair and equitable manner in accordance with all policies, regulations and guidelines covering this demonstration project; and,

(q) Monitor the evaluation of the project.

III. Personnel System Changes

A. Pay Banding

The design of the CECOM RDE pay banding system takes advantage of the many reviews performed by DA, DoD, and OPM. The design has the benefit of being preceded by exhaustive studies of pay banding systems currently practiced in the Federal sector, to include those practiced by the Navy's ''China Lake'' experiment and NIST. The pay banding

system will replace the current General Schedule (GS) structure. Currently the 15 grades of the General Schedule are used to classify positions and, therefore, to set pay. The General Schedule covers all white-collar work—administrative, technical, clerical and professional. Changes in this rigid structure are required to allow flexibility in hiring, developing, retaining, and motivating the workforce.

1. Occupational Families

Occupations with similar characteristics will be grouped together into one of three occupational families with pay band levels designed to facilitate pay progression. Each occupational family will be composed of pay bands corresponding to recognized advancement and career progression expected within the occupations. These pay bands will replace individual grades and will not be the same for each occupational family. Each occupational family will be divided into three to five pay bands with each pay band covering the same pay range now covered by one or more GS grades. Employees track into an occupational family based on their current series as provided in Appendix B. Upon implementation employees are initially assigned to the highest band in which their grade fits. For example a Management Analyst GS–343–12 in the Business and Technical Family is assigned to Pay Band III as illustrated in Figure 1. The upper and lower salary limit of each band is defined by the salary of the GS grade and step as indicated in Figure 1. Comparison to the GS grades was used in setting the upper and lower dollar limits of the pay band levels; however, once employees are moved into the demonstration project, GS grades will no longer apply. The current occupations have been examined, and their characteristics and distribution have served as guidelines in the development of the following three occupational families:

Engineering and Science (E&S) (Pay Plan DB): This occupational family includes technical professional positions, such as engineers, physicists, chemists, mathematicians, operations research analysts and computer scientists. Specific course work or educational degrees are required for these occupations. Five bands have been proposed for the E&S occupational family:

Band I is a student trainee track covering GS–1, step 1 through GS–4, step 10.

Band II is a developmental track covering GS–5, step 1 through GS–11, step 10.

Band III * is a full-performance technical track covering GS–12, step 1 through GS–14, step 10.

Band IV * includes both senior technical positions along with supervisors-managers covering GS–14, step 1 through GS–15, step 10.

Band V is a senior scientific-technical manager. The salary range is from 120 percent of the minimum rate of basic pay for a GS–15 to a maximum rate of SES level 4 (ES–4) excluding locality pay.

Business & Technical (B&T) (Pay Plan DE): This occupational family includes such positions as computer specialists, equipment specialists, quality assurance specialists, telecommunications specialists, engineering and electronics technicians, procurement coordinators, finance, accounting, administrative computing, and management analysis. Employees in these positions may or may not require specific course work or educational degrees. Five bands have been proposed the B&T occupational family:

Band I is a student trainee track covering GS–1, step 1 through GS–4, step 10.

Band II is a developmental track covering GS–5, step 1 through GS–11, step 10.

Band III is a full performance track covering GS–12, step 1 through GS–13, step 10.

Band IV is a senior technical/manager track covering GS–14, step 1 through GS–15, step 10.

General Support (GEN) (Pay Plan DK): This occupational family is composed of positions for which specific course work or educational degrees are not required. Clerical work usually involves the processing and maintenance of records. Assistant work requires knowledge of methods and procedures within a specific administrative area. This family includes such positions as secretaries, office automation clerks, and budget/program/computer assistants. Three bands have been proposed for the GEN occupational family:

Band 1 includes entry-level positions covering GS–1, step 1 through GS–4, step 10.

Band 2 includes full-performance positions covering GS–5, step 1 through GS–8, step 10.

Band 3 includes senior technicians/assistants/secretaries covering GS–9 step 1 through step 10.

2. Pay Band Design

The proposed pay bands for the occupational families and how they relate to the current GS framework are shown in Figure 1.

FIGURE 1.—PAY BANK CHART

Occupational Family	Equivalent GS Grades				
E&S	GS–01—GS–04 ... I	GS–05—GS–11 ... II	GS–12—GS–14 ... III	GS–14—GS–15 ... IV	>GS–15. V.
Business & Technical	GS–01—GS–04 ... I	GS–05—GS–11 ... II	GS–12—GS–13 ... III	GS–14—GS–15 ... IV.	
General Support	GS–01—GS–04 ... I	GS–05—GS–08 ... II	GS–09. III.		

Employees will be converted into the occupational family and pay band that corresponds to their GS/GM series and grade. Each employee is assured an initial place in the system without loss of pay. New hires will ordinarily be placed at the lowest salary in a pay band. Exceptional qualifications, specific organizational requirements, or other compelling reasons may lead to a higher entrance salary within a band. As the rates of the General Schedule are increased due to general pay increases, the upper and lower salary limits of the pay bands will also increase. Since pay progression through the bands depends directly on performance, there will be no scheduled Within-Grade Increases (WIGIs) or Quality Step Increases (QSIs) for employees once the pay banding system is in place. Special salary rates

* Bands III and IV overlap at the end and start points. These two bands have been designed following a feature used by the Navy's ''China Lake'' project. Upon implementation, employees in the E&S family currently at grade GS–14 are assigned to Band IV.

will no longer be applicable to demonstration project employee. Special provisions have been included to ensure conversion without a loss of pay (See section E, paragraph 8, Staffing Supplements).

3. Pay Band V

The CECOM RDE pay banding plan expands the pay banding concept used at China Lake and NIST by creating Pay Band V for the Engineering and Science occupational family. This pay band is designed for Senior Scientific Technical Managers (SSTM). The current definition of Senior Executive Service (SES) and Scientific and Professional (ST) positions do not fully meet the needs of the CECOM RDE organizations.

The SES designation is appropriate for executive level managerial positions whose classification exceeds grade 15 of the General Schedule. The primary knowledge and abilities of SES positions relate to supervisory and managerial responsibilities. Positions classified as ST are designed for bench research scientists and engineers. These positions require a very high level of technical expertise and have little or no supervisory responsibilities.

CECOM RDE organizations currently have positions that warrant classification above grade 15 of the General Schedule because of their technical expertise requirements. These positions, typically division/office chiefs, have characteristics of both SES and ST classifications. Most of these positions are responsible for supervising other GS–15 positions, including lower level supervisors, non-supervisory engineers and scientists, and in some cases ST positions. The supervisory and managerial requirements exceed those appropriate for ST positions.

Management considers the primary requirement for these positions to be knowledge of and expertise in the specific scientific and technology areas related to the mission of their organizations, rather than the executive leadership qualifications that are characteristic of the SES. Historically, incumbents of these positions have been recognized within the community as scientific and engineering leaders who possess strong managerial and supervisory abilities. Therefore, although some of these employees have scientific credentials that might compare favorably with ST criteria, classification of these positions as STs is not an option because the managerial and supervisory responsibilities cannot be ignored.

Pay Band V will apply to a new category of positions designated as Senior Scientific Technical Managers (SSTM). Positions so designated will include those requiring scientific/technical expertise and full managerial and supervisory authority. Their scientific/technical expertise and responsibilities warrant classification above the GS–15 level.

Current GS–15 division/office chiefs will convert into the demonstration project at Pay Band IV. After conversion they will be reviewed against established criteria to determine if they should be reclassified to Pay Band V. Other positions possibly meeting criteria for designation as SSTM will be reviewed on a case-by-case basis. The salary range for SSTM positions is a minimum of 120 percent of the minimum rate of basic pay for GS–15 with a maximum rate of basic pay established at the rate of basic pay (excluding locality pay) for SES level 4 (ES–4).

Vacant SSTM positions will be filled competitively to ensure that selectees are preeminent technical leaders in specialty fields who also possess substantial managerial and supervisory abilities. The CECOM RDE organizations will capitalize on the efficiencies that can accrue from central recruiting by continuing to use the expertise of the Army Materiel Command SES Office as the recruitment agent.

Panels will be created to assist in filling SSTM positions. Panel members typically will be current or former SES members, ST employees and later those designated as SSTMs. In addition, senior military officers and recognized technical experts from outside the RDE organizations may also serve as appropriate. The panel will apply criteria developed largely from the current OPM Research Grade Evaluation Guide for positions exceeding the GS–15 level. The purpose of the panels is to insure impartiality, breadth of technical expertise and a rigorous and demanding review.

DoD will test SSTM positions for a five-year period. SSTM positions will be subject to limitations imposed by OPM and DoD. SSTM positions will be established only in an S&T Reinvention Laboratory that employs scientists, engineers, or both. Incumbents of these positions will work primarily in their professional capacity on basic or applied research. Secondarily, they will also perform managerial or supervisory duties.

The number of SSTM positions, and the equivalent in other approved S&T reinvention laboratory personnel demonstration projects within DoD, will not exceed 40. These 40 positions will be allocated by the Assistant Secretary of Defense (Force Management Policy) and administered by the respective Services. The number of positions will be reviewed periodically to determine appropriate position requirements. SSTM (and the equivalent in other S&T reinvention laboratories demonstration projects) position allocations will be managed separately from SES, ST, and SL allocations. An evaluation of the concept for these positions will be performed during the fifth year of the demonstration project.

The final component of Pay Band V is the management of all Pay Band V assets. Specifically, this authority will be exercised at the DA level, and includes the following: authority to classify, create, or abolish positions within the limitations imposed by OPM and DoD; recruit and reassign employees in this pay band; set pay and appraise performance under this project's Pay for Performance system. The CECOM RDE organizations want to demonstrate increased effectiveness by gaining greater managerial control and authority, consistent with merit, affirmative action, and equal employment opportunity principles.

B. Classification

1. Occupational Series

The present General Schedule classification system has 434 occupational series, which are divided into 22 occupational groupings. The CECOM RDE organizations currently have positions in approximately 70 occupational series that fall into 14 occupational groupings. All positions listed in Appendix B will be in the classification structure. Provisions will be made for including other occupations in response to changing missions.

2. Classification Standards and Position Descriptions

CECOM RDE organizations will use a fully automated classification system modeled after the Navy's '' China Lake'' and ARL. ARL has developed a Web-based automated classification system that can create standardized, classified, position descriptions under the new pay banding system in a matter of minutes. The present system of OPM classification standards will be used for the identification of proper series and occupational titles of positions within the demonstration project. Current OPM Position Classification Standards will not be used to grade positions in this project. However, the grading criteria in those standards will be used as a framework to develop new and simplified standards for the purpose of pay band determinations. The objective is to record the essential criteria for each

pay band within each occupational family by stating the characteristics of the work, the responsibilities of the position, and the knowledge, skills, and abilities required. New position descriptions will replace the current DA Form 374, Department of the Army Job Description. The classification standard for each pay band will serve as an important component in the new position description, which will also include position-specific information, and provide data element information pertinent to the job. Supervisors will follow a computer-assisted process to produce position descriptions. The new descriptions will be easier to prepare, minimize the amount of writing time and make the position description a more useful and accurate tool for other personnel management functions.

Specialty work codes will be used to further differentiate types of work and the skills and knowledge required for particular positions with an occupational family and pay band. Each code represents a specialization or type of work within the occupation.

3. Fair Labor Standards Act

Fair Labor Standards Act (FLSA) exemption and non-exemption determinations will be consistent with criteria found in 5 CFR (Code of Federal Regulations) Part 551. All employees are covered by the FLSA unless they meet the criteria for exemption. The duties and responsibilities outlined in the classification standards for each pay band will be compared to the FLSA criteria. As a general rule, the FLSA status can be matched to occupational family and pay band as indicated in Figure 2. For example, positions classified in Pay Band I of the E&S occupational family are typically nonexempt, meaning they are covered by the overtime entitlements prescribed by the FLSA. An exception to this guideline includes supervisors/managers who meet the definitions outlined in the OPM General Schedule Supervisory Guide and who spend 80 percent or more of the workweek on supervisory duties. Therefore, supervisors/managers in any of the pay bands who meet the foregoing criteria are exempt from the FLSA. Supervisors with classification authority will make the determinations on a case-by-case basis by comparing assigned duties and responsibilities to the classification standards for each pay band and the 5 CFR Part 551 FLSA criteria. Additionally, the advice and assistance of the Civilian Personnel Advisory Center/Civilian Personnel Operations Center (CPAC/CPOC) will be obtained in making determinations as part of the performance review process. The benchmark position descriptions will not be the sole basis for the determination. Basis for exemption will be documented and attached to each position description. Exemption criteria will be narrowly construed and applied only to those employees who clearly meet the spirit of the exemption. Changes will be documented and provided to the CPAC/CPOC, as appropriate.

FIGURE 2—FLSA STATUS

[Pay bands]

Occupational Family	I	II	III	IV	V
E&S	N	N/E	E	E	E
B&T	N	N/E	E	E	
GEN	N	N	E		

N—Non-Exempt from FLSA; E—Exempt from FLSA.
N/E—Exemption status determined on a case-by-case basis.
Note: Although typical exemption status under the various pay bands is shown in the above table, actual FLSA exemption determinations are made on a case-by-case basis.

4. Classification Authority

CECOM RDE Center Directors will have delegated classification authority and may, in turn, re-delegate this authority to appropriate levels. Position descriptions will be developed to assist managers in exercising delegated position classification authority. Managers will identify the occupational family, job series, functional code, specialty work code, pay band level, and the appropriate acquisition codes. Personnel specialists will provide ongoing consultation and guidance to managers and supervisors throughout the classification process. The manager will document these decisions on a form similar to the present DA Form 374.

5. Classification Appeals

Classification appeals under this demonstration project will be processed using the following procedures: An employee may appeal the determination of occupational family, occupational series, position title, and pay band of his/her position at any time. An employee must formally raise the area of concern to supervisors in the immediate chain of command, either verbally or in writing. If the employee is not satisfied with the supervisory response, he/she may then appeal to the DoD appellate level. Appeal decisions rendered by DoD will be final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. Classification appeals are not accepted on positions which exceed the equivalent of a GS–15 level. Time periods for cases processed under 5 CFR, Part 511 apply.

An employee may not appeal the accuracy of the position description, the demonstration project classification criteria, or the pay-setting criteria; the assignment of occupational series to the occupational family; the propriety of a salary schedule; or matters grievable under an administrative or negotiated grievance procedure.

The evaluations of classification appeals under this demonstration project are based upon the demonstration project classification criteria. Case files will be forwarded for adjudication through the CPAC/CPOC providing personnel service and will include copies of appropriate demonstration project criteria.

C. Pay for Performance

1. Overview

The purpose of the PFP system is to provide an effective, efficient, and flexible method for assessing, compensating, and managing the RDE workforce. It is essential for the development of a highly productive workforce and to provide management at the lowest practical level, the authority, control, and flexibility needed to achieve a quality organization. PFP allows for more employee involvement in the assessment process, strives to increase communication between supervisor and

employee, promotes a clear accountability of performance, facilitates employee career progression, and provides an understandable and rational basis for salary changes by linking pay and performance.

The PFP system uses annual performance payouts that are based on the employee's total performance score rather than within-grade increases, quality step increases, promotions from one grade to another where both grades are now in the same pay band (i.e., there are no within-band promotions) and performance awards. The normal rating period will be one year. The minimum rating period will be 120 days. PFP payouts can be in the form of increases to base pay or in the form of bonuses that are not added to base salary but rather are given as a lump sum bonus. Other awards such as special acts, time-off awards, etc., will be retained separately from the PFP payouts.

The system will have the flexibility to be modified, if necessary, as more experience is gained under the project.

2. Performance Objectives

Performance objectives define a target level of activity, expressed as a tangible, measurable objective, against which actual achievement can be compared. These objectives will specifically identify what is expected of the employee during the rating period and will typically consist of 3 to 10 concise statements. The employee and his/her supervisor rater will jointly develop the employee's performance objectives at the beginning of the rating period. These are to be reflective of the employee's duties/responsibilities and pay band along with the mission/organizational goals and priorities. Objectives will be reviewed annually and revised upon changes in salary reflecting increased responsibilities commensurate with salary increases. Use of generic one-size fits all objectives will be avoided, as performance objectives are meant to define an individual's specific responsibilities and expected accomplishments. In contrast, performance elements as described in the next paragraph, will identify generic performance characteristics, against which the accomplishment of objectives will be measured. As a part of this demonstration project, training focused on overall organizational objectives and the development of performance objectives will be held for both supervisors and employees. Performance objectives may be jointly modified, changed or deleted as appropriate during the rating cycle. As a general rule, performance objectives should only be changed when circumstances outside the employee's control prevent or hamper the accomplishment of the original objectives. It is also appropriate to change objectives when mission or workload shifts occur.

3. Performance Elements

Performance elements define generic performance characteristics that will be used to evaluate the employee's success in accomplishing his/her performance objectives. The use of generic characteristics for scoring purposes helps to ensure comparable scores are assigned yet while accommodating diverse individual objectives. This pay-for-performance system will utilize those performance elements provided in Appendix C. All elements are critical. A critical performance element is defined as an attribute of job performance that is of sufficient importance that performance below the minimally acceptable level requires remedial action and may be the basis for removing an employee from their position. Non-critical elements will not be used. Each of the performance elements will be assigned a weight, which reflects its importance in accomplishing an individual's performance objectives. A minimum weight is set for each performance element. The sum of the weights for all of the elements must equal 100.

A single set of performance elements will be used for evaluating the annual performance of all CECOM RDE personnel covered by this plan. This set of performance elements may evolve over time, based on experience gained during each rating cycle. This evolution is essential to capture the critical characteristics the organization encourages in its workforce toward meeting individual and organizational objectives. This is particularly true in an environment where technology and work processes are changing at an increasingly rapid pace. The RDE Personnel Management Board will annually review the set of performance elements and set them for the entire organization before the beginning of the rating period. The following is an initial set of proposed performance elements along with the minimum weight:

(1) Technical Competence (Minimum Weight: 15%)
(2) Interpersonal Skills (Minimum Weight: 10%)
(3) Management of Time and Resources (Minimum Weight: 15%)
(4) Customer Satisfaction (Minimum Weight: 10%)
(5) Team/Project Leadership (Minimum Weight: 15%)
(6) Supervision/EEO (Minimum Weight: 25%)

All employees will be rated against the first four performance elements. Team/Project Leadership is mandatory for team leaders and Supervision/EEO is mandatory for all managers/supervisors. At the beginning of the rating period, Pay Pool Managers will review the objectives and weights assigned to employees within the pay pool, to verify consistency and appropriateness.

4. Performance Feedback and Formal Ratings

The most effective means of communication is person-to-person discussion between supervisors and employees of requirements, performance goals and desired results. Employees and supervisors alike are expected to actively participate in these discussions for optimum clarity regarding expectations and identify potential obstacles to meeting goals. In addition, employees should explain (to the extent possible) what they need from their supervisor to support goal accomplishment. The timing of these discussions will vary based on the nature of work performed, but will occur at least at the mid-point and end of the rating period. The supervisor and employee will discuss job performance and accomplishments in relation to the performance objectives and elements. At least one review, normally the mid-point review, will be documented as a formal progress review. More frequent, task specific, discussions may be appropriate in some organizations. In cases where work is accomplished by a team, team discussions regarding goals and expectations will be appropriate.

The employee will provide a list of his/her accomplishments to the supervisor at both the mid-point and end of the rating period. An employee may elect to provide self-ratings on the performance elements and/or solicit input from team members, customers, peers, supervisors in other units, subordinates, and other sources which will permit the supervisor to fully evaluate accomplishments during the rating period.

At the end of the rating period, following a review of the employee's accomplishments, the supervisor will rate each of the performance elements by assigning a score between 0 and 50. Benchmark performance standards have been developed that have been developed that describe the level of performance associated with a score. Using these benchmarks, the supervisor decides where (at any point on a scale of 0 to 50), the performance of the employee fits and assigns an

appropriate score. It should be noted that these scores are not discussed with the employee or considered final until all scores are reconciled and approved by the Pay Pool Manager. The element scores will then be multiplied by the element-weighting factor to determine the weighted score expressed to two decimal points. The weighted scores for each element will then be totaled to determine the employees overall appraisal score and rounded to a whole number as follows: if the digit to the right of the decimal is between five and nine it should be rounded to the next higher whole number, if the digit to the right of the decimal is between one and four, it should be dropped.

A total score of 10 or above will result in a rating of acceptable. A total score of 9 or below will result in a rating of unacceptable, and requires the employee be placed on a Performance Improvement Plan (PIP) immediately or following a temporary assignment. A score of 9 or below in a single element will also result in a rating of unacceptable, and requires the employee be placed on a PIP. If at the conclusion of the PIP the employee's performance improves to an acceptable level, a new rating of record will be issued.

5. Unacceptable Performance

Informal employee performance reviews will be a continuous process so that corrective action, to include placing an employee on a Performance Improvement Plan (PIP), may be taken at any time during the rating cycle. Whenever a supervisor recognizes an employee's performance on one or more performance elements is unacceptable, the supervisor should immediately inform the employee. Efforts will be made to identify the possible reasons for the unacceptable performance.

As an informal first step, the supervisor and employee may explore a temporary assignment to another unit in the organization. This recognizes conflicts sometimes occur between a supervisor and an employee, or that an employee may be assigned to a position for which they are not suited. The supervisor is under no obligation to explore this option prior to taking more formal action. If the temporary assignment is not possible or has not worked out, and the employee continues to perform at an unacceptable level or has received an unacceptable rating, written notification outlining the unacceptable performance will be provided to the employee. At this point an opportunity to improve will be structured in a PIP. The supervisor will identify the items/action which need to be corrected or improved; will outline required time frames (no less than 30 days) for such improvement; and will provide the employee with any available assistance as appropriate. Progress will be monitored during the PIP and all counseling sessions will be documented.

If at the conclusion of the PIP the employee's performance is acceptable, no further action is necessary. If a PIP ends prior to the end of the annual performance cycle and the employee's performance improves to an acceptable level, the employee is appraised again at the end of the annual performance cycle.

If the employee fails to improve during the PIP, the employee will be given notice of proposed appropriate action. This action can include: removal from the Federal service, placement in a lower pay band with a corresponding reduction in pay (demotion), reduction in pay within the same pay band, or a change in position or occupational family. For the most part, employees with an unacceptable rating will not be permitted to remain at their current pay band or salary. Reductions in salary within the same pay band or changes to a lower pay band will be accomplished with a minimum of a 5 percent decrease in an employee's base pay.

(**Note:** Nothing in this subsection will preclude action under Title 5, United States Code, Chapter 75, when appropriate.)

All relevant documentation concerning a reduction in pay or removal based on unacceptable performance will be preserved and made available for review by the affected employee or a designated representative. As a minimum, the record will consist of a copy of the notice of proposed personnel action, the employee's written reply, if provided, or a summary when the employee makes an oral reply. Additionally, the record will contain the written notice of decision and the reasons therefore; along with any supporting material including documentation regarding the opportunity afforded the employee to demonstrate improved performance.

If the employee's performance deteriorates to an unacceptable level, in any element, within two years from the beginning of a PIP, follow-on actions may be initiated with no additional opportunity to improve. If an employee's performance is at an acceptable level for two years from the beginning of the PIP, and performance once again declines to an unacceptable level, the employee will be given an additional opportunity to improve, before proposing follow-on actions.

6. Reconciliation Process

Following the initial scoring of each employee by the rater, the rating officials in an organizational unit, along with their next level of supervision, will meet to ensure consistency and equity of the ratings. In this step, each employee's performance objectives, accomplishments, preliminary scores and current salary are compared. Through discussion and consensus building, consistent and equitable ratings are reached.

Managers will not prescribe a distribution of total scores. The Pay Pool Manager will then chair a final review with the rating officials who report directly to him or her to validate these ratings. If consensus cannot be reached in this process, the Pay Pool Manager makes all final decisions. After this reconciliation process is complete, scores are finalized. Payouts proceeds according to each employee's final score and current salary. Upon approval of this plan, implementing procedures and regulations will provide details on this process to employees and supervisors.

7. Pay Pools

Employees within the CECOM RDE organizations will be placed into pay pools. Pay pools are combinations of organizational elements (e.g., Directorates, Divisions, Branches, Offices, etc.) that are defined for the purpose of determining performance payouts under the PFP system. The RDE Center Directors will establish pay pools within their respective organizations. Typically, pay pools will have between 35 and 300 employees. A pay pool should be large enough to encompass a reasonable distribution of ratings but not so large as to compromise rating consistency. Supervisory personnel will be placed in a pay pool separate from subordinate non-supervisory personnel. Neither the Pay Pool Manager nor supervisors within a pay pool will recommend or set their own individual pay. Decisions regarding the amount of the performance payout are based on the established formal payout calculations.

Funds within a pay pool available for performance payouts are calculated from anticipated pay increases under the existing system and divided into two components, base pay and bonus. The funds within a Pay Pool used for base pay increases, are those that would have been available from within-grade increases, quality step increases and promotions (excluding the costs of promotions still provided under the banding system). This amount will be defined based on historical data and set between 2.0 percent–2.4 percent of total

salary annually. The funds available to be used for bonus payouts are funded separately within the constraints of the organization's overall award budget. This amount will be defined based on historical data and set between 1.0 percent–1.4 percent of total salary annually. The sum of these two factors is referred to as the pay pool percentage factor. The RDE Personnel Management Board will annually review the pay pool funding formula and recommend adjustments to the RDE Center Directors to ensure cost discipline over the life of the demonstration project. Cost discipline is assured within each pay pool by limiting the total base pay increase to the funds available, based on what would have been available in the General Schedule system from within-grade increases, quality step increases and within-band promotions. RDE Center Directors may reallocate the amount of funds assigned to each pay pool as necessary to ensure equity and to meet unusual circumstances.

8. Performance Payout Determination

The performance payout an employee will receive is based on the total performance score from the Pay for Performance assessment process. An employee will receive a performance payout as a percentage of current salary. This percentage is based on the number of shares that equates to their final appraisal score. Shares will be awarded on a continuum as follows:

Score = Shares
50 = 3
40 = 2
30 = 1
21 = .1
10–20 = 0
≤9=0 (Performance Improvement Plan required)

Fractional shares will be awarded for scores that fall in between these scores. For example: A score of 38 will equate to 1.8 shares, and a score of 44 will equate to 2.4 shares.

The value of a share cannot be exactly determined until the rating and reconciliation process is complete. The share value is expressed as a percentage. The formula that computes the value of each share is based on the (1) value of pay pool, (2) the employee's pay, (3) the number of shares awarded to each employee in the pay pool, and (4) the total number of shares awarded in the pay pool. This formula assures that each employee within the pool receives a share amount equal to all others in the same pool who are at the same rate of basic pay and receiving the same score. The formula is shown in figure 3.

Figure 3. Formula

$$\text{Individual Pay Increase} = \frac{\text{Pool Value}}{\text{SUM}(\text{tSAL} * \text{tN})}$$

Where:
F = Payout Factor; initially 3.8 percent of combined basic rates of pay of the assigned employees in a pay pool
SUM = Summation of entities within parenthesis
SAL = An individual's basic rate of pay
tSAL = Total of basic rates of pay in a pay pool
Pool Value = F * (tSAL)
N = Number of shares (0 to 3) earned by an individual employee based on his/her score (0 to 50)
tN = Total of shares earned by employees in pool

A Pay Pool Manager is accountable for staying within pay pool limits. The Pay Pool Manager makes final decisions on pay increases and/or bonuses to individuals based on rater recommendation, the final score, the pay pool funds available, and the employee's current salary. A Pay Pool Manager may request approval from the Personnel Management Board at the Center level or its designee to grant a pay increase to an employee that is higher than the one generated by the compensation formula for that employee. Examples of employees who might warrant such consideration are those making extraordinary achievements or to provide accelerated compensation for a local intern.

9. Base Pay Increases and Bonuses

The amount of money available for performance payouts is divided into two components, base pay increases and bonuses. The base pay and bonus funds are based on the pay pool funding formula established annually. Once the individual performance amounts have been determined, the next step is to determine what portion of each payout will be in the form of a base pay increase as opposed to a bonus payment. The payouts made to employees from the pay pool may be a mix of base pay and bonus, such that all of the allocated funds are disbursed as intended. To continue to provide performance incentives while also ensuring cost discipline, base pay increases may be limited or capped. Certain employees will not be able to receive the projected base pay increase due to base pay caps. Base pay is capped when an employee reaches the maximum rate of pay in an assigned pay band, when the mid-point rule applies (see below) or when the Significant Accomplishment/Contribution rule applies (see below). Also, for employees receiving retained rates above the applicable payband maximum, the entire performance payout will be in the form of a bonus payment.

When capped, the total payout an employee receives will be in the form of a bonus versus the combination of base pay and bonus. Bonuses are cash payments and are not part of the basic pay for any purpose (e.g., lump sum payments of annual leave on separation, life insurance, and retirement). The maximum base pay rate under this demonstration project will be the unadjusted base pay rate of GS–15/Step 10, except for employees in Pay Band V of the E&S Occupational Family. In this case, the salary range is a minimum of 120 percent of the minimum rate of basic pay for GS–15 with a maximum rate of basic pay established at the rate of basic pay (excluding locality pay) for ES–4.

If the organization determines it is appropriate, it may re-allocate a portion (up to the maximum possible amount) of the unexpended base pay funds for capped employees to uncapped employees. This re-allocation will be determined by the Pay Pool Manager. Any dollar increase in an employee's project base pay increase will be offset, dollar for dollar, by an accompanying reduction in the employee's project bonus payment. Thus, the employee's total performance payout is unchanged.

10. Mid-Point Rule

To provide added performance incentives as an employee progresses through a pay band, a mid-point rule will be used to determine base pay increases. The mid-point rule dictates that any employee must receive a score of 30 or higher for their base pay to cross the salary midpoint of their pay band. Also, once an employee's base pay exceeds the salary midpoint of their band, the employee must receive a score of 30 or higher to receive any additional base pay increases. Any amount of an

employee's performance payout, not paid in the form of a base pay increase because of the mid-point rule, will be paid as a bonus. This rule effectively raises the standard of performance expected of an employee once the salary mid point of a band is crossed. This applies to all employees in every occupational family and pay band.

11. Significant Accomplishment/ Contribution Rule

The purpose of this rule is to maintain cost discipline while ensuring that employee payouts are in consonance with accomplishments and levels of responsibility. The rule will apply only to employees in E&S Band III whose base salary falls within the top 15 percent of the band. For employees meeting these criteria, the following provisions will apply:

If an employee's score falls in the top third of scores received in his/her pay pool, he/she will receive the full allowable base pay increase portion of the performance payout. The balance of the payout will be paid as a lump sum bonus.

If an employee's score falls in the middle third of scores received in his/her pay pool, the base pay increase portion will not exceed 1% of base salary. The balance of the payout will be paid as a lump sum bonus.

If an employee's appraisal score falls in the bottom third of scores received in his/her pay pool, the full payout will be paid as a lump sum bonus.

12. Awards

To provide additional flexibility in motivating and rewarding individuals and groups, some portion of the performance award budget will be reserved for special acts and other categories as they occur. Awards may include, but are not limited to, special acts, patents, suggestions, on the spot, and time-off. The funds available to be used for awards are separately funded within the constraints of the organization's overall award budget.

While not directly linked to the pay for performance system, this additional flexibility is important to encourage outstanding accomplishments and innovation in accomplishing the diverse mission of the CECOM RDE organizations. Additionally, to foster and encourage teamwork among its employees, organizations may give group awards. Under the demonstration project, a team may elect to distribute such awards among themselves. Thus, a team leader or supervisor may allocate a sum of money to a team for outstanding performance, and the team may decide the individual distribution of the total dollars among themselves. The Commanding General, CECOM will have the authority to grant special act awards to covered employees of up to $10,000 IAW the criteria of AR 672–20, Incentive Awards.

13. General Pay Increase

Employees, who are on a PIP at the time pay determinations are made, do not receive performance payouts or the General Pay Increase. An employee that receives an unacceptable rating of record will not receive any portion of the General Pay Increase or RIF service credit until such time as their performance improves to the acceptable level and remains acceptable for at least 90 days. When the employee has performed acceptably for at least 90 days, the General Pay Increase will be granted at the beginning of the next pay period after the supervisor authorizes its payment.

These actions may result in a base salary that is identified in a lower pay band. This occurs because the minimum rates of basic pay in a pay band increases as the result of the General Pay Increase (5 U.S.C. 5303). This situation (a reduction in band level with no reduction in pay) will not be considered an adverse action, nor will band retention provisions apply.

14. Reverse Feedback

Employee feedback to supervisors is considered essential for the success of the Pay for Performance System. A feedback instrument for subordinates to anonymously evaluate the effectiveness of their supervisors is being developed and shall be implemented as part of the demonstration project. Supervisors and their managers will be provided the results of that feedback in a format that does not identify individual raters or ratings. The data will be aggregated into a summary and used to establish both personal and organizational performance development goals. The use of this type of instrument will help focus attention on desired leadership behaviors, structure the feedback in a constructive manner, and offset the power imbalance that often prevents supervisors from getting useful feedback from their employees.

15. Grievances and Disciplinary Actions

An employee may grieve the performance rating /score received under the PFP system. Non-bargaining unit employees, and bargaining unit employees covered by a negotiated grievance procedure, which does not permit grievances over performance ratings, must file under administrative grievance procedures. Bargaining unit employees, whose negotiated grievance procedures cover performance-rating grievances must file under those negotiated procedures.

Except where specifically waived or modified in this plan, adverse action procedures under 5 CFR part 752 remain unchanged.

D. Hiring Authority

1. Qualifications

The qualifications required for placement into a position in a pay band within an occupational family will be determined using the OPM Qualification Standards Handbook for General Schedule (GS) positions. Since the pay bands are anchored to the GS grade levels, the minimum qualification requirements for a position will be the requirements corresponding to the lowest GS grade incorporated into that pay band. For example, for a position in the E&S occupational family, Pay Band II individuals must meet the basic requirements for a GS–5 as specified in the qualification standard for Professional and Scientific Positions.

Selective factors may be established for a position in accordance with the OPM Qualification Standards Handbook, when determined to be critical to successful job performance. These factors will become part of the minimum requirements for the position and applicants must meet them in order to be eligible. If used, selective factors will be stated as part of the qualification requirements in vacancy announcements and recruiting bulletins.

2. Delegated Examining

Competitive service positions with the CECOM RDE Demonstration Project will be filled through Merit Staffing or under Delegated Examining. The ''Rule of Three'' will be eliminated. When there are no more than 15 qualified applicants and no preference eligibles, all eligible applicants are immediately referred to the selecting official without rating and ranking. Rating and ranking will be required only when the number of qualified candidates exceeds 15 or there is a mix of preference and non-preference applicants. Statutes and regulations covering veterans' preference will be observed in the selection process and when rating and ranking are required. If the candidates are rated and ranked, a random number selection method using the application control number will be used to determine which applicants will be referred when scores are tied after the rating process. Veterans will be referred ahead of non-veterans within the same score.

3. Legal Authority

For actions taken under the auspices of the Demonstration Project, the legal authority, Public Law 103–337 will be used. For all other actions, the CECOM RDE organizations will continue to use the nature of action codes and legal authority codes prescribed by OPM, DoD or DA.

4. Revisions to Term Appointments

The CECOM RDE organizations conduct a variety of projects that range from three to six years. The current four-year limitation on term appointments often forces the termination of term employees prior to completion of projects they were hired to support. This disrupts the research and development process and affects the organization's ability to accomplish the mission and serve its customers.

CECOM RDE organizations will continue to have career and career conditional appointments and temporary appointments not to exceed one year. These appointments will use existing authorities and entitlements. Under the demonstration project, CECOM RDE organizations will have the added authority to hire individuals under a modified term appointment. These appointments will be used to fill positions for a period of more than one year, but not more than a total of five years when the need for an employee's services is not permanent. The modified term appointments differ from term employment as described in 5 CFR part 316 in that they may be made for a period not to exceed five, rather than four years. RDE Directors are authorized to extend a term appointment one additional year.

Employees hired under the modified term appointment authority are in a non-permanent status, but may be eligible for conversion to career-conditional appointments. To be converted, the employee must (1) have been selected for the term position under competitive procedures, with the announcement specifically stating that the individual(s) selected for the term position may be eligible for conversion to a career-conditional appointment at a later date; (2) have served two years of continuous service in the term position; (3) be selected under merit promotion procedures for the permanent position; and (4) be performing at the acceptable level of performance with a current score of 30 or greater.

Employees serving under regular term appointments at the time of conversion to the demonstration project will be converted to the new modified term appointments provided they were hired for their current positions under competitive procedures. These employees will be eligible for conversion to career-conditional appointments if they (1) have served two years of continuous service in the term position; (2) are selected under merit promotion procedures for the permanent position; and (3) are performing at the acceptable level of performance with a current score of 30 or greater (or equivalent if not yet rated under the demonstration project). Time served in term positions prior to conversion to the modified term appointment is creditable, provided the service was continuous. Employees serving under modified term appointments under this plan will be covered by the plan's pay for performance system.

5. Extended Probationary Period

The current one year probationary period will be extended to three years for all newly hired permanent career-conditional employees in the Engineering and Science occupational family. The purpose of extending the probationary period is to allow supervisors an adequate period of time to fully evaluate an employee's ability to complete a cycle of work and to fully assess an employee's contribution and conduct. The three-year probationary period will apply only to new hires subject to a probationary period.

If a probationary employee's performance is determined to be satisfactory at a point prior to the end of the three year probationary period, a supervisor has the option of ending the probationary period at an earlier date, but not before the employee has completed one year of continuous service. If the probationary period is terminated before the end of the three-year period, the immediate supervisor will provide written reasons for his/her decision to the next level of supervision for concurrence prior to implementing the action. Aside from extending the time period for all newly hired permanent career-conditional employees in the Engineering and Science occupational family, all other features of the current probationary period are retained including the potential to remove an employee without providing the full substantive and procedural rights afforded a non-probationary employee. Any employee appointed prior to the implementation date will not be affected.

6. Termination of Probationary Employees

Probationary employees may be terminated when they fail to demonstrate proper conduct, technical competency, and/or acceptable performance for continued employment. When a supervisor decides to terminate an employee during the probationary period because his/her work performance or conduct is unacceptable, the supervisor shall terminate the employee's services by written notification stating the reasons for termination and the effective date of the action. The information in the notice shall at a minimum, consist of the supervisor's conclusions as to the inadequacies of his/her performance or conduct, or those conditions arising prior to appointment that support the termination.

7. Supervisory Probationary Periods

Supervisory probationary periods will be made consistent with 5 CFR 315. Employees that have successfully completed the initial probationary period will be required to complete an additional one-year probationary period for initial appointment to a supervisory position. If, during this probationary period, the decision is made to return the employee to a non-supervisory position for reasons related to supervisory performance, the employee will be returned to a comparable position of no lower pay than the position from which they were promoted or reassigned.

8. Volunteer Emeritus Corps

Under the demonstration project, RDE Directors will have the authority to offer retired or separated employees voluntary positions. Voluntary Emeritus Corps assignments are not considered employment by the Federal government (except for purposes of injury compensation). Thus, such assignments do not affect an employee's entitlement to buyouts or severance payments based on an earlier separation from Federal service.

The Voluntary Emeritus Corps will ensure continued quality services while reducing the overall salary line by allowing higher paid employees to accept retirement incentives with the opportunity to retain a presence in the RDE community. The program will be beneficial during manpower reductions as employees accept retirement and return to provide a continuing source of corporate knowledge and valuable on-the-job training or mentoring to less-experienced employees.

To be accepted into the emeritus corps, a volunteer must be recommended by an RDE manager to a directorate director. Everyone who applies is not entitled to an emeritus position. The responsible director must

document acceptance or rejection of the applicant. If accepted, the documentation must be retained throughout the assignment. If rejected, documentation will be maintained for two years.

To ensure success and encourage participation, the volunteer's federal retirement pay (whether military or civilian) will not be affected while serving in a voluntary capacity. Retired or separated federal employees may accept an emeritus position without a break or mandatory waiting period.

Voluntary Emeritus Corps volunteers will not be permitted to monitor contracts on behalf of the government or to participate on any contracts or solicitations where a conflict of interest exists. The volunteers may be required to submit a financial disclosure form annually. The same rules that currently apply to source selection members will apply to volunteers.

An agreement will be established between the volunteer, the responsible director, and the Civilian Personnel Operations Center (CPOC). The agreement must be finalized before the assumption of duties and shall include:

(a) A statement that the voluntary assignment does not constitute an appointment in the Civil Service, is without compensation, and the volunteer waives any claims against the Government based on the voluntary assignment;

(b) A statement that the volunteer will be considered a federal employee only for the purpose of injury compensation;

(c) The volunteer's work schedule;

(d) Length of agreement (defined by length of project or time defined by weeks, months, or years);

(e) Support provided by the organization (travel, administrative support, office space, and supplies);

(f) A statement of duties;

(g) A statement providing that no additional time will be added to a volunteer's service credit for such purposes as retirement, severance pay, and leave as a result of being a volunteer;

(h) A provision allowing either party to void the agreement with 2 working days written notice;

(i) The level of security access required by the volunteer (any security clearance required by the position will be managed by the employing organization;

(j) The provision that any publication(s) resulting from his/her work will be submitted to the RDE Center Directors for review and approval;

(k) A statement that he/she accepts accountability for loss or damage to Government property occasioned by his/her negligence or willful action;

(l) A statement that his/her activities on the premises will conform to the regulations and requirements of the organization;

(m) A statement that he/she will not release any sensitive or proprietary information without the written approval of the employing organization and further agrees to execute additional non-disclosure agreements as appropriate, if required, by the nature of the anticipated services; and,

(n) A statement that he/she agrees to disclose any inventions made in the course of work performed at the RDEC/SEC. The RDE Center Directors have the option to obtain title to any such invention on behalf of the U.S. Government. Should the RDE Center Directors elect not to take title, the RDE Centers/ISEC shall at a minimum retain a non-exclusive, irrevocable, paid up, royalty-free license to practice or have practiced the invention worldwide on behalf of the U.S. Government.

Exceptions to the provisions in this procedure may be granted by the RDE Center Directors on a case by case basis.

E. Internal Placement and Pay Setting

1. Promotions

A promotion is the movement of an employee to a higher pay band in the same occupational family or to another pay band in a different occupational family, wherein the band in the new family has a higher maximum salary than the band from which the employee is moving. The move from one band to another must result in an increase in the employee's salary to be considered a promotion. Positions with known promotion potential to a specific band within an occupational family will be identified when they are filled. Not all positions in an occupational family will have promotion potential to the same band. Movement from one occupational family to another will depend upon individual knowledge, skills, and abilities, qualifications and needs of the organization. Supervisors may consider promoting employees at any time since promotions are not tied to the pay for performance system. Progression within a pay band is based upon performance pay increases; as such, these actions are not considered promotions and are not subject to the provisions of this section. Except as specified below, promotions will be processed under competitive procedures in accordance with merit principles and requirements and the local merit promotion plan.

To be promoted competitively or non-competitively from one band to the next, an employee must meet the minimum qualifications for the job and have a current performance rating , the employee will be treated the same as an employee with an ''acceptable'' rating as long as there is no known adverse performance information.

The following actions are excepted from competitive procedures:

(a) Re-promotion to a position which is in the same pay band or GS equivalent and occupational family as the employee previously held on a permanent basis within the competitive service.

(b) Promotion, reassignment, demotion, transfer or reinstatement to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service.

(c) A position change permitted by reduction in force procedures.

(d) Promotion without current competition when the employee was appointed through competitive procedures to a position with a documented career ladder.

(e) A temporary promotion, or detail to a position in a higher pay band, of 180 days or less.

(f) A promotion due to the reclassification of positions based on accretion (addition) of duties.

(g) A promotion resulting from the correction of an initial classification error or the issuance of a new classification standard.

(h) Consideration of a candidate who did not receive proper consideration in a competitive promotion action.

(i) Impact of person in the job and Factor IV process (application of the Research Grade Evaluation Guide, Equipment Development Grade Evaluation Guide, Part III, or similar guides) promotions.

2. Supervisory and Team Leader Pay Adjustments

Supervisory and team leader pay adjustments may be approved by the RDE Center Directors and the ISEC Commander based on the recommendation of the Personnel Management Board at the Center level to compensate employees with supervisory or team leader responsibilities. Only employees in supervisory or team leader positions as defined by the OPM GS Supervisory Guide or GS Leader Grade Evaluation Guide may be considered for the pay adjustment. These pay adjustments are funded separately from Performance Pay Pools. These pay adjustments are increases to the basic rate of pay, ranging up to 10 percent of that pay rate for supervisors and up to

5 percent of that pay rate for team leaders. Pay adjustments are subject to the constraint that the adjustment may not cause the employee's basic rate of pay to exceed the pay band maximum rate. Criteria to be considered in determining the pay increase percentage include: (1) Needs of the organization to attract, retain, and motivate high quality supervisors/team leaders; (2) budgetary constraints; (3) years and quality of related experience; (4) relevant training; (5) performance appraisals and experience as a supervisor/team leader; (6) organizational level of position; and (7) impact on the organization. The pay adjustment will not apply to employees in Pay Band V of the E&S Occupational Family.

Conditions, after the date of conversion into the demonstration project, under which the application of a pay adjustment may be considered, are as follows:

(1) New hires into supervisory/team leader positions will have their initial rate of base pay set at the supervisor's discretion within the pay range of the applicable pay band. This rate of pay may include a pay adjustment determined by using the ranges and criteria outlined above.

(2) A career employee selected for a supervisory/team leader position that is within the employee's current pay band may also be considered for a pay adjustment. If a supervisor/team leader is already authorized a pay adjustment and is subsequently selected for another supervisor/team leader position, within the same pay band, then the pay adjustment will be re-determined.

Supervisors/team leaders, upon initial conversion into the demonstration project into the same or substantially similar position, will be converted at their existing basic rate of pay and will not be eligible for a pay adjustment.

The supervisor/team leader pay adjustment will be reviewed annually, with possible increases or decreases based on the appraisal scores for the performance elements Team/Project Leadership and Supervision/EEO. The initial dollar amount of a pay adjustment will be removed when the employee voluntarily leaves the position. The cancellation of the adjustment under these circumstances is not an adverse action and is not subject to appeal. If an employee is removed from a supervisory/team leader position for personal cause (performance or conduct), the adjustment will be removed under adverse action procedures. However, if an employee is removed from a non-probationary supervisory/team leader position for conditions other than voluntary or for personal cause, then the grade and pay retention provisions of 5 CFR part 536 will prevail where ''pay band level'' is substituted for ''grade.''

3. Supervisory/Team Leader Pay Differentials

Supervisory and team leader pay differentials may be used, by RDE Center Directors and the Commander ISEC, to provide an incentive and reward supervisors and team leaders as defined by the OPM GS Supervisory Guide and GS Leader Grade Evaluation Guide. Pay differentials are not funded from Performance Pay Pools. A pay differential is a cash incentive that may range up to 10 percent of base pay for supervisors and up to 5 percent of base pay for team leaders. It is paid on a pay period basis with a specified not-to-exceed (NTE) of one year or less and is not included as part of the base pay. Criteria to be considered in determining the amount of the pay differential are the same as those identified for Supervisory/Team Leader Pay Adjustments. The pay differential will not apply to employees in Pay Band V of the E&S occupational family.

The pay differential may be considered, either during conversion into or after initiation of the demonstration project, if the supervisor/team leader has subordinate employees in the same pay band. The differential must be terminated if the employee is removed from a supervisory/team leader position, regardless of cause.

After initiation of the demonstration project, all personnel actions involving a supervisory/team leader differential will require a statement signed by the employee acknowledging that the differential may be terminated or reduced at the discretion of the RDE Center Directors or the Commander ISEC. The termination or reduction of the differential is not an adverse action and is not subject to appeal.

4. Pay Administration

Pay administration policies will be established by the RDE Personnel Management Board, which conform to basic governmental pay fixing policy; however, these policies will be exempt from Army Regulations or CECOM local pay fixing policies. Upon initial appointment, the individual's pay may be set anywhere within the band level consistent with the special qualifications of the individual and the unique requirements of the position. These special qualifications may be in the form of education, training, experience, or any combination thereof that is pertinent to the position in which the employee is being placed. Guidance on hiring salaries will be established by the RDE Personnel Management Board.

CECOM RDE organizations may make full use of recruitment, retention and relocation payments as currently provided for by OPM.

Highest Previous Rate (HPR) will be considered in placement actions authorized under rules similar to the HPR rules in 5 CFR 531.203 (c) and (d). Use of HPR will be at the supervisor's discretion, but if used are subject to policies established by the RDE Personnel Management Board. The pay retention provisions of 5 U.S.C. 5363 and 5 CFR 536.101 will apply to this plan except where waived or modified as specified in the waiver section. RDE Center Directors may also grant pay retention to employees who meet general eligibility requirements, but do not have specific entitlement by law, provided they are not specifically excluded.

5. Pay and Compensation Ceilings

An employee's total monetary compensation paid in a calendar year may not exceed the basic pay of level I of the Executive Schedule consistent with 5 U.S.C. 5307 and 5 CFR Part 530 Subpart B. In addition, each pay band will have its own pay ceiling, just as grades do in the current system. Pay rates for the various pay bands will be directly keyed to the GS rates, except the maximum range for Pay Band V of the Engineer and Scientist occupational family which cannot exceed ES–4. Basic pay will be limited to the maximum rates payable for each pay band, except for retained rates.

6. Pay Setting for Promotion

The minimum basic pay increase upon promotion to a higher pay band will be 6 percent or the minimum rate of the new pay band, whichever is greater. The maximum amount of pay increases will not exceed $10,000, or other such amount as established by the RDE Personnel Management Board.

When a temporary promotion is terminated, the employee's pay entitlements will be re-determined based on the employee's position of record, with appropriate adjustments to reflect pay events during the temporary promotion, subject to the specific policies and rules established by the RDE Personnel Management Board. In no case may those adjustments increase the pay for the position of record beyond the applicable pay range maximum rate.

7. Pay Setting for Demotion or Placement in a Lower Pay Band

A demotion is a placement into a lower pay band within the same occupational family or placement into a pay band in a different occupational family with a lower salary. Demotions may be for cause (performance or conduct) or for reasons other than cause (e.g., erosion of duties, reclassification of duties to a lower pay band, application under competitive announcements or at the employee's request, or placement actions resulting from RIF procedures). Employees demoted for cause are not entitled to pay retention. Employees demoted for reasons other than cause may be entitled to pay retention in accordance with pay fixing policies.

Employees who receive an unacceptable rating or who are on a performance improvement plan at the time pay determinations are made, do not receive performance payouts or the general pay increase. This action may result in a base salary that is identified in a lower pay band. This occurs because the minimum rates of basic pay in a pay band increase as the result of the general pay increase (5 U.S.C. 5303). This situation, (a reduction in band level with no reduction in pay) will not be considered an adverse performance based action, nor will band retention provisions apply.

8. Staffing Supplements

Employees assigned to occupational series and geographic areas covered by special rates will be eligible for a staffing supplement if the maximum adjusted rate for the banded GS grades to which assigned is a special rate that exceeds the maximum GS locality rate for the banded grades. The staffing supplement is added to the base pay, much like locality rates are added to base pay. The employee's total pay immediately after implementation of the demonstration project will be the same as immediately before the demonstration project, but a portion of the total will be in the form of a staffing supplement. Adverse action and pay retention provisions will not apply to the conversion process, as there will be no change in total salary. Upon conversion, the demonstration base rate will be established by dividing the employee's old GS adjusted rate (the higher of special rate or locality rate) by the staffing factor. The staffing factor will be determined by dividing the maximum special rate for the banded grades by the GS unadjusted rate corresponding to that special rate (step 10 of the GS rate for the same grade as the special rate). The employee's demonstration staffing supplement is derived by multiplying the demonstration base rate by the staffing factor minus one. So the employee's final demonstration special staffing rate equals the demonstration base rate plus the special staffing supplement; this amount will equal the employee's former GS adjusted rate.

Simplified, the formula is this:

$$\text{Staffing factor} = \frac{\text{Maximum Special Rate for the banded grades}}{\text{GS rate corresponding to that special rate}}$$

$$\text{Demonstration base rate} = \frac{\text{Old GS adjusted rate (special or locality rate)}}{\text{Staffing factor}}$$

$$\text{Staffing Supplement} = \text{demonstration base rate} \times (\text{staffing factor} - 1)$$

$$\text{Salary upon conversion} = \text{demonstration base rate} + \text{staffing supplement (sum will equal existing rate)}$$

9. Application of Future Special Salary Rates

The Office of Personnel Management (OPM) may approve special salary rates (SSR) that would apply to a group of employees already converted to the demonstration project pay band structure if those employees remained in the General Schedule. If such a special rate is established, the pay of equivalent demonstration project employees would be reviewed and may be adjusted as appropriate to accommodate the salary increase. An increase provided under this authority is not an equivalent increase, as defined by 5 CFR 531.403.

10. Simplified Assignment Process

Today's environment of downsizing and workforce fluctuations mandates that the organization have maximum flexibility to assign duties and responsibilities to individuals. Pay banding can be used to address this need, as it enables the organization to have maximum flexibility to assign an employee with no change in basic pay, within broad descriptions, consistent with the needs of the organization, and the individual's qualifications and rank and level. Subsequent assignments to projects, tasks, or functions anywhere within the organization requiring the same level and area of expertise, and qualifications would not constitute an assignment outside the scope or coverage of the current position description. For instance, a technical expert can be assigned to any project, task, or function requiring similar technical expertise. Likewise, a manager could be assigned to manage any similar function or organization consistent with that individual's qualifications. This flexibility allows broader latitude in assignments and further streamlines the administrative process and system.

11. Details

Under this plan employees may be detailed to a position in the same band (requiring a different level of expertise and qualifications) or lower pay band (or its equivalent in a different occupational family) for up to one year. Details may be implemented through an official personnel action to cover the one-year period. Details to a position in a higher pay band up to 180 days will be made non-competitively. Beyond 180 days requires competitive procedures.

F. Employee Development

1. Expanded Developmental Opportunity Program

The Expanded Developmental Opportunity Program will be available to all demonstration project employees. Expanded developmental opportunities complement existing developmental opportunities such as long-term training, rotational job assignments,

developmental assignments to AMC/Army/DoD and self directed study via correspondence courses and local colleges and universities. Each developmental opportunity must result in a product, service, report or study that will benefit the RDE or customer organization as well as increase the employee's individual effectiveness. The developmental opportunity period will not result in loss of (or reduction) in basic pay, leave to which the employee is otherwise entitled, or credit for service time. The positions of employees on expanded developmental opportunities may be back-filled (i.e., with temporarily assigned, detailed or promoted employees or with term employees). However, that position or its equivalent must be made available to the employee upon return from the expanded developmental opportunity. The RDE Personnel Management Board will provide written guidance for employees on application procedures and develop a process that will be used to review and evaluate applicants for development opportunities.

a. *Sabbaticals.* RDE Center Directors will have the authority to grant paid or unpaid sabbaticals to all career employees. The purpose of a sabbatical will be to permit employees to engage in study or uncompensated work experience that will benefit the organization and contribute to the employee's development and effectiveness. Each sabbatical must result in a product, service, report, or study that will benefit the CECOM RDE mission as well as increase the employee's individual effectiveness. Various learning or developmental experiences may be considered, such as advanced academic teaching; study; research; self-directed or guided study; and on-the-job work experience with public, private, commercial, or private non-profit organization.

Paid sabbaticals of up to 12 months in duration and unpaid sabbaticals of up to 6 months in a calendar year may be granted to an employee in any 7-year period. Employees will be eligible to request a sabbatical after completion of seven years of Federal service. Employees approved for a paid sabbatical must sign a service obligation agreement to continue in service in the CECOM RDE for a period of three times the length of the sabbatical. If an employee voluntarily leaves the CECOM RDE organization before the service obligation is completed he/she is liable for repayment of expenses associated with training during the sabbatical such as, registration fees, tuition and matriculation fees, library and laboratory fees, purchase or rental of books, materials, supplies, travel, per diem, and miscellaneous other related training program costs. Expenses do not include salary costs. The RDE Center Directors have the authority to waive this requirement.

Specific procedures will be developed for processing sabbatical applications upon implementation of the demonstration project.

b. *Critical Skills Training (Training for Degrees).* Training is an essential component of an organization that requires continuous acquisition of advanced and specialized knowledge. Degree training is also a critical tool for recruiting and retaining employees with or requiring critical skills. Constraints under current law and regulation limit degree payment to shortage occupations. In addition, current government-wide regulations authorize payment for degrees based only on recruitment or retention needs. Degree payment is not permitted for non-shortage occupations involving critical skills.

The CECOM RDE organizations are expanding the authority to provide degree payment for non-shortage occupations for purposes of meeting critical skill requirements, to ensure continuous acquisition of advanced specialized knowledge essential to the organization, and to recruit and retain personnel critical to the present and future requirements of the organization. Degree or certificate payment may not be authorized where it would result in a tax liability for the employee without the employee's express and written consent. Any variance from this policy must be rigorously determined and documented. Guidelines will be developed to ensure competitive approval of degree payment and that such decisions are fully documented. Employees approved for degree training must sign a service obligation agreement to continue in service in a CECOM RDE organization for a period of three times the length of the training period. If an employee voluntarily leaves the CECOM RDE organization before the service obligation is completed he/she is liable for repayment. The repayment amount will be based on the additional expenses or direct costs of the training such as, registration fees, tuition and matriculation fees, library and laboratory fees, purchase or rental of books, materials, supplies, travel, per diem, and miscellaneous other related training program costs. The RDE Center Directors have the authority to waive this requirement.

G. Reduction-in-Force (RIF) Procedures

RIF procedures will be used when a CECOM RDE employee faces separation or downgrading due to lack of work, shortage of funds, reorganization, insufficient personnel ceiling, the exercise of re-employment or restoration rights, or furlough for more than 30 calendar days or more than 22 discontinuous days. The procedures in 5 CFR 351 will be followed with slight modifications pertaining to the competitive areas, assignment rights, the calculation of adjusted service computation date and grade/pay retention. Modified term appointment employees are in Tenure Group III for RIF purposes. RIF procedures are not required when separating these employees when their appointments expire.

1. Competitive Areas

Separate competitive areas for RIF purposes will be established at each geographic location. Separate RIF competitive areas for demo and non-demo employees will be established at each geographic location. Bumps and retreats will occur only within the same competitive area and only to positions for which the employee meets all qualification standards including medical and/or physical qualifications.

Within each competitive area, competitive levels will be established based on the occupational family, pay band and series which are similar enough in duties and qualifications that employees can perform the duties and responsibilities of any other position in the competitive level upon assignment to it, without any loss of productivity beyond what is normally expected.

2. Assignment Rights

An employee may displace another employee by bump or retreat to one band below the employee's existing band. A preference eligible with a compensable service-connected disability of 30 percent or more may retreat to positions two bands (or equivalent to five grades) below his/her current band.

3. Crediting Performance in Reductions in Force (RIF)

Reductions in force are accomplished using the existing procedures with the retention factors of: Tenure, veteran's preference and length of service as adjusted by performance ratings, in that order. However, the additional RIF service credit for performance will be based on the last three total performance scores during the preceding 4 years and will be applied as follows:

Total Performance Scores = Years of Service Credit
48–50 = 10
45–47 = 9

42–44 = 8
39–41 = 7
36–38 = 6
33–35 = 5
30–32 = 4
27–29 = 3
24–26 = 2
20–23 = 1

A score of below 20 adds no credit for RIF retention.

(**Note:** The additional years of service credit are added, not averaged. Ratings given under non-demonstration systems will be converted to the demonstration-rating scheme and provided the equivalent rating credit.)

Employees who have been rated under different patterns of summary rating levels will receive RIF appraisal credit based on the following:

If there are any ratings to be credited for the RIF given under a rating system, which includes one or more levels above fully successful (Level 3), employee will receive:

10 years for Level 5
7 years for Level 4
3 years for Level 3

If an employee comes from a system with no levels above Fully Successful (Level 3), they will receive credit based on the demonstration project's modal score for the employee's competitive area.

In some cases, an employee may not have three (3) ratings of record. If an employee has less than three annual ratings of record, then for each missing rating, an average of the scores received for the past four years will be used. When the score is calculated to be a decimal, it should be rounded to the next higher whole number using the method described in paragraph III.C.4. For an employee who has no ratings of record, all credit will be based on the repeated use of a single modal rating from the most recently completed appraisal period on record.

An employee who has received a written decision that their performance is unacceptable has no bump or retreat rights. Employees who have been demoted for unacceptable performance, and as of the date of the issuance of the RIF notice have not received a performance rating in the position to which demoted, will receive the same additional retention service credit granted for a level 3 rating or record. An employee who has received an acceptable rating following a PIP will have that rating considered as the current rating of record.

An employee with a current unacceptable rating of record has assignment rights only to a position held by another employee who has an unacceptable rating of record.

4. Grade and Pay Retention

Except where waived or modified by this plan, grade and pay retention will follow current law and regulations, (e.g. occupational family pay bands will substitute for grade).

IV. Implementation Training

Critical to the success of the demonstration project is the training developed to ensure understanding of the broad concepts and finer details needed to implement and successfully execute this project. Pay banding, a new job classification and performance management system all represent a significant cultural change to the organization. Training will be tailored to fit the requirements of every employee and will fully address employee concerns to ensure a comprehensive understanding of the program. Training will be required both prior to implementation and at various times during the life of the demo.

A training program will begin not later than 90 days prior to implementation and will include modules tailored for employees, supervisors, senior managers, and administrative staff. Typical modules are:

An Overview of the Personnel System
How Employees are converted into and out of the System
Pay Banding
The Pay for Performance system
Defining Performance Objectives
How to Assign Weights
Assessing Performance—Giving Feedback
New Position Descriptions
Demonstration Project Administration and Formal Evaluation

Various types of training are being considered including, videos, on-line tutorials, chain teaching and train the trainer concepts.

V. Conversion

A. Conversion to the Demonstration Project

Initial entry into the demonstration project will be accomplished through a full employee-protection approach that ensures each employee an initial place in the appropriate pay band without loss of pay. Employees serving under regular term appointments at the time of the implementation of the demonstration project will be converted to the modified term appointment if all requirements in III.D.4. (Revisions to Term Appointments) have been satisfied. Position announcements, etc., will not be required for these term appointments.

Conversion from current GS/GM grade and pay into the new pay band system will be accomplished upon implementation of the demonstration project. Each employee's initial total salary under the demonstration project will equal the total salary received immediately before conversion. Special conversion rules apply to special rate employees, which are described in III.E.8. (Staffing Supplements). Employees who enter the demonstration project later by lateral reassignment or transfer will be subject to parallel pay conversion rules. If conversion into the demonstration project is accompanied by a geographic move, the employee's GS pay entitlements in the new geographic area must be determined before performing the pay conversion.

Employees who are covered by special salary rates prior to the demonstration project will no longer be considered a special rate employee under the demonstration project. These employees will, therefore, be eligible for full locality pay. The adjusted salaries of these employees will not change. Rather, the employees will receive a new basic pay rate computed by dividing their adjusted basic pay (higher of special rate or locality rate) by the locality pay factor for their area. A full locality adjustment will then be added to the new basic pay rate. Adverse action and pay retention provisions will not apply to the conversion process as there will be no change in total salary.

Employees who are on temporary promotions at the time of conversion will be converted to a pay band commensurate with the grade of the position to which temporarily promoted. At the conclusion of the temporary promotion, the employee will revert to the grade or pay band that corresponds to the position of record. When a temporary promotion is terminated, pay will be determined based on the position of record, with appropriate adjustments to reflect pay events during the temporary promotion, subject to the specific policies and rules established by the CECOM RDE. In no case may those adjustments increase the pay for the position of record beyond the applicable pay range maximum rate. The only exception will be if the original competitive promotion announcement stipulated that the promotion could be made permanent; in these cases, actions to make the temporary promotion permanent will be considered, and if implemented, will be subject to all existing priority placement programs.

During the first 12 months following conversion, employees will receive pay increases for non-competitive

promotion equivalents when the grade level of the promotion is encompassed within the same pay band, the employee's performance warrants the promotion and promotions would have otherwise occurred during that period. Employees who receive an in-level promotion at the time of conversion will not receive a prorated step increase equivalent as defined below.

Under the current pay structure, employees progress through their assigned grade in step increments. Since this system is being replaced under the demonstration project, employees will be awarded that portion of the next higher step they have completed up until the effective date of implementation. As under the current system, supervisors will be able to withhold these partial step increases if the employee's performance is below an acceptable level of competence.

Rules governing WGIs under the current Army performance plan will continue in effect until the implementation date. Adjustments to the employee's base salary for WGI equity will be computed effective the date of implementation to coincide with the beginning of the first formal PFP assessment cycle. WGI equity will be acknowledged by increasing base salaries by a prorated share based upon the number of weeks an employee has completed toward the next higher step. Payment will equal the value of the employee's next WGI times the proportion of the waiting period completed (weeks completed in waiting period/weeks in the waiting period) at the time of conversion. Employees at step 10, or receiving retained rates, on the day of implementation will not be eligible for WGI equity adjustments since they are already at or above the top of the step scale. Employees serving on retained grade will receive WGI equity adjustments provided they are not at step 10 or receiving a retained rate.

B. Conversion Out of the Demonstration Project

When a participating organization, or other substantial group of employees withdraws from the demonstration project before the end of the first annual appraisal cycle for that organization, the affected employees will normally return to the same positions (i.e., same grade, series, duties, responsibilities, and qualifications) that these employees encumbered before they were placed into the demonstration. The beginning date of the next within-grade increase (WGI) waiting period will be the effective date of the organization's termination of participation in the demonstration. When appropriate, these employees will be provided pay retention per the conversion procedures below. For example, before the demonstration, consider a situation in which one employee previously held a GS–15 official position of record, and a second employee held a GS–14 official position of record. In the demonstration both employees were on the same generic official position description. After conversion from the demonstration back to the former system, the GS–15 employee is returned to a GS–15 official position of record, while the second employee is returned to the same GS–14 official position of record that the employee held before the demonstration, even though the GS–14 employee may be receiving retained pay based on a GS–15 rate determined by application of the pay administration provisions of the conversion out procedure, below. Exceptions to the above: (1) Employees who have been permanently assigned to a higher payband than the payband to which assigned upon entry into the demonstration project, will exit the project under normal conversion rules (for example, the employee who has been permanently promoted while in the project would exit under the normal conversion out procedures); (2) employees who enter the project under an initial appointment to the Federal government would exit the project under the normal conversion out rules, since they had not occupied a General Schedule position upon which to return; (3) employees who move into the demonstration project after the initial organizational conversion into the project also would have their pay set in accordance with the normal conversion out rules; and (4) cases that present similar anomalies should be referred to the demonstration project office for advice and assistance.

When a participating organization withdraws from the demonstration project after the end of the first annual appraisal cycle for that organization, management shall apply the normal conversion rules for determining an employee's converted GS grade and pay rate. The converted GS grade and pay rate are deemed to be in effect immediately before the employee leaves the demonstration project for the purpose of setting the employee's pay in the new GS position. Care must be taken to ensure that the resulting GS positions are accurately described and properly classified.

If a demonstration project employee is moving to a GS position not under the demonstration project, or if the project ends and each project employee must be converted back to the GS system, the following procedures will be used to convert the employee's project pay band to a GS-equivalent grade and the employee's project rate of pay to the GS-equivalent rate of pay. The converted GS grade and GS rate of pay must be determined before movement or conversion out of the demonstration project and any accompanying geographic movement, promotion, or other simultaneous action. For conversions upon termination of the project and for lateral reassignments, the converted GS grade and rate will become the employee's actual GS grade and rates after leaving the demonstration project (before any other action). For transfers, promotions, and other actions, the converted GS grade and rate will be used in applying any GS pay administration rules applicable in connection with the employee's movement out of the project (e.g., promotion rules, highest previous rate rules, pay retention rules), as if the GS converted grade and rate were actually in effect immediately before the employee left the demonstration project.

1. Grade-Setting Provisions

An employee in a pay band corresponding to a single GS grade is converted to that grade. An employee in a pay band corresponding to two or more grades is converted to one of those grades according to the following rules:

(a) The employee's adjusted rate of basic pay under the demonstration project (including any locality payment) is compared with step 4 rates in the highest applicable GS rate range. (For this purpose, a GS rate range includes a rate in (1) the GS base schedule, (2) the locality rate schedule for the locality pay area in which the position is located, or (3) the appropriate special rate schedule for the employee's occupational series, as applicable.) If the series is a two-grade interval series, only odd-numbered grades are considered below GS–11.

(b) If the employee's adjusted project rate equals or exceeds the applicable step 4 rate of the highest GS grade in the band; the employee is converted to that grade.

(c) If the employee's adjusted project rate is lower than the applicable step 4 rate of the highest grade, the adjusted rate is compared with the step 4 rate of the second highest grade in the employee's pay band. If the employee's adjusted rate equals or exceeds step 4 rate of the second highest grade, the employee is converted to that grade.

(d) This process is repeated for each successively lower grade in the band until a grade is found in which the

employee's adjusted project rate equals or exceeds the applicable step 4 rate of the grade. The employee is then converted at that grade. If the employee's adjusted rate is below the step 4 rate of the lowest grade in the band; the employee is converted to the lowest grade.

(e) Exception: If the employee's adjusted project rate exceeds the maximum rate of the grade assigned under the above-described step 4 rule but fits in the rate range for the next higher applicable grade (i.e., between step 1 and step 4), then the employee shall be converted to that next higher applicable grade.

(f) Exception: An employee will not be converted to a lower grade than the grade held by the employee immediately preceding a conversion, lateral reassignment, or lateral transfer into the project, unless since that time the employee has undergone a reduction in band.

2. Pay-Setting Provisions

An employee's pay within the converted GS grade is set by converting the employee's demonstration project rates of pay to GS rates of pay in accordance with the following rules:

(a) The pay conversion is done before any geographic movement or other pay-related action that coincides with the employee's movement or conversion out of the demonstration project.

(b) An employee's adjusted rate of basic pay under the project (including any locality payment or staffing supplement) is converted to a GS-adjusted rate on the highest applicable rate range for the converted GS grade. (For this purpose, a GS rate range includes a rate range in (1) the GS base schedule, (2) an applicable locality rate schedule, or (3) an applicable special rate schedule.)

(c) If the highest applicable GS rate range is a locality pay rate range, the employee's adjusted project rate is converted to a GS locality rate of pay. If this rate falls between two steps in the locality-adjusted schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay would be the GS base rate corresponding to the converted GS locality rate (i.e., same step position). (If this employee is also covered by a special rate schedule as a GS employee, the converted special rate will be determined based on the GS step position. This underlying special rate will be basic pay for certain purposes for which the employee's higher locality rate is not basic pay.)

(d) If the highest applicable GS rate range is a special rate range, the employee's adjusted project rate is converted to a special rate. If this rate falls between two steps in the special rate schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay will be the GS rate corresponding to the converted special rate (i.e., same step position).

(e) E&S Pay Band V Employees: An employee in Pay Band V of the E&S Occupational Family will convert out of the demonstration project at the GS–15 level. Procedures will be developed to ensure that employees entering Pay Band V understand that if they leave the demonstration project and their adjusted project pay exceeds the GS–15, Step 10 rate, there is no entitlement to retained pay. Their GS equivalent rate will be deemed to be the rate for GS–15, Step 10. For those Pay Band V employees paid below the adjusted GS–15, Step 10 rate, the converted rates will be set in accordance with paragraph b.

(f) Employees with Pay Retention: If an employee is receiving a retained rate under the demonstration project, the employee's GS-equivalent grade is the highest grade encompassed in his or her band level. OPM will prescribe a procedure for determining the GS-equivalent pay rate for an employee retaining a rate under the demonstration project.

3. Within Grade Increase—Equivalent Increase Determinations

Service under the demonstration project is creditable for within-grade increase purposes upon conversion back to the GS pay system. Performance pay increases (including a zero increase) under the demonstration project are equivalent increases for the purpose of determining the commencement of a within-grade increase waiting period under 5 CFR 531.405(b).

4. Personnel Administration

All personnel laws, regulations, and guidelines not waived by this plan will remain in effect. Basic employee rights will be safeguarded and merit principles will be maintained. Servicing CPOCs/CPACs will continue to process personnel-related actions and provide consultative and other appropriate services.

5. Automation

The CECOM RDE organizations will continue to use the Defense Civilian Personnel Data System (DCPDS) for the processing of personnel-related data. Payroll servicing will continue from the respective payroll offices.

Local automated systems will be developed to support computation of performance related pay increases and awards and other personnel processes and systems associated with this project.

6. Experimentation and Revision

Many aspects of a demonstration project are experimental. Modifications may be made from time to time as experience is gained, results are analyzed, and conclusions are reached on how the new system is working. The provisions of this project plan will not be modified, duplicated in organizations not listed in the project plan, or extended to individuals or groups of employees not included in the project plan without the approval of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy). ODASD(CPP) will inform DA of requirements for notification to stakeholders, which may include Congress, employees, labor organizations, and the public. The extent of notification requirements will depend on the nature and extent of the requested project modification. As a minimum, however, major changes and modifications will be published in the **Federal Register**.

VI. Project Duration

Public Law 103–337 removed any mandatory expiration date for this demonstration. CECOM, DA and DoD will ensure this project is evaluated for the first five years after implementation in accordance with 5 U.S.C. 4703. Modifications to the original evaluation plan or any new evaluation will ensure the project is evaluated for its effectiveness, its impact on mission and any potential adverse impact on any employee groups. Major changes and modifications to the interventions can be made through announcement in the **Federal Register** and would be made if formative evaluation data warranted. At the 5-year point, the demonstration will be reexamined for permanent implementation, modification and additional testing, or termination of the entire demonstration project.

VII. Evaluation Plan

A. Overview

Chapter 47 of 5 U.S.C. requires that an evaluation be performed to measure the effectiveness of the proposed demonstration project, and its impact on improving public management. A comprehensive evaluation plan for the entire demonstration program, originally covering 24 DoD laboratories, was developed by a joint OPM/DoD Evaluation Committee in 1995. This plan was submitted to the Office of Defense Research & Engineering and was subsequently approved. The main purpose of the evaluation is to

determine whether the waivers granted result in a more effective personnel system and improvements in ultimate outcomes (i.e. organizational effectiveness, mission accomplishment, and customer satisfaction).

B. Evaluation Model

Appendix D shows an intervention model for the evaluation of the demonstration project. The model is designated to evaluate two levels of organizational performance; intermediate and ultimate outcomes. The intermediate outcomes are defined as the results from specific personnel system changes and the associated waivers of law and regulation expected to improve human resource (HR) management (i.e. cost, quality, timeliness). The ultimate outcomes are determined through improved organizational performance, mission accomplishment, and customer satisfaction. Although it is not possible to establish a direct causal link between changes in the HR management system and organizational effectiveness, it is hypothesized that the new HR system will contribute to improved organizational effectiveness.

Organizational performance measures established by the organization, will be used to evaluate the impact of a new HR system on the ultimate outcomes. The evaluation of the new HR system for any given organization will take into account the influence of three factors on organizational performance: context, degree of implementation, and support of implementation. The context factor refers to the impact which intervening variables (i.e., downsizing, changes in mission, or the economy) can have on the effectiveness of the program. The degree of implementation considers: (1) The extent to which the proposed HR changes are given a fair trial period; (2) the extent to which the proposed changes are implemented; and (3) the extent to which the proposed changes conform to the HR interventions as planned. The support of implementation factor accounts for the impact that factors such as training, internal regulations and automated support systems have on the support available for program implementation. The support for program implementation factor can also be affected by the personal characteristics (e.g. attitudes) of individuals who are implementing the program.

The degree to which the project is implemented and operated will be tracked to ensure that the evaluation results reflect the project as it was intended. Data will be collected to measure changes in both intermediate and ultimate outcomes, as well as any unintended outcomes, which may happen as a result of any organizational change. In addition, the evaluation will track the impact of the project and its interventions on veterans and other EEO groups, the Merit Systems Principles, and the Prohibited Personnel Practices. Additional measures may be added to the model in the event that changes or modifications are made to the demonstration plan.

The intervention model at Appendix D will be used to measure the effectiveness of the personnel system interventions implemented. The intervention model specifies each personnel system change or ''intervention'' that will be measured and shows: (1) The expected effects of the intervention, (2) the corresponding measures, and (3) the data sources for obtaining the measures. Although the model makes predictions about the outcomes of specific intervention, causal attributions about the full impact of specific interventions will not always be possible for several reasons. For example, many of the initiatives are expected to interact with each other and contribute to the same outcomes. In addition, the impact of changes in the HR system may be mitigated by context variables (e.g. the job market, legislation, and internal support systems) or support factors (e.g. training, automation support systems).

C. Evaluation

A modified quasi-experimental design will be used for the evaluation of the S&T Personnel Demonstration Program. Because most of the eligible laboratories are participating in the program, a Title 5 U.S.C. comparison group will be compiled from the Civilian Personnel Data File (CPDF). This comparison group will consist of workforce data from Government-wide research organizations in civilian Federal agencies with missions and job series matching those in the DoD laboratories. This comparison group will be used primarily in the analysis of pay banding costs and turnover rates. The original ''China Lake'' project will serve as a second comparison group which can be used as a benchmark representing a stable pay banding system.

D. Method of Data Collection

Data from several sources will be used in the evaluation. Information from existing management information systems and from personnel office records will be supplemented with perceptual survey data from employees to assess the effectiveness and perception of the project. The multiple sources of data collection will provide a more complete picture as to how the interventions are working. The information gathered from one source will serve to validate information obtained through another source. In so doing, the confidence of overall findings will be strengthened as the different collection methods substantiate each other.

Both quantitative and qualitative data will be used when evaluating outcomes. The following data will be collected: (1) Workforce data; (2) personnel office data; (3) employee attitude surveys; (4) focus group data; (5) local site historian logs and implementation information; (6) customer satisfaction surveys; and (7) core measures of organizational performance.

The evaluation effort will consist of two phases, formative and summative evaluation, covering at least 5 years to permit inter- and intra-organizational estimates of effectiveness. The formative evaluation phase will include baseline data collection and analysis, implementation evaluation, and interim assessments. The formal reports and interim assessments will provide information on the accuracy of project operation, and current information on impact of the project on veterans and EEO groups, Merit System Principles, and Prohibited Personnel Practices. The summative evaluation will focus on an overall assessment of project outcomes after five years. The final report will provide information on how well the HR system changes achieved the desired goals, which interventions were most effective, and whether the results can be generalized to other Federal installations.

VIII. Demonstration Project Costs

A. Cost Discipline

An objective of the demonstration project is to ensure in-house budget discipline. A baseline will be established at the start of the project and salary expenditures will be tracked yearly. Implementation costs, including project development, automation costs, and step buy-out costs and evaluation costs are considered one-time costs and will not be included in the cost discipline.

The RDE Personnel Management Board will track personnel cost changes and recommend adjustments if required to achieve the objective of cost discipline.

B. Developmental Costs

Costs associated with the development of the personnel demonstration project include software

automation, training, and project evaluation. All funding will be provided through the organization's budget. The projected annual expenses are summarized in Table 1. Project evaluation costs are not expected to continue beyond the first 5 years unless the results warrant further evaluation.

TABLE 1.—PROJECTED DEVELOPMENTAL COSTS (THEN YEAR DOLLARS)

	FY 00	FY01	FY02	FY03	FY04
Training		150K	250K	50K	
Project Evaluation	47K	47K	47K	47K	47K
Automation		400K	400K		
Totals	47K	597K	697K	97K	47K

IX. Required Waivers to Law and Regulation

Public Law 103–398 gave the DoD the authority to experiment with several personnel management innovations. In addition to the authorities granted by the law, the following are waivers of law and regulation that will be necessary for implementation of the demonstration project. In due course, additional laws and regulations may be identified for waiver request.

The following waivers and adaptations of certain Title 5, U.S.C., provisions are required only to the extent that these statutory provisions limit or are inconsistent with the actions contemplated under this demonstration project. Nothing in this plan is intended to preclude the demonstration project from adopting or incorporating any law or regulation enacted, adopted, or amended after the effective date of this demonstration project.

A. Waivers to Title 5, U.S. Code

Chapter 31, Section 3111: Acceptance of Volunteer Service—Amended to allow for a Voluntary Emeritus corps in addition to student volunteers.

Chapter 31, Section 3132: The Senior Executive Service: Definitions and Exclusions

Chapter 33, Subchapter 1, Section 3318(a): Competitive Service, Selection from Certificate

Chapter 33, Section 3324: Appointments to Positions Classified Above GS–15

Chapter 33, Section 3341: Details. This waiver applies to the extent necessary to waive the time limits for details.

Chapter 41, Section 4107(a) and (b) (1) Restriction on Degree Training

Chapter 43, Section 4302: To the extent necessary to substitute ''pay band'' for ''grade''

Chapter 43, Section 4303: To the extent necessary to (1) substitute ''pay band'' for ''grade'' and (2) provide that moving to a lower pay band as a result of not receiving the general pay increase because of poor performance is not an action covered by the provisions of section 4303 (a)–(d).

Chapter 43, Section 4304(b)(1) and (3): Responsibilities of the OPM

Chapter 51, Sections 5101–5111, Classification

Chapter 53, Sections 5301, 5302(8) and (9), 5303 and 5304: Pay Comparability System-Sections 5301, 5302, and 5304 are waived only to the extent necessary to allow (1) demonstration project employees to be treated as General Schedule employees, (2) basic rates of pay under the demonstration project to be treated as scheduled rates of pay, and (3) employees in Pay Band V of the E&S Occupational Family to be treated as ST employees for the purposes of these provisions.

Chapter 53, Section 5305: Special Rates

Chapter 53, Sections 5331–5336: General Schedule Pay Rates:

Chapter 53, Sections 5361–5366 Grade and Pay Retention: This waiver applies only to the extent necessary to (1) replace ''grade'' with ''pay band''; (2) allow demonstration project employees to be treated as General Schedule employees; (3) provide that pay band retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced, to reductions in pay due solely to the removal of a supervisory pay adjustment upon voluntarily leaving a supervisory position; and to movements to a lower pay band as a result of not receiving the General Increase due to a rating of record of ''Unacceptable''; (4) provide that an employee on pay retention whose rating of record is ''Unacceptable'' is not entitled to 50 percent of the amount of the increase in the maximum rate of basic pay payable for the pay band of the employee's position; and (5) ensure that for employees of Pay Band V of the E&S occupational family, pay retention provisions are modified so that no rate established under these provisions may exceed the rate of basic pay for GS–15, step 10 (i.e., there is no entitlement to retained rate).

Chapter 55, Section 5542(a)(1)–(2): Overtime rates; computation. This waiver applies only to the extent necessary to provide that the GS–10 minimum special rate (if any) for the special rate category to which a project employee belongs is deemed to be the ''applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5542.

Chapter 55, Section 5545(d): Hazardous duty differential. This waiver applies only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees. This waiver does not apply to employees in Pay Band V of the E&S occupational family.

Chapter 55, Section 5547 (a)–(b): Limitation on premium pay. This waiver applies only to the extent necessary to provide that the GS–15 maximum special rate (if any) for the special rate category to which a project employee belongs is deemed to be the applicable special rate'' in applying the pay cap provisions in 5 U.S.C. 5547.

Chapter 57, Section 5753, 5754, and 5755: Recruitment and relocation, bonuses, retention allowances and supervisory differentials. (This waiver applies only to the extent necessary to allow (1) employees and positions under the demonstration project to be treated as employees and positions under the General Schedule and (2) employees in Pay Band V of the E&S occupational family to be treated as ST employees.)

Chapter 59, Section 5941: Allowances based on living costs and conditions of environment; employees stationed outside continental U.S. or Alaska. This waiver applies only to the extent necessary to provide that COLAs paid to employees under the demonstration project are paid in accordance with regulations prescribed by the President (as delegated to OPM).

Chapter 75, Section 7512(3): Adverse actions—This provision is waived only to the extent necessary to replace ''grade'' with ''pay band''.

Chapter 75, Section 7512(4): Adverse actions (This waiver applies only to the extent necessary to provide that (1) adverse action provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced and (2) reductions in pay due to the removal of a supervisory pay adjustment upon voluntary movement to a non-supervisory position.)

B. Waivers to Title 5, Code of Federal Regulations

Part 300, Sections 300.601 through 605: Time-in-Grade restrictions. Time in grade restrictions eliminated in the demonstration project.

Part 308, Sections 308.101 through 308.103: Volunteer service. Amended to allow for a Voluntary Emeritus Corps in addition to student volunteers.

Part 315, Section 315.801 and 315.802: Probationary Period—(This waiver applies only to the extent necessary to extend probationary periods from one year to a maximum of three years for newly-hired permanent career-conditional employees in the E&S occupational family.)

Part 315, Section 315.901: Statutory requirements—(This waiver applies only to the extent necessary to replace ''grade'' with ''pay band.'')

Part 316, Section 316.301: Term Appointments for more than 4 years.

Part 316, Section 316.303: Converting Terms to Status

Part 332, subpart D., section 332.404: Order of Selection from Certificates

Part 335, Section 335.103: Covering the length of details and temporary promotions.

Part 337, subpart A, section 337.101(a): Rating Applicants. Waive when 15 or fewer qualified candidates.

Part 351.402(b): Competitive Area.

Part 351.403: Competitive Level—(This waiver applies only to the extent necessary to replace ''grade'' with ''pay band.'')

Part 351, Section 351.504: As it relates to years of credit.

Part 351, Section 351.701: Assignment Involving Displacement—(This waiver applies to the extent that employee bump and retreat rights will be limited to one pay band except in the case of 30 percent preference eligible, and to include employees with an unsatisfactory current rating of record.)

Part 410, Section 410.308(a–f): Training to obtain an academic degree.

Part 410, Section 410.309: Agreements to Continue in Service—(This waiver applies to that portion that pertains to the authority of the head of the agency to determine continued service requirements, to waive repayment of such requirements, and to the extent that the service obligation is to the CECOM RDE organizations.)

Part 430, Section 430.203: Rating of Record—(This waiver applies to the extent that the definition shall also include ratings for interns that are based on less than the whole appraisal period and improved ratings following an opportunity to demonstrate acceptable performance as provided for in the waiver of 351.504.)

Part 430, Section 430.210: OPM Responsibilities

Part 432, Section 432.102: (This waiver applies to the extent that the term ''grade level'' is replaced with ''pay band.'')

Part 432: Modified to the extent that an employee may be removed, reduced in pay band level with a reduction in pay, reduced in pay without a reduction in pay band level and reduced in pay band level without a reduction in pay based on unacceptable performance. Also modified to delete reference to critical element. For employees who are reduced in pay band level without a reduction in pay, Sections 432.105 and 432.106(a) do not apply.

Part 432, Sections 432.104: Addressing unacceptable performance. References to ''critical elements'' are deleted as all elements are critical and adding that the employee may be ''reduced in pay band level, or pay, or removed'' if performance does not improve to an acceptable level during a reasonable opportunity period.

Part 432, Section 432.105(a)(2): Waive ''If an employee has performed acceptably for 1 year'' to allow for ''within two years from the beginning of a PIP.''

Part 511, subpart A: General Provisions, and subpart B: Coverage of the General Schedule.

Part 511, Section 511.601: Classification Appeals modified to the extent that white collar positions established under the project plan, although specifically excluded from Title 5, are covered by the classification appeal process outlined in this section, as amended below.

Part 511, Section 511.603(a): Right to appeal—substitute band for grade.

Part 511, Section 511.607(b): Non-Appealable Issues—add to the list of issues that are neither appealable nor reviewable, the assignment of series under the project plan to appropriate occupational families

Part 530, Subpart C: Special salary rates.

Part 531, Subparts B, D, and E: Determining rate of basic pay, within-grade increases, and quality step increases.

Part 531, Subpart F: Locality pay—(This waiver applies only to the extent necessary to allow (1) demonstration project employees, except employees in Band V of the E&S occupational family, to be treated as General Schedule employees; (2) basic rates of pay under the demonstration project to be treated as scheduled annual rates of pay; and (3) employees in Band V of the E&S occupational family to be treated as ST employees for the purposes of these provisions.)

Part 536: Grade and pay retention:—(This waiver applies only to the extent necessary to (1) replace ''grade'' with ''pay band''; (2) provide that pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced, and to reductions in pay due solely to the removal of a supervisory pay adjustment upon voluntarily leaving a supervisory position; (3) allow demonstration project employees to be treated as General Schedule employees; (4) provide that pay retention provisions do not apply to movements to a lower pay band as a result of not receiving the general increase due to an annual performance rating of ''Unacceptable''; (5) provide that an employee on pay retention whose rating of record is ''Unacceptable'' is not entitled to 50 percent of the amount of the increase in the maximum rate of basic pay payable for the pay band of the employee's position; and (6) ensure that for employees of Pay Band V in the E&S occupational family, pay retention provisions are modified so that no rate established under these provisions may exceed the rate of basic pay for GS–15, step 10 (i.e., there is no entitlement to retained rate.) This waiver applies to ST employees if they move to a GS-equivalent position under the demonstration project under conditions that trigger entitlement to pay retention.)

Part 550.703: Severance Pay—(This waiver applies only to the extent necessary to modify the definition of ''reasonable offer'' by replacing ''two grade or pay levels'' with ''one band level'' and ''grade or pay level'' with ''band level''.)

Part 550.902: Hazardous Duty Differential—(This waiver applies only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees. This waiver does not apply to employees in Pay Band V of the E&S occupational family.)

Part 575, Subparts A, B, C, and D: Recruitment Bonuses, Relocation Bonuses, Retention Allowances and

Supervisory Differentials. (This waiver applies to the extent necessary to allow (1) employees and positions under the demonstration project covered by pay banding to be treated as employees and positions under the General Schedule and (2) employees in Pay Band V of the E&S occupational family to be treated as ST employees for the purposes of these provisions.)

Part 591, Subpart B: Cost-of-Living Allowances and Post Differential—Non-foreign Areas (This waiver applies only to the extent necessary to allow (1) demonstration project employees to be treated as employees under the General Schedule and (2) employees in Band V of the E&S occupational family to be treated as ST employees for the purposes of these provisions.

Part 752.401 (a)(3): Adverse Actions. (This waiver applies only to the extent necessary to replace ''grade'' with ''pay band.'' and to provide that a reduction in pay band level is not an adverse action if it results from the employee's rate of basic pay being exceeded by the minimum rate of basic pay for his/her pay band.)

Part 752.401(a)(4): Adverse Actions. (This waiver applies only to the extent necessary to provide that adverse action provisions do not apply to (1) conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced and (2) reductions in pay due to the removal of a supervisory pay adjustment upon voluntary movement to a non-supervisory position).

APPENDIX A

[Totals exclude SES, ST, DCIPS and FWS Employees]

Duty location	CECOM Employees	Servicing CPOC
Fort Huachuca, AZ	22	West Region.
	2	NCR.
Melbourne, FL	1	Northeast.
Miami, FL	1	Northeast.
Valparaiso, FL	1	Northeast.
Fort Benning, GA	1	NCR.
Fort Wayne, IN	1	NCR.
Fort Meade, MD	78	NCR.
	3	Northeast.
Fort Meade, MD	100	Northeast.
Fort Monmouth, NJ	1315	Northeast.
Lakehurst, NJ	14	Northeast.
Zimmerman, OH	1	Northeast.
Fort Sill, OK	29	Southwest.
Arlington, VA	1	Northeast.
Fairfax, VA	1	Northeast.
	5	NCR.
Fort AP Hill, VA	1	NCR.
Fort Belvoir, VA	571	NCR.
McLean, VA	2	NCR.
Fort Monroe, VA	1	Northeast.
Total All Employees	*2052*	

CPOCs

Northeast: 1340
NCR: 661
Southwest: 29
West: 22
Total: 2052

Appendix B: Occupational Series by Occupational Family

I. Engineering & Science

0180 Psychologist Series
0801 General Engineering Series
0810 Civil Engineering Series
0830 Mechanical Engineering Series
0850 Electrical Engineering Series
0854 Computer Engineering Series
0855 Electronics Engineering Series
0893 Chemical Engineering Series
0892 Ceramic Engineering Series
0896 Industrial Engineering Series
0899 Engineering and Architecture Student Trainee Series
1301 General Physical Science Series
1310 Physics Series
1320 Chemistry Series
1515 Operations Research Series
1520 Mathematics Series
1550 Computer Science Series
1599 Mathematics and Statistics Student Trainee Series

II. Business/Technical

0018 Safety and Occupational Health Management Series
0028 Environmental Protection Specialist Series
0301 Miscellaneous Administration and Program Series
0334 Computer Specialist Series
0340 Program Management Series
0341 Administrative Officer Series
0342 Support Services Administration Series
0343 Management and Program Analysis Series
0346 Logistics Management Series
0391 Telecommunications Series
0501 Financial Administration and Program Series
0510 Accounting Series
0560 Budget Analysis Series
0802 Engineering Technician Series
0818 Engineering Drafting Series
0856 Electronics Technician Series
1001 General Arts and Information Series
1082 Writing and Editing Series
1083 Technical Writing and Editing Series
1084 Visual Information Series
1101 General Business and Industry Series
1102 Contracting Series
1150 Industrial Specialist Series
1152 Production Control Series
1311 Physical Science Technician Series
1410 Librarian Series
1412 Technical Information Services Series
1499 Library and Archives Student Trainee Series
1521 Mathematics Technician Series
1601 General Facilities and Equipment Series
1640 Facility Management Series
1670 Equipment Specialist Series
1910 Quality Assurance Series
2001 General Supply Series
2003 Supply Program Management Series
2010 Inventory Management Series
2101 Transportation Specialist Series
2130 Traffic Management Series
2181 Aircraft Operation Series
2200 Information Technology Series

III. General Support

0085 Security Guard Series
0086 Security Clerical and Assistance Series (Non-CIPMS)

0302 Messenger Series
0303 Miscellaneous Clerk and Assistant Series
0305 Mail and File Series
0312 Clerk-Stenographer and Reporter Series
0318 Secretary Series
0326 Office Automation Clerical and Assistance Series
0332 Computer Operation Series
0335 Computer Clerk and Assistant Series
0344 Management Clerical and Assistance Series
0394 Communications Clerical Series
0399 Administration and Office Support Student Trainee Series
0525 Accounting Technician Series
0561 Budget Clerical and Assistance Series
01087 Editorial Assistance Series
01411 Library Technician Series
2005 Supply Clerical and Technician Series
2102 Transportation Clerk and Assistant Series

Appendix C: Performance Elements

Each performance element is assigned a minimum weight. The total weight of all elements in a performance plan is 100. The supervisor assigns percentage of the 100 in accordance with individual duties/responsibilities objectives and the organization's mission and goals. All employees will be rated against the first four performance elements listed below. Those employees whose duties require team leader responsibilities will be rated on element 5. All managers/supervisors will be rated against element 6.

1. *Technical Competence:* Exhibits and maintains knowledge, skills and abilities and initiative to produce quality work as defined in individual performance objectives. Assignments are completed in a timely manner with an appropriate level of supervision. The quality and quantity of work meets expectations. Makes prompt, technically sound decisions and recommendations that get the desired results. Where appropriate, seeks and accepts developmental and/or special assignments.
Minimum Weight: 15%

2. *Interpersonal Skills:* Provides or exchanges oral/written ideas and information in a manner that is timely, accurate and easily understood. Listens effectively so that resultant actions show complete comprehension. Coordinates actions appropriately so that others are included in, and informed of, decisions and actions. Is an effective team player. Accepts personal responsibility for assigned tasks. Is considerate of differing viewpoints, exhibiting willingness to compromise on areas of difference. Exercises tact and diplomacy and maintains effective relationships both within and external to the organization. Readily gives assistance and shows appropriate respect and courtesy.
Minimum Weight: 10%

3. *Management of Time and Resources:* Meets schedules and deadlines. Arranges work schedules to effectively balance difficult and time-consuming high priority tasks with other lower priority and less time consuming tasks. Generates and accepts new ideas and methods for increasing work efficiency. Effectively utilizes and, where appropriate, properly controls available resources.
Minimum Weight: 15%

4. *Customer Satisfied:* Demonstrates care for customers through responsive, courteous, and reliable actions. Promotes relationships of trust and respect. Maintains solid working relationship with existing customers and where appropriate seeks out and develops new customers. Responds to taskings and develops practical solutions to satisfy those needs. Keeps customer informed. Within the scope of job responsibility seeks out and develops new programs and/or reimbursable customer work.
Minimum Weight: 10%

5. *Team/Project Leadership:* Ensures that the organization/project strategic plan, mission, vision and values are communicated into the team work plans, products and services. Provides advice on work methods practices and procedures. Assists members in identifying viable solutions to work issues. As appropriate, distributes and balances workload, checks on work in progress, makes adjustments as needed. Reports to the supervisor on team and individual work accomplishments, problems and training needs. Resolves simple, informal complaints, informs supervisor of performance management issues/problems. (Mandatory for team leaders optional for others, e.g. project leaders.)
Minimum Weight: 15%

6. *Supervision and EEO:* Plans, develops, communicates and directs the implementation of strategic and operational goals and objectives of the organization. Allocates, and monitors resources and equitably distributes work to subordinates. Initiates personnel actions to recruit, select, promote and/or reassign employees in a timely manner. Develops subordinates, through counseling and positive motivational techniques on job expectations, identification of training needs, and attainment of career goals. Recognizes and rewards quality performance. Takes corrective action to resolve inadequate performance or behavioral issues. Applies EEO and Merit Principles. Creates a positive, safe and challenging work environment. Ensure appropriate internal controls to prevent fraud, waste or abuse and to safeguard assigned property and resources. (Mandatory for managers/ /supervisors)
Minimum Weight: 25%

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INTERVENTION	EXPECTED EFFECTS	MEASURES	DATA SOURCES
1. Compensation			
a. Paybanding	- increased organizational flexibility	- perceived flexibility	- attitude survey
	- reduced administrative workload, paperwork reduction	- actual/perceived time savings	- personnel office data, PME results, attitude survey
	- advanced in-hire rates	- starting salaries of banded v. non-banded employees	- workforce data
	- slower pay progression at entry levels	- progression of new hires over time by band, career path	- workforce data
	- increased pay potential	- mean salaries by band, career path, demographics - total payroll costs	- workforce data -personnel office data
	- increased satisfaction with advancement	- employee perceptions of advancement	- attitude survey
	- increased pay satisfaction	- pay satisfaction, internal/external equity	- attitude survey
	- improved recruitment	- offer/acceptances rations - percent declinations	personnel office data
b. Conversion buy-in	- employee acceptance	- employee perceptions of equity, fairness	- attitude survey
c. Pay differential/ adjustments	Increased incentive to accept supervisory/ team leader positions	- cost as a percent of payroll -perceived motivational power	-workforce data -attitude survey
2. Performance Management			

a. Cash awards/ bonuses	- reward/motivate performance	-perceived motivational power	- attitude survey
	- to support fair and appropriate distribution of awards	- amount and number of awards by career path, demographics	- workforce data
		- perceived fairness of awards	- attitude survey
		- satisfaction with monetary awards	- attitude survey
b. Performance based pay progression	- increased pay-performance link	- perceived pay-performance link	- attitude survey
		- perceived fairness of ratings	- attitude survey
	- improved performance feedback	- satisfaction with ratings	- attitude survey
		- employee trust in supervisors	- attitude survey
		- adequacy of performance feedback	- attitude survey
	- decreased turnover of high performers/increased turnover of low performers	-turnover by performance scores	- workforce data
	-differential pay progression of high/low performers	- pay progression by performance scores, career path	- workforce data
	- alignment of organizational and individual performance expectations and results	- linkage of performance expectations to strategic plans/goals	performance expectations, strategic plans
	- increased employee involvement in performance planning and assessment	- perceived involvement - performance management procedures	- attitude survey/focus group - personnel regulations

c. New appraisal process	- reduced administrative burden	- employee and supervisor perception of revised procedures	- attitude survey
	- improved communication	- perceived fairness of process	- focus groups
d. Performance development	- better communications of performance expectations	- feedback and coaching procedures used time, funds spent on training by demographics	- focus groups - personnel office data - training records
	- improved satisfaction and quality of workforce	- perceived workforce quality	- attitude survey
3. Classification			
a. Improved classification system with generic standards in an automated mode	- reduction in amount of time and paperwork spent on classification	- time spent on classification procedures	- personnel office data
		- reduction of paper work/number of personnel actions (classification/promotion)	- personnel office data
	- ease of use	- managers' perceptions of time savings, ease of use	- attitude survey
b. Classification authority delegated to managers	- increased supervisory authority/accountability	- perceived authority	- attitude survey
	- decreased conflict between management and personnel staff	- number of classification disputes/appeals pre/post	- personnel records

		- management satisfaction with service provided by personnel office	- attitude survey
	- no negative impact on internal pay equity	- internal pay equity	- attitude survey
c. Dual career ladder	- increased flexibility to assign employees	- assignment flexibility	- focus groups, surveys
	- improved internal mobility	- perceived internal mobility	- attitude survey
	-increased pay equity	-perceived pay equity	
	- flatter organizational structure	-supervisory/non-supervisory ratios	-workforce data
	- improved quality of supervisory staff	- employee perceptions of quality of supervision	- attitude survey
4. Modified RIF	- minimize loss of high performing employees with needed skills	- separated employees by demographics, performance scores	-workforce data -attitude survey/focus group
	- contain cost and disruption	-satisfaction with RIF process	-attitude survey/focus group
		- cost comparison of traditional vs. modified RIF	-personnel office/budget data
		- time to conduct RIF	-personnel office data
		- number of appeals/reinstatements	-personnel office data
5. Hiring Authority			
Delegated Examining	- improved ease and timeliness of hiring process	- perceived flexibility in authority to hire	- attitude survey

	- improved recruitment of employees in shortage categories	- offer/accept ratios	- personnel office data
		- percent declinations	- personnel office data
		- timeliness of job offers	- personnel office data
		- GPAs of new hires, educational levels	- personnel office data
	- reduced administrative workload/paperwork reduction	- actual/perceived skills	- attitude survey
Term Appointment Authority	- increased capability to expand and contract workforce	- number/percentage of conversions from modified term to permanent appointments	- workforce data - personnel office data
Flexible Probationary Period	- expanded employee assessment	- average conversion period to permanent status	- workforce data - personnel office data
		- number/percentage of employees completing probationary period	- workforce data - personnel office data
		- number of separations during probationary period	- workforce data - personnel office data
6. Expanded Development Opportunities			
a. Sabbaticals	- expanded range of professional growth and development	- number and type of opportunities taken	- workforce data
	- application of enhanced knowledge and skills to work product	- employee and supervisor perceptions	- attitude survey
b. Critical Skills Training	- improved organizational balance	- number and type of training	- personnel office data
		- placement of employees, skills imbalances corrected	- personnel office data
		- employee and supervisor perceptions	- attitude survey

7. Combination of All Interventions			
All	**- improved organizational effectiveness**	**- combination of personnel measures**	**all data sources**
	- improved management of the workforce	**- employee/management job satisfaction (intrinsic/extrinsic)**	**- attitude survey**
	- improved planning	**- planning procedures**	**- strategic planning documents**
		- perceived effectiveness of planning procedures	**- organizational charts**
	- improved cross functional coordination	**- actual/perceived coordination**	**- attitude survey**
	- increased product success	**- customer satisfaction**	**- customer satisfaction surveys**
	- cost of innovation	**- project training/ development costs (staff salaries, contract costs, training hours per employee)**	**- demo project records** **- contract documents**
8. Context			
a. Regionalization	**- reduced servicing rations/costs**	**- HR servicing ratios**	
		- average cost per employee served	**- personnel office data,** **- workforce data**
	- no negative impact on service quality	**- service quality, timeliness**	**- attitude survey/focus groups**

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