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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–190–AD; Amendment 39–12295; AD 2001–13–14]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all EMBRAER Model EMB–120 series airplanes. This action requires revising the Airplane Flight Manual, installing a placard on the main instrument panel, and removing the ''LIGHT-HEAVY'' inflation switch of the leading edge deicing boots. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. This action is intended to ensure that the flight crew is provided with accurate indications of the severity of ice accretion and appropriate procedures and actions to prevent reduced controllability of the aircraft due to accretion of ice on the airplane.

DATES: Effective July 12, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 12, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–190–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–190–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Pellicano, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6064; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB–120 series airplanes. The DAC advises that it has received reports of loss of control events occurring on EMBRAER Model EMB–120 series airplanes that were flying during icing conditions. The DAC advises that such events indicate that the flight crews may not have correctly determined both the severity of the ice accretion and the need to take immediate action to prevent excessive loss of airspeed, especially when using the autopilot. This condition, if not corrected, could result in reduced controllability of the airplane due to accretion of ice on the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 120–25–0258, dated May 14, 2001, which describes procedures for installation of a placard in the cockpit panel that instructs the flight crew to activate the deicing boots and disengage the autopilot whenever ice is detected by visual cues or ice detector illumination.

EMBRAER also has issued Service Bulletin 120–30–0032, Change No. 01, dated June 13, 2001, which describes procedures to remove the inflation cycle switch labeled ''LIGHT-HEAVY'' of the leading edge boots, and contains instructions for functional and monitoring tests for the leading edge deicers.

The DAC has issued Brazilian airworthiness directive 2001–05–02, dated June 6, 2001, requiring accomplishment of the two service bulletins described previously. The Brazilian airworthiness directive also requires revision of the Airplane Flight Manual (AFM) that provides the following instructions to the flight crew during flight in icing conditions:

1. Do not use the autopilot;

2. Only use the leading edge boots inflation cycle switches in the position labeled ''heavy;'' and

3. Do not allow the airspeed to fall below 160 knots indicated airspeed (KIAS) (with flaps and gear up) or below 140 KIAS (with flaps 15 and gear up).

The DAC has issued airworthiness directive 2001–05–02 in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

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

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent reduced controllability of the airplane due to accretion of ice. This AD requires accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Interim Action

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

Differences Between This AD and the Brazilian AD

This AD differs from the Brazilian AD in the following areas:

1. The AFM limitations are more specific as to when to disconnect the autopilot.

2. This AD does not incorporate the minimum airspeeds in icing conditions in the Limitations section, since these airspeeds are already contained in the Normal Procedures section of the FAA-approved AFM under the ''Operation in Icing Conditions'' section. Additionally, the Limitations section under ''Operation in Icing Conditions'' currently includes the statement that: ''When operating in known or forecast icing conditions, the specific procedures for operation in icing conditions presented in the Normal Procedures Section of this manual must be followed.'' Therefore, the limitations on minimum airspeeds in icing conditions specified in the Brazilian AD are already included in the FAA-approved AFM.

3. This AD includes instructions to remove the current information contained in the Normal Procedures section advising the pilot to select either Heavy or Light mode.

4. This AD also adds a ''Warning'' to the Normal Procedures section to exit icing conditions if the flight crew detects large or frequent changes in trim or excessive performance degradation.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–190–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–13–14 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–12295. Docket 2001–NM–190–AD.

Applicability: All Model EMB–120, –120RT, –120ER, and –120FC series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is provided with accurate indications of the severity of ice accretion and appropriate procedures and actions to prevent reduced controllability of

the aircraft due to accretion of ice on the airplane, accomplish the following:

Airplane Flight Manual

(a) Within 20 flight hours after the effective date of this AD: Revise the Limitations and Normal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) to include the following procedures, as specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD. This may be accomplished by inserting a copy of this AD in the AFM.

(1) In the Limitations section under the existing title ''Operation in Icing Conditions,'' insert the following:

''Autopilot use is prohibited when atmospheric icing conditions exist, at the first sign of icing accretion anywhere on the airplane, or after the illumination of the Ice Condition light, whichever occurs first.

Leading edge deicers switch must be operated in the Heavy mode only.''

(2) In the Normal Procedures section under the existing title, ''Operation in Icing Conditions,'' delete the following:

''Leading edge deicers switch.....ON Select 'Heavy' or 'Light' mode (1 or 3 minutes cycle), based on the flight crew's judgement and evaluation of the severity of the ice encounter and rate of accretion.''

(3) In the Normal Procedures section under the existing title, ''Operation in Icing Conditions,'' insert the following:

''Leading edge deicers switch.....On (TIMER 1 or TIMER 2) Select 'Heavy' mode if Light/Heavy switch is still installed.''

(4) In the Normal Procedures section insert the following warning:

''WARNING: If large or frequent changes in longitudinal trim, and/or excessive performance degradation occur (identified by large increases in power required to maintain airspeed and altitude), immediately request priority handling from air traffic control to exit icing conditions.''

Placard Installation

(b) Within 400 flight hours after the effective date of this AD, install a placard to activate the deicing boots and disengage the autopilot, whenever ice is detected by visual cues or ice detector illumination, to the left of the pilot's airspeed indicator and one placard to the right of the co-pilot's altimeter, per EMBRAER Service Bulletin 120–25–0258, dated May 14, 2001.

(c) Within 400 flight hours after the effective date of this AD, remove the ''Light-Heavy'' inflation switch of the leading edge deicing boots, per EMBRAER Service Bulletin 120–30–0032, Change No. 01, dated June 13, 2001.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta 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, Atlanta ACO.

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

Special Flight Permits

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

Incorporation by Reference

(f) Except for the actions specified in paragraph (a) of this AD, the actions shall be done in accordance with EMBRAER Service Bulletin 120–25–0258, dated May 14, 2001; and EMBRAER Service Bulletin 120–30–0032, Change No. 01, dated June 13, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; 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 Brazilian airworthiness directive 2001–05–02, dated June 6, 2001.

Effective Date

(g) This amendment becomes effective on July 12, 2001.

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16047 Filed 6–22–01; 10:10 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–191–AD; Amendment 39–12291; AD 2001–13–11]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Falcon 10 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Dassault Model Falcon 10 series airplanes. This action requires an inspection to verify proper installation of the pins in the dual non-return valves of the fire extinguishing system for the engines, and replacement of any defective valve with a new valve. This action is necessary to prevent failure of a fire extinguisher bottle to discharge, which could result in the inability to extinguish a fire in an engine. This action is intended to address the identified unsafe condition.

DATES: Effective July 12, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 12, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–191–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 2001–NM–191–AD'' in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France recently notified the FAA that an unsafe condition may exist on all Dassault Model Falcon 10 series airplanes. The DGAC advises that, during routine maintenance, when removing a fire extinguishing bottle that had accidentally discharged, it was

found that the charge from the bottle had been trapped in the discharge line. Investigation revealed that a pin had not been correctly installed in the non-return valve during manufacture. The pin is normally located across the valve body to prevent the shuttle-ball from blocking the outlet to the engine. If the pin is located too close to the edge of the valve body, the shuttle-ball may block the discharge outlet and prevent the charge from releasing into the engine during an engine fire. Such conditions, if not corrected, could result in the inability to extinguish a fire in an engine.

Explanation of Relevant Service Information

Dassault has issued Service Bulletin F10–A291, dated June 1, 2001, which describes procedures for an inspection to verify proper installation of the pins in the dual non-return valves of the fire extinguishing system for the engines, and replacement of any defective valve with a new valve. A defective valve is described as any valve with a pin found outside the identified tolerance range. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive T2001–219–025(B), dated June 1, 2001, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of a fire extinguisher bottle to discharge, which could result in the inability to extinguish a fire in an engine. This AD requires an inspection to verify proper installation of the pins in the dual non-return valves of the fire extinguishing system for the engines, and replacement of any defective valve with a new valve. The actions are required to be accomplished in accordance with the service bulletin described previously.

Difference Between This AD, Service Bulletin, and Foreign Airworthiness Directive

This AD differs from the service bulletin and the parallel French airworthiness directive in that it requires accomplishment of the inspection within 10 days after the effective date of this AD. In developing an appropriate compliance time for this AD, the FAA considered not only the DGAC's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspection (one hour). In light of all of these factors, the FAA finds a 10-day compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–191–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–13–11 Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Amendment 39–12291. Docket 2001–NM–191–AD.

Applicability: All Model Falcon 10 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of a fire extinguisher bottle to discharge, which could result in the inability to extinguish a fire in an engine, accomplish the following:

Inspection/Replacement

(a) Within 10 days after the effective date of this AD: Do an inspection to verify proper installation of the pins in the dual non-return valves of the fire extinguishing system for the engines, per the Accomplishment Instructions of Dassault Service Bulletin F10–A291, dated June 1, 2001. Before further flight, replace any defective valve (pin outside the identified tolerance range) with a new valve per the service bulletin.

Spares

(b) As of the effective date of this AD, no person shall install a dual non-return valve, part number 39299500, on any airplane, unless it has been inspected per paragraph (a) of this AD; the pin is within the specified tolerance range; and the valve is marked with a ''C,'' per Figure 1 of the Accomplishment Instructions of Dassault Service Bulletin F10–A291, dated June 1, 2001.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, 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

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

Incorporation by Reference

(e) The inspection and replacement shall be done in accordance with Dassault Service Bulletin F10–A291, dated June 1, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from 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 T2001–219–025(B), dated June 1, 2001.

Effective Date

(f) This amendment becomes effective on July 12, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15938 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–12–AD; Amendment 39–12290; AD 2001–13–10]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that requires testing of certain components of the emergency pitch trim system (EPTS), and corrective action, if necessary. The actions specified by this AD are intended to prevent faulty activation of the emergency pitch trim actuator (EPTA), which could cause damage to the elevator front spar, resulting in reduced structural integrity of the elevator and a non-functioning EPTS. This action is intended to address the identified unsafe condition.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköaping, Sweden. 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: 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 Saab Model SAAB 2000 series airplanes was published in the **Federal Register** on May 2, 2001 (66 FR 21892). That action proposed to require testing of certain components of the emergency pitch trim system (EPTS), and corrective action, if necessary.

Comments

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 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $360, or $120 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:

2001–13–10 Saab Aircraft AB: Amendment 39–12290. Docket 2001–NM–12–AD.

Applicability: Model SAAB 2000 series airplanes, certificated in any category, serial numbers –004 through –063, inclusive.

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 faulty activation of the emergency pitch trim actuator (EPTA), which could cause damage to the elevator front spar, resulting in reduced structural integrity of the elevator and a non-functioning emergency pitch trim system (EPTS), accomplish the following:

Testing and Corrective Actions

(a) Within 400 flight hours from the effective date of this AD, perform a functional test of the EPTS in accordance with Saab Service Bulletin 2000–27–046, dated November 30, 2000. If the left or right EPTA is not working according to the functional test, before further flight, check the wiring and perform all applicable follow-on corrective actions, in accordance with paragraph 2. C. of Saab Service Bulletin 2000–27–046, dated November 30, 2000.

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, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 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 Saab Service Bulletin 2000–27–046, dated November 30, 2000. 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 Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköaping, Sweden. 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 Swedish airworthiness directive 1–162, dated November 30, 2000.

Effective Date

(e) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15937 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–374–AD; Amendment 39–12289; AD 2001–13–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 series airplanes, that requires a one-time inspection of the space between the fuel quantity indication (FQI) probes and any adjacent structures for minimum clearance, and corrective action, if necessary. The actions specified by this AD are intended to prevent the possibility of electrical arcing to the fuel tank if the airplane should be struck by

lightning. This action is intended to address the identified unsafe condition.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: 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 all Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 series airplanes was published in the **Federal Register** on May 4, 2001 (66 FR 22478). That action proposed to require a one-time inspection of the space between the fuel quantity indication (FQI) probes and any adjacent structures for minimum clearance, and corrective action, if necessary.

Comments

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 20 airplanes of U.S. registry will be affected by this AD, that it will take approximately 7 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $8,400, or $420 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:

2001–13–09 Airbus Industrie: Amendment 39–12289. Docket 2000–NM–374–AD.

Applicability: All Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the possibility of electrical arcing to the fuel tank if the airplane should be struck by lightning, accomplish the following:

Inspection

(a) Within 4,000 flight hours after the effective date of this AD, inspect the clearance space from each fuel quantity indication (FQI) probe to any adjacent structure or metallic component, in accordance with Airbus Service Bulletin A300–28–0080, dated September 28, 2000.

Clearance Adjustment

(b) If, during the inspection mandated in paragraph (a) of this AD, the clearance between any probe and its adjacent parts, as described in Airbus Service Bulletin A300–28–0080, dated September 28, 2000, is less than 3.0 mm (0.118 in.), prior to further flight, adjust the position of the FQI probe in accordance with paragraph 3.C. of the service bulletin.

Alternative Methods of Compliance

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

Note 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

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

Incorporation by Reference

(e) The actions shall be done in accordance with Airbus Service Bulletin A300–28–0080, dated September 28, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–455–322(B), dated November 15, 2000.

Effective Date

(f) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15936 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–339–AD; Amendment 39–12288; AD 2001–13–08]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–300 series airplanes, that requires replacing the brake assemblies with modified brake assemblies. The actions specified by this AD are intended to prevent overheating of the brakes, which could result in cracked pistons and consequent leakage and burning of the hydraulic fluid. This action is intended to address the identified unsafe condition.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at these 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: 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 Dornier Model 328–300 series airplanes was published in the **Federal Register** on May 4, 2001 (66 FR 22484). That action proposed to require replacing the brake assemblies with modified brake assemblies.

Comments

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 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 9 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided at the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $4,320, or $540 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:

2001–13–08 Dornier Luftfahrt GmbH: Amendment 39–12288. Docket 2000–NM–339–AD.

Applicability: Model 328–300 series airplanes, certificated in any category, serial numbers 3105 through 3144 inclusive, 3146, 3148, 3151 through 3154 inclusive, 3158, and 3159.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the

owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the brakes, which could result in cracked pistons and consequent leakage and burning of the hydraulic fluid, accomplish the following:

Brake Piston Replacement

(a) Within 7 weeks after the effective date of this AD, replace the left and right brake assemblies having part number (P/N) AHA2227–2 with modified brake assemblies having P/N AHA2227–3, in accordance with Dornier Service Bulletin SB–328J–32–029, Revision 1, dated August 4, 2000.

Note 2: Replacement of the brake assemblies prior to the effective date of this AD in accordance with Dornier Service Bulletin SB–328J–32–029, dated June 14, 2000, is also acceptable for compliance with the requirements of paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person may install a brake assembly having P/N AHA2227–2 on any airplane.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Dornier Service Bulletin SB–328J–32–029, Revision 1, dated August 4, 2000. 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 FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German airworthiness directive 2000–288, dated September 21, 2000.

Effective Date

(f) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15935 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–308–AD; Amendment 39–12287; AD 2001–13–07]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, 737–400, 737–500, 737–600, 737–700, 737–800, 757–200, 757–200PF, 757–200CB, and 757–300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, 737–400, 737–500, 737–600, 737–700, 737–800, 757–200, 757–200PF, 757–200CB, and 757–300 series airplanes. This AD requires a test of the two electrical circuits that close the fuel shutoff valve on the wing spar, and repair, if necessary. This action is necessary to prevent inability to shut off the flow of fuel to an engine after an uncontained engine failure, which could result in a fire spreading to other parts of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

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

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1547; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, 737–400, 737–500, 737–600, 737–700, 737–800, 757–200, 757–200PF, 757–200CB, and 757–300 series airplanes was published in the **Federal Register** on December 29, 2000 (65 FR 82957). That action proposed to require a test of the two electrical circuits that close the fuel shutoff valve on the wing spar, and repair, if necessary.

Explanation of New Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–28–1164, Revision 1, dated May 10, 2001, which describes procedures for a one-time test of the two electrical circuits that close the fuel shutoff valve on each wing spar to determine if there is continuity, and location and repair of any discontinuity. The procedures described in Revision 1 of the service bulletin are essentially similar to those described in the original issue of the service bulletin, dated August 24, 2000, which was listed in the proposed rule as the appropriate source of service information for Boeing Model 737–300, 737–400, and 737–500 series airplanes. Revision 1 merely corrects the location of two electrical connectors. Accomplishment of the actions specified in Revision 1 of the service bulletin is intended to adequately address the identified unsafe condition.

In consideration of this new service information, the FAA has revised paragraph (a) of this final rule to refer to Boeing Service Bulletin 737–28–1164, Revision 1, in addition to the original issue of the service bulletin, as an acceptable source of service information for accomplishment of paragraph (a) on Boeing Model 737–300, –400, and –500 series airplanes.

Comments

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

Support for the Proposal

Two commenters support the proposed rule.

Provide Credit for Use of Telexes

One commenter requests that the FAA revise the proposed AD to give credit for accomplishment of the proposed actions using the following telexes:

- Boeing All Base Telex M–7200–00–01064, dated April 24, 2000
- Boeing Telex SWA–DAL–00–00182H, dated March 27, 2000
- Boeing Telex CAL–IAH–00–00681H, dated April 7, 2000
- Boeing All Base Telex M–7200–00–01231, dated May 31, 2000
- Boeing Telex AAL–AFW–00–00324H, dated March 27, 2000

The commenter states that the instructions in these telexes are consistent with those in the service bulletins referenced in the proposed AD. The airplane manufacturer issued the telexes to provide adequate instructions to operators that wanted to perform the tests on their airplanes before the applicable service bulletins were available.

The FAA concurs with the commenter's request, and has added Note 3 to this AD to give credit for using the referenced telexes to accomplish the requirements of this AD before the effective date of this AD.

Revise Cost Impact Estimate

Two commenters state that the proposed actions have already been accomplished on certain airplanes in their fleets. The FAA infers that the commenters are requesting that the FAA revise the ''Cost Impact'' section of the proposed AD to reflect the accomplishment of the proposed requirements on some airplanes. The FAA concurs with the commenters' request and has revised the ''Cost Impact'' section of this AD to reflect that some airplanes have already complied with this AD.

One commenter states that the test, as proposed, takes two hours. Though the commenter does not specify which airplane model its estimate applies to, the FAA infers that the commenter is requesting that the FAA increase the estimate of work hours for Model 737–300, –400, and –500 series airplanes from one to two work hours. The FAA concurs with this request, and has revised the ''Cost Impact'' section of this AD accordingly.

Request To Consider Need for Repetitive Tests

One commenter requests that the FAA and the airplane manufacturer review the Maintenance Planning Document for the affected airplane models to assess whether repetitive tests of the circuits subject to the proposed AD are necessary. The commenter does not request a change to the proposed rule.

The FAA acknowledges the commenter's concern. At this time, the Maintenance Planning Document for the Model 737 and 757 series airplanes includes only a check of the fuel shutoff valve. The procedure for this check is similar to the functional test that is performed during production of the airplane, which was described in the proposed AD, in that the test only verifies that one of the two circuits needed to supply power for the fuel shutoff valve operates correctly. The FAA and the airplane manufacturer are coordinating development of a new functional test that would verify that both circuits work correctly. No change to the final rule is necessary in this regard.

Request To Extend Compliance Time

One commenter requests that the FAA extend the compliance time from 6 months to 18 months for the test specified in the proposed AD. The commenter states that an 18-month compliance time will allow operators to perform the test in the proposed AD at a regularly scheduled maintenance interval. The commenter notes that a 6-month compliance time does not align with the provisions of Air Transport Association Specification 111, which states, ''to capture the majority of scheduled maintenance periods, a nominal 'intermediate' check described by an interval of 18 months and an aircraft downtime of one-to-three days should be considered.''

The FAA does not concur with the commenter's request. The commenter provides no technical justification for increasing the compliance time as requested. The unsafe condition addressed by this AD—inability to shut off the flow of fuel to an engine after an uncontained engine failure—is a significant safety issue, and the FAA has determined that the compliance time of 6 months, as proposed, is warranted. This decision is based on the anticipated rate of latent failures in the system. In developing an appropriate compliance time for the actions required by this AD, the FAA considered not only those safety issues, but the manufacturer's recommendations, parts availability, and the practical aspect of accomplishing the required test within an interval paralleling normal scheduled maintenance for the majority of affected operators. In light of all of these factors, the FAA considers 6 months an appropriate compliance time wherein safety will not be adversely affected. No change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 3,403 Model 737–300, 737–400, 737–500, 737–600, 737–700, 737–800, 757–200, 757–200PF, 757–200CB, and 757–300 airplanes of the affected design in the worldwide fleet.

The FAA estimates that this AD will affect 795 Model 737–300, –400, and –500 airplanes of U.S. registry. The required test will take approximately 2 work hours, at an average labor rate of $60 per work hour. A commenter has advised the FAA that two of these U.S.-registered airplanes have already been tested according to the requirements of this AD. Therefore, based on the figures stated above, the FAA estimates the future cost impact of this AD on U.S. operators of Model 737–300, –400, and –500 series airplanes to be $95,160, or $120 per airplane.

The FAA estimates that this AD will affect 820 Model 737–600, 737–700, 737–800, 757–200, 757–200PF, 757–200CB, and 757–300 airplanes of U.S. registry. The required test will take approximately 3 work hours on each of these airplanes, at an average labor rate of $60 per work hour. A commenter has advised the FAA that 30 of these U.S.-registered airplanes have already been tested according to the requirements of this AD. Therefore, based on these figures, the FAA estimates the future cost impact of this AD on U.S. operators of these airplanes to be $142,200, or $180 per airplane.

The cost impact figures discussed above are based on assumptions that not all operators have yet accomplished the requirements of this AD action, and that no more operators would accomplish those actions in the future if this AD were not adopted. As explained previously, commenters have advised the FAA that some airplanes have been tested according to the requirements of this AD, and the estimated future cost impact has been reduced accordingly in this final rule. 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:

2001–13–07 Boeing: Amendment 39–12287. Docket 2000–NM–308–AD.

Applicability: The following models and series of airplanes as listed in the service bulletins below, certificated in any category:

Airplane Model	Boeing special attention service bulletin
737–300, 737–400, 737–500.	737–28–1164, dated August 24, 2000.
737–600, 737–700, 737–800.	737–28–1160, Revision 1, dated October 26, 2000.
757–200, 757–200PF, 757–200CB.	757–28–0060, Revision 1, dated October 26, 2000.
757–300	757–28–0061, Revision 1, dated October 26, 2000.

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 inability to shut off the flow of fuel to an engine after an uncontained engine failure, which could result in a fire spreading to other parts of the airplane, accomplish the following:

Test and Repair

(a) Within 6 months after the effective date of this AD, perform a test to determine if there is continuity or to measure voltage, as applicable, of the two electrical circuits that close the fuel shutoff valve on the wing spar. Do the test per Boeing Special Attention Service Bulletin 737–28–1164, dated August 24, 2000, or Boeing Service Bulletin 737–28–1164, Revision 1, dated May 10, 2001 (for Boeing Model 737–300, 737–400, and 737–500 series airplanes); or Boeing Special Attention Service Bulletin 737–28–1160, Revision 1 (for Boeing Model 737–600, 737–700, and 737–800 series airplanes); Boeing Special Attention Service Bulletin 757–28–0060, Revision 1 (for Boeing Model 757–200, 757–200PF, and 757–200CB series airplanes); or Boeing Special Attention Service Bulletin 757–28–0061, Revision 1 (for Boeing Model 757–300 series airplanes); all dated October 26, 2000; as applicable.

(1) For Boeing Model 737–300, 737–400, and 737–500 series airplanes: If any discontinuity is detected, prior to further flight, repair per Boeing Service Bulletin 737–28–1164.

(2) For airplane models other than those listed in paragraph (a)(1) of this AD: If any measurement is not between 21 and 34 volts direct current (DC), prior to further flight, repair per the applicable service bulletin.

Note 2: Tests accomplished per Boeing Special Attention Service Bulletin 737–28–1160 (for Boeing Model 737–600, 737–700, and 737–800 series airplanes), dated June 5, 2000; Boeing Special Attention Service Bulletin 757–28–0060 (for Boeing Model 757–200, 757–200PF, and 757–200CB series airplanes), dated June 15, 2000; or Boeing Special Attention Service Bulletin 757–28–0061, dated June 15, 2000 (for Boeing Model 757–300 series airplanes); as applicable; are acceptable for compliance with paragraph (a) of this AD.

Note 3: Tests accomplished prior to the effective date of this AD per Boeing All Base Telex M–7200–00–01064, dated April 24, 2000; Boeing Telex SWA–DAL–00–00182H, dated March 27, 2000; Boeing Telex CAL-IAH–00–00681H, dated April 7, 2000; Boeing All Base Telex M–7200–00–01231, dated May 31, 2000; or Boeing Telex AAL-AFW–00–00324H, dated March 27, 2000; are acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(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 Boeing Special Attention Service Bulletin 737–28–1164, dated August 24, 2000; Boeing Service Bulletin 737–28–1164, Revision 1, dated May 10, 2001; Boeing Special Attention Service Bulletin 737–28–1160, Revision 1, dated October 26, 2000; Boeing Special Attention Service Bulletin 757–28–0060, Revision 1, dated October 26, 2000; or Boeing Special Attention Service Bulletin 757–28–0061, Revision 1, dated October 26, 2000; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15934 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–250–AD; Amendment 39–12286; AD 2001–13–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, –300, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD); applicable to certain Boeing Model 747–100, –200, –300, and 747SP series airplanes; that requires certain inspections to find missing and alloy-steel taperlock fasteners (bolts) in the diagonal brace underwing fittings; and corrective actions, if necessary. For airplanes with missing or alloy-steel fasteners, this AD also mandates replacement of certain fasteners with new fasteners, which constitutes terminating action for the repetitive inspections. This action is necessary to prevent loss of the underwing fitting load path due to missing or damaged alloy-steel taperlock fasteners, which could result in separation of the engine and strut from the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

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

FOR FURTHER INFORMATION CONTACT: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747–100, –200, –300, and 747SP series airplanes was published in the **Federal Register** on January 23, 2001 (66 FR 7433). That action proposed to require certain inspections to find missing and alloy-steel taperlock fasteners (bolts) in the diagonal brace underwing fittings; and corrective actions, if necessary. For airplanes with missing or alloy-steel fasteners, that action also proposed to mandate replacement of certain fasteners with new fasteners, which would constitute terminating action for the repetitive inspections.

Comments

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

Support for the Proposal

One commenter supports the proposed rule.

Request To Clarify Potential Damage Conditions

One commenter, the airplane manufacturer, requests that the FAA revise language in the preamble and paragraph (b)(1) of the proposed AD, which specifies, ''an open-hole high frequency eddy current (HFEC) inspection to detect cracks at the bolt hole locations * * *.'' The commenter requests that these sections refer to corrosion and damage in addition to cracking. The commenter states that corrosion is often present in bolt holes where cracked alloy steel bolts have been removed, and that fastener holes may be damaged during removal of bolts.

The FAA concurs with the commenter's request to reference all conditions that may be found during the open-hole HFEC inspection, and has revised paragraph (b)(1) to specify ''an open-hole [HFEC] inspection to detect cracks, corrosion, or damage at the bolt hole locations of the aft 10 taperlock fasteners in the diagonal brace underwing fitting.'' Paragraphs (b)(3) and (c) have also been revised to acknowledge that conditions other than cracking may be present. The FAA finds that these changes will not result in any additional burden for operators because the open-hole HFEC inspection is used to indicate whether there is a discrepancy, regardless of whether the discrepancy is a crack, corrosion, or other damage. The section of the preamble which the commenter asked to be changed is not restated in this final rule; thus, no change is necessary in this regard.

Request To Estimate Cost of Corrective Action

Two commenters request that the FAA revise the cost impact information included in the proposed AD to include an estimate of the cost for replacement of alloy-steel fasteners. One of the commenters also requests that the FAA estimate the number of airplanes on which this replacement may be necessary. The commenters note that, based on inspections accomplished thus far, it is highly probable that many operators will find alloy-steel fasteners installed on their airplanes. One of the commenters specifically requests that the FAA use the work hour estimate of 448 work hours per airplane that is provided in Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000.

The FAA concurs with the commenters' requests, though we note that the cost impact estimate included in ADs is typically limited only to the cost of actions actually required by the rule. The cost estimate does not typically consider the costs of ''on-condition'' actions, such as repairing a crack if one is detected during a required inspection (''repair, if necessary''). Such ''on-condition'' repair actions would be required to be accomplished—regardless of AD requirements—in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations.

In this case, however, the FAA acknowledges that many operators will probably find alloy-steel fasteners installed; thus, we agree that it is acceptable to provide an estimate of the costs associated with replacement of alloy steel fasteners. Accordingly, the FAA has added an estimate of the cost of the replacement of alloy steel fasteners to the ''Cost Impact'' section of this final rule. The FAA is unable to accommodate the commenter's request to estimate the number of airplanes that will actually require bolt replacement, but has instead estimated the total cost if all U.S.-registered airplanes subject to this AD must accomplish the bolt replacement. Operators will note that

the estimated cost is based on a work hour estimate of 135 hours per airplane, which differs from the estimate of 448 work hours suggested by the commenter. The commenter's figure of 448 work hours includes time for gaining access and closing up, which the FAA considers incidental costs. Incidental costs are not typically included in the cost estimate in AD actions because these costs may vary significantly from operator to operator, making them almost impossible to calculate.

Conclusion

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

Cost Impact

There are approximately 363 airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required visual and magnetic inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $7,200, or $120 per airplane.

Should an operator be required to accomplish the fastener replacement, it will take approximately 135 work hours per airplane, at an average labor rate of $60 per work hour. Required parts will cost approximately $1,600 per airplane. Based on these figures, the cost impact of such replacement is estimated to be $9,700 per airplane. Should all airplanes on the U.S. Register that are subject to this AD be required to accomplish this replacement, the FAA estimates that the cost impact of this replacement on U.S. operators would be $582,000.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–13–06 Boeing: Amendment 39–12286. Docket 2000–NM–250–AD.

Applicability: Model 747–100, –200, –300, and 747SP series airplanes, equipped with titanium diagonal brace underwing fittings; as listed in Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000; 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the underwing fitting load path due to missing or damaged taperlock fasteners, which could result in separation of the engine and strut from the airplane, accomplish the following:

Repetitive Inspections

(a) Within 12 months after the effective date of this AD: Do a one-time detailed visual inspection of the diagonal brace underwing fitting at the Number 1 and Number 4 engine pylons to find missing taperlock fasteners (bolts), and a magnetic inspection to find alloy-steel fasteners per Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000.

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

(1) If no alloy-steel fasteners are found and no fasteners are missing, no further action is required by this AD.

(2) If any alloy-steel fasteners are found or any fasteners are missing, before further flight, do an ultrasonic inspection of the alloy-steel fasteners to find damage per Part 2 of the Accomplishment Instructions of the service bulletin.

(i) If no damaged alloy-steel fasteners are found, and no fasteners are missing: Repeat the ultrasonic inspection thereafter at intervals not to exceed 18 months until accomplishment of the terminating action required by paragraph (b) of this AD.

(ii) If any damaged alloy-steel fasteners are found, or any fasteners are missing: Before further flight, do an ultrasonic inspection of all 10 aft fasteners (including non-alloy steel) per Part 2 of the Accomplishment Instructions of the service bulletin. Before further flight, replace damaged and missing fasteners with new fasteners per Part 3 of the Accomplishment Instructions of the service bulletin, except as provided by paragraph (c) of this AD. Thereafter, repeat the inspection of the remaining alloy-steel fasteners at intervals not to exceed 18 months until accomplishment of the terminating action required by paragraph (b) of this AD.

Terminating Action

(b) Within 48 months after the effective date of this AD: Do the actions required by paragraphs (b)(1) and (b)(2), or (b)(3) of this AD, per Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000. Accomplishment of the actions specified in this paragraph constitutes terminating action for the repetitive inspection requirements of this AD.

(1) Perform an open-hole high frequency eddy current (HFEC) inspection to detect cracks, corrosion, or damage at the bolt hole locations of the aft 10 taperlock fasteners in the diagonal brace underwing fitting at the Number 1 and Number 4 engine pylons per Part 3 of the Accomplishment Instructions of the service bulletin. If any cracking is detected, before further flight, perform applicable corrective actions per the service bulletin, except as provided by paragraph (c) of this AD.

(2) Before further flight: Replace all 10 aft taperlock fasteners with new, improved fasteners per Part 3 of the Accomplishment Instructions of the service bulletin.

(3) Do an ultrasonic inspection to find damaged fasteners per Part 2 of the Accomplishment Instructions of the service bulletin. Before further flight, replace all damaged non-alloy steel and all alloy-steel fasteners with new fasteners per Part 3 of the Accomplishment Instructions of the service bulletin. Do an open-hole HFEC inspection before installation of the new fasteners; if any cracking, corrosion, or damage is found, before further flight, perform applicable corrective actions per the service bulletin, except as provided by paragraph (c) of this AD.

Corrective Actions

(c) If any cracking, corrosion, or damage of the bolt hole that exceeds the limits specified in the service bulletin is found, or if any non-alloy steel bolt is found to be damaged, during any inspection required by this AD, and the bulletin specifies to contact Boeing for appropriate action: Before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Spares

(d) As of the effective date of this AD, no person shall install on any airplane, a fastener, part number BACB30PE( ) * ( ); or any other fastener made of 4340, 8740, PH13–8 Mo or H–11 steel, in the locations specified in this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

(f) 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

(g) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15933 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–212–AD; Amendment 39–12285; AD 2001–13–05]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model BAe.125 Series 800A (C–29A and U–125 Military), 1000A, and 1000B Airplanes; Hawker 800 (U–125A Military) Airplanes; and Hawker 800XP and 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Model BAe.125 series 800A (C–29A and U–125 military), 1000A, and 1000B airplanes; Hawker 800 (U–125A military) airplanes; and Hawker 800XP and 1000 series airplanes, that requires removal of existing clamps, bedding tapes, and rubber connecting sleeves at the ends of the turbine air discharge duct and the water separator, and replacement of the clamps and rubber connecting sleeves with new, improved components. This AD also requires, for certain airplanes, removal of aluminum bedding strips that are installed under the existing clamps. The actions specified by this AD are intended to prevent the turbine air discharge duct or water separator outlet duct from disconnecting from the cold air unit turbine or from the water separator, resulting in the loss of air supply to maintain adequate cabin pressure. Loss of adequate cabin pressure at high altitude would require emergency procedures, such as use of oxygen, auxiliary pressurization, or emergency descent.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. 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, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul C. DeVore, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4142; fax (316) 946–4407.

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 Raytheon Model BAe.125 series 800A (C–29A and U–125 military), 1000A, and 1000B airplanes; Hawker 800 (U–125A military) airplanes; and Hawker 800XP and 1000 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 14, 2001 (66 FR

10236). That action proposed to require removal of existing clamps, bedding tapes, and rubber connecting sleeves at the ends of the turbine air discharge duct and the water separator, and replacement of the clamps and rubber connecting sleeves with new, improved components. That action also proposed to include additional airplanes in the applicability and to require, for certain airplanes, removal of aluminum bedding strips that are installed under the existing clamps.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted.

Conclusion

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

Cost Impact

There are approximately 270 Model BAe.125 series 800A (C–29A and U–125 military), 1000A, and 1000B airplanes; Hawker 800 (U–125A military) airplanes; and Hawker 800XP and 1000 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 154 airplanes of U.S. registry will be affected by paragraph (a) of this AD. We estimate that the actions required by paragraph (a) of this AD will take approximately 8 work hours per airplane to accomplish, and that the average labor rate is $60 per work hour. Required parts will cost approximately $492 per airplane. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $149,688, or $972 per airplane.

The FAA estimates that an additional 36 airplanes of U.S. registry will be affected by paragraph (b) of this AD. We estimate that the actions required by paragraph (b) of this AD will take approximately 2 work hours per airplane to accomplish, and that the average labor rate is $60 per work hour. There is no cost for required parts. Based on these figures, the cost impact of paragraph (b) of this AD on U.S. operators is estimated to be $4,320, or $120 per airplane.

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

Regulatory Impact

The regulations 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:

2001–13–05 Raytheon Aircraft Company: Amendment 39–12285. Docket 2000–NM–212–AD.

Applicability: Model BAe.125 series 800A (C–29A and U–125 military), 1000A, and 1000B airplanes; Hawker 800 (U–125A military) airplanes, up to and including serial number 258406; and Hawker 800XP series airplanes, up to and including serial number 258483, and 1000 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the turbine air discharge duct or water separator outlet duct from disconnecting from the cold air unit turbine or from the water separator, resulting in the loss of air supply to maintain adequate cabin pressure, accomplish the following:

Replacement

(a) For Model BAe.125 series 800A (C–29A and U–125 military) series airplanes; Hawker 800 (U–125A military) airplanes up to and including serial number 258406; and Hawker 800XP series airplanes up to and including serial number 258459: Remove the clamps, bedding tapes, and rubber connecting sleeves at the ends of the air turbine discharge duct and the water separator, and replace the clamps and rubber connecting sleeves with new, improved components, in accordance with the Accomplishment Instructions of Raytheon Service Bulletin SB 21–3377, Revision 1, dated July 2000, at the earliest of the times specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Prior to any extended over-water operation.

(2) Within the next 300 hours time-in-service after the effective date of this AD.

(3) Within the next six months after the effective date of this AD.

Note 2: An extended over-water operation is defined in 14 CFR 1.1 as ''* * * an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline * * *.''

(b) For Model Hawker 800XP series airplanes having serial numbers 258460 through 258483; Model BAe.125 series 1000A/1000B airplanes; and Hawker 1000 series airplanes: Remove the aluminum bedding strips from the air conditioning duct sleeves attached to both ends of the turbine air discharge duct and at the outlet end of the water separator, in accordance with the Accomplishment Instructions of Raytheon Service Bulletin SB 21–3414, Revision 1, dated July 2000, at the earliest of the times specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(1) Prior to any extended over-water operation.

(2) Within the next 300 hours time-in-service after the effective date of this AD.

(3) Within the next six months after the effective date of this AD.

Actions Accomplished Previously and Terminating Actions

(c) For certain airplanes, actions described in the original issuance of Raytheon Service Bulletin SB 21–3377 may have been accomplished prior to the effective date of this AD. On those airplanes, those actions are not required to be repeated, as allowed by the phrase, ''unless accomplished previously.'' However, any action described in Raytheon Service Bulletin SB 21–3377, Revision 1, dated July 2000; or Raytheon Service Bulletin SB 21–3414, Revision 1, dated July 2000, that has not been accomplished on those airplanes must be accomplished in accordance with this AD. Accomplishment of the actions specified in both Raytheon Service Bulletin SB 21–3377, Revision 1, dated July 2000; and Raytheon Service Bulletin SB 21–3414, Revision 1, dated July 2000, is considered to be terminating action for the requirements of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita 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, Wichita ACO.

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

Special Flight Permits

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

Incorporation by Reference

(f) The actions shall be done in accordance with Raytheon Service Bulletin SB 21–3377, Revision 1, dated July 2000; and Raytheon Service Bulletin SB 21–3414, Revision 1, dated July 2000. 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 Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on August 1, 2001.

Issued in Renton, Washington, on June 19, 2001.

Kalene C. Yanamura,

Acting Manager,, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15932 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–193–AD; Amendment 39–12294; AD 2001–12–51]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2001–12–51 that was sent previously to all known U.S. owners and operators of all Boeing Model 737–800 series airplanes by individual notices. This AD requires revising the Airplane Flight Manual (AFM) to prohibit operating the airplane at speeds in excess of 300 knots indicated airspeed (KIAS) with speedbrakes extended. This AD also provides for optional terminating action for the AFM revision. This action is prompted by a report indicating that severe vibration of the horizontal stabilizer occurred on a Boeing Model 737–800 series airplane. The actions specified by this AD are intended to prevent severe vibration of the elevator and elevator tab assembly following deployment of the speedbrakes, which, if not corrected, could result in severe damage to the horizontal stabilizer, followed by loss of controllability of the airplane.

DATES: Effective July 2, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–12–51, issued June 13, 2001, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before August 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–193–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–193–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Nancy H. Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On June 13, 2001, the FAA issued emergency AD 2001–12–51, which is applicable to all Boeing Model 737–800 series airplanes.

Background

The FAA has received a report indicating that severe vibration of the horizontal stabilizer occurred on a Boeing Model 737–800 series airplane. The airplane was operating at an altitude of 23,000 feet and an airspeed of 320 knots indicated airspeed (KIAS). This high frequency vibration was initiated by deployment of the speedbrakes during flight; it continued unabated for approximately 40 seconds, even though the speedbrakes were retracted.

Results of post-event analysis and investigation indicate that the type of vibration of the elevator and elevator tab assembly following deployment of the speedbrakes, if not corrected, could result in severe damage to the horizontal stabilizer, followed by loss of controllability of the airplane.

FAA's Conclusions

In light of this information, the FAA finds that certain new limitations should be included in the FAA-approved Airplane Flight Manual (AFM) for Model 737–800 series airplanes to prohibit operating the airplane at speeds in excess of 300 KIAS with speedbrakes extended. The FAA has determined that an airspeed of 300 KIAS provides an acceptable safety margin compared to the 320–KIAS

airspeed at which the severe vibration occurred.

Other Similar Models

Operators should note that Model 737–600, –700, –700C, and –900 series airplanes are not included in the applicability of this AD. Existing analysis and flight testing data have not shown that Model 737–600, –700, and –700C series airplanes are subject to this severe vibration. Modified elevator tabs have already been installed on Model 737–900 series airplanes.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued emergency AD 2001–12–51 to prevent severe vibration of the elevator and elevator tab assembly following deployment of the speedbrakes, which, if not corrected, could result in severe damage to the horizontal stabilizer, followed by loss of controllability of the airplane. The AD requires revising the AFM to prohibit operating the airplane at speeds in excess of 300 KIAS with speedbrakes extended. The AD also provides for optional terminating action for the AFM revision.

Since the issuance of the emergency AD, an issue has been raised about whether this limitation has the effect of prohibiting operation at airspeeds above 300 KIAS in the event of an emergency descent (*e.g.*, necessitated by rapid decompression of the fuselage). It was always the FAA's intent that the pilot would be able to operate as necessary in the event of an emergency as permitted in accordance with 14 CFR 91.3. This AD does not change that authority.

Interim Action

This AD is considered to be interim action. The specific details of the modification discussed previously are being developed, but are not yet available for dissemination to affected operators. Once the modification of the elevator tab assembly discussed previously is developed, approved, and available, the FAA may consider further rulemaking.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on June 13, 2001, to all known U.S. owners and operators of Boeing Model 737–800 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–193–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2001–12–51 Boeing: Amendment 39–12294. Docket 2001–NM–193–AD.

Applicability: All Model 737–800 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is advised of the potential hazard associated with extending the speedbrakes at speeds in excess of 300 knots indicated airspeed (KIAS), accomplish the following:

Airplane Flight Manual (AFM) Revision

(a) Within 24 clock hours after the effective date of this AD, revise the Limitations

Section of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the Limitations Section of the AFM.

''Do not operate the airplane at speeds in excess of 300 KIAS with speedbrakes extended.

WARNING: Use of speedbrakes at speeds in excess of 320 KIAS could result in a severe vibration, which, in turn, could cause extreme damage to the horizontal stabilizer.''

Optional Terminating Action

(b) Modification or retrofit of the elevator tab assembly in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, constitutes terminating action for the AFM revision required by paragraph (a) of this AD. Following such modification or retrofit, that AFM revision may be removed from the AFM.

Alternative Methods of Compliance

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

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

Effective Date

(d) This amendment becomes effective on July 2, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001–12–51, issued on June 13, 2001, which contained the requirements of this amendment.

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16051 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–177–AD; Amendment 39–12293; AD 2001–13–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Airbus Model A330 and A340 series airplanes. This action requires revising the Airplane Flight Manual to advise the flight crew of appropriate procedures to follow in the event of lost or erroneous airspeed indications. This action is necessary to prevent inadvertent excursions outside the normal flight envelope. This action is intended to address the identified unsafe condition.

DATES: Effective July 12, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–177–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–177–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

Information concerning this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamra Elkins, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2669; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A330 and A340 series airplanes. The DGAC advises that operators have reported several cases of sudden fluctuation of airspeed indications (including calibrated airspeed, true airspeed, and Mach) in cruise during severe icing conditions. Lost or erroneous airspeed indications could result in lack of sufficient information for the flight crew to safely operate the airplane, and consequent inadvertent excursions outside the normal flight envelope.

DGAC Actions

The DGAC has issued French airworthiness directives 2001–068(B) and 2001–069(B), both dated February 21, 2001, to ensure the continued airworthiness of these airplanes in France. Those directives and this AD advise the flight crew to follow the same procedures under the same conditions.

FAA's Conclusions

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

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent inadvertent excursions outside the normal flight envelope due to insufficient information for the flight crew to safely operate the airplane. This AD requires revising the FAA-approved Airplane Flight Manual (AFM) to advise the flight crew of appropriate procedures to follow in the event of such airspeed anomalies.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before

the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket 2001–NM–177–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2001–13–13 Airbus Industrie: Amendment 39–12293. Docket 2001–NM–177–AD.

Applicability: All Model A330 and A340 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent excursions outside the normal flight envelope by ensuring that the flight crew is advised of appropriate procedures to follow in the event of lost or erroneous airspeed indications, accomplish the following:

Revision of Airplane Flight Manual (AFM)

(a) Within 10 days after the effective date of this AD, revise the ''Procedures Following Failure'' of Section 4 of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

''In the event of erroneous airspeed in flight or at take-off, or if the airspeed indication is lost, accomplish the following:

Unreliable Airspeed

Note: Unreliable airspeed may be caused by a radome destruction or obstructed pitots. If the failure is due to radome destruction, the drag will be increased and therefore N1 must be increased by 3% in cruise or 1.5% in approach.

Switch OFF the AP/FD and A/THR
Maintain flaps/slats in current configuration
Check that speedbrakes are retracted
When airborne, select landing gear up

- With slats extended—Apply MCT thrust and set the pitch attitude to 12.5°
- In clean configuration—Apply CLB thrust
- When below FL100, set the pitch attitude to 10°
- When above FL100, set the pitch attitude to 5°

Note: Respect Stall warning if in alternate law

When the flight path is stabilized, set the PROBE WINDOW HEAT to ON.

Adjust pitch attitude and thrust regarding flight phase and aircraft configuration to obtain and maintain target speed.

In the event of a double pitot probe heat failure, accomplish the following:

Double Probe Heat Failure

If icing conditions cannot be avoided:
Switch OFF one of the affected ADRs''

Note 1: The procedures identified in paragraph (a) of this AD have been introduced into the A330 AFM by the manufacturer at the revision levels listed below.

Airplane model	Revision number
A330–202	04
A330–223	04
A330–243	03
A330–301	05
A330–321	04
A330–322	04
A330–323	03
A330–341	04
A330–342	04
A330–343	03

Note 2: When the information in paragraph (a) of this AD has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be incorporated into the AFM, provided the information in this AD and the general revisions is identical. This AD may then be removed from the AFM.

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, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

(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.

Note 4: The subject of this AD is addressed in French airworthiness directives 2001–068(B) and 2001–069(B), both dated February 21, 2001.

Effective Date

(d) This amendment becomes effective on July 12, 2001.

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16050 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–50–AD; Amendment 39–12283; AD 2001–13–03]

RIN 2120–AA64

Airworthiness Directives; Kaman Aerospace Corporation Model K–1200 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Kaman Aerospace Corporation (Kaman) Model K–1200 helicopters that requires reducing the life limit of the rotor shaft and teeter pin assembly and establishing a life limit for the flap clevis. This amendment is prompted by the discovery of cracks in parts that were returned to the manufacturer. The actions specified by this AD are intended to prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter.

EFFECTIVE DATE: August 1, 2001.

FOR FURTHER INFORMATION CONTACT: Richard Noll, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238–7160, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for Kaman Model K–1200 helicopters was published in the **Federal Register** on March 5, 2001 (66 FR 13269). That action proposed to require:

- Reducing the life limit for the rotor shaft from 10,000 hours time-in-service (TIS) to 3,750 TIS;
- Reducing the life limit of the teeter pin assembly from 10,000 hours TIS to 550 hours TIS; and
- Establishing a life limit of the flap clevis of 640 hours TIS.

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

The sole commenter states that paragraph (b) of the AD incorrectly limits the life limit of the rotor shaft to 3,740 hours TIS instead of 3,750 hours TIS. The FAA concurs. Paragraph (a) of the proposal states to remove from service certain rotor shafts that have 3750 or more hours TIS, however, in the recitation of that life limit in paragraph (b), 3740 hours TIS was inadvertently stated. We have corrected that mistake in this final rule.

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 change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 9 helicopters of U.S. registry will be affected by this AD, that it will take 0.25 hour per helicopter to accomplish the changes to the Limitations section of the applicable maintenance manual, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $135, plus an increase in hourly operating costs of approximately $13 for each affected helicopter.

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 FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

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 a new airworthiness directive to read as follows:

2001–13–03 Kaman Aerospace Corporation: Amendment 39–12283. Docket No. 2000–SW–50–AD.

Applicability: Model K–1200 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 25 hours time-in-service, unless accomplished previously.

To prevent failure of the rotor shaft, teeter pin assembly, or flap clevis due to fatigue cracks, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove any rotor shaft, part number (P/N) K974112–001, –003, –005, –007, –009, or –101, that has 3,750 or more hours time-in-service (TIS) and replace it with an airworthy rotor shaft. Remove any teeter pin assembly, P/N K910005–007 or –009, that has 550 or more hours TIS and replace it with an airworthy teeter pin assembly. Remove any flap clevis, P/N K911049–011, –017, –019, or –021, that has 640 or more hours TIS and replace it with an airworthy flap clevis.

(b) This AD revises the Limitations section of the maintenance manual by reducing the life limit of the rotor shaft, P/N K974112–001, –003, –005, –007, –009, and –001, to 3,750 hours TIS; reducing the life limit of the teeter pin assembly, P/N K910005–007 and –009, to 550 hours TIS; and establishing a life limit for the flap clevis, P/N K911049–011, –017, –019, and –021, of 640 hours TIS.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, FAA. Operators

shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

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

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

(e) This amendment becomes effective on August 1, 2001.

Issued in Fort Worth, Texas, on June 12, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–16046 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–08–AD; Amendment 39–12284; AD 2001–13–04]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC 155B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter France Model EC 155B helicopters. This AD requires, before each takeoff with a cabin sliding door in the open position, visually checking each sliding door to ensure that each door roller is inside its rail. If a roller is outside its rail, before further flight, each roller on each door must be replaced inside its rail. This AD also revises the Limitations section of the Rotorcraft Flight Manual (RFM) by prohibiting the opening and closing of a cabin sliding door in flight. This AD is prompted by the loss of a cabin sliding door in flight. The actions specified by this AD are intended to prevent in-flight loss of a cabin sliding door, impact with the main rotor or fenestron, and subsequent loss of control of the helicopter.

DATES: Effective July 23, 2001.

Comments for inclusion in the Rules Docket must be received on or before August 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–08–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Générale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model EC 155B helicopters. The DGAC advises of an in-flight loss of a cabin sliding door.

Eurocopter France has issued Alert Service Telex No. 52A003, dated February 8, 2001 (AST). The AST specifies that, before takeoff with a cabin sliding door (door) open, the operator must visually check each door rail with the door in the open position to ensure that no roller is outside its rail. If a roller is outside its rail, the AST specifies correcting that condition in accordance with Aircraft Maintenance Manual Task 52–12–00–061 before resuming flight. The AST also forbids opening and closing a sliding door in flight. The DGAC classified this AST as mandatory and issued AD No. T2001–058–001(A) to ensure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since we have identified an unsafe condition that is likely to exist or develop on other Eurocopter France Model EC 155B helicopters of the same type design registered in the United States, this AD is being issued to prevent in-flight loss of a door, impact with the main rotor or fenestron, and subsequent loss of control of the helicopter. This AD requires the operator, before each flight with a sliding door open, to visually check the door rails of that door to ensure that each roller is inside its rail. If any roller is outside its rail, this AD requires that each roller be replaced inside its rail. Note 2 of the AD refers the reader to Maintenance Manual Task 52–12–00–061 that details a corrective procedure. This AD also revises the Limitations section of the RFM by prohibiting opening and closing either cabin sliding door in flight. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, visually checking the door and ensuring that each roller is inside its rail is required before each flight with a sliding door open, and this AD must be issued immediately.

An owner/operator (pilot) may perform the visual checks required by this AD and must enter compliance with the visual inspection required by paragraph (a) of this AD in accordance with 14 CFR 43.11 and 91.417(a)(2)(v)). This AD allows a pilot to perform this check because it involves only a visual check of a sliding cabin door to detect any roller outside its rail and can be performed equally well by a pilot or a mechanic.

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

The FAA estimates that 2 helicopters will be affected by this AD, that it will take approximately 0.1 work hour to accomplish the visual check, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6 for each flight with a sliding door open, assuming that no roller is outside of its rail.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be

considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–SW–08–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding the following new airworthiness directive:

2001–13–04 Eurocopter France: Amendment 39–12284. Docket No. 2001–SW–08–AD.

Applicability: Model EC 155B helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required before each flight (takeoff and landing) with an open cabin sliding door, unless accomplished previously.

To prevent in-flight loss of a cabin sliding door, impact with the main rotor or fenestron, and subsequent loss of control of the helicopter, accomplish the following:

(a) Visually check each cabin sliding door in the open position to ensure that each roller is in its rail. If any roller is outside its rail, before further flight, replace the roller inside the rail.

Note 2: Maintenance Manual Task 52–12–00–061 pertains to the subject of this AD.

(b) An owner/operator (pilot) may perform the visual check required by this AD and must record compliance with the visual check required by paragraph (a) of this AD in accordance with 14 CFR 43.11 and 91.417(a)(2)(v)). This AD allows a pilot to perform this check because it involves only a visual check of each cabin sliding door to detect any roller outside its rail and can be performed equally well by a pilot or a mechanic.

(c) This AD revises the Limitations section of the Rotorcraft Flight Manual (RFM) by either inserting statements prohibiting the opening and closing of a cabin sliding door in flight and requiring, before each flight with an open cabin sliding door, visually checking the open door to ensure each door roller is inside its rail, or by inserting a copy of this AD into the Limitations section of the RFM.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment, and then send it to the Manager, Rotorcraft Directorate.

(e) A special flight permit is prohibited.

(f) This amendment becomes effective on July 23, 2001.

Note 3: The subject of this AD is addressed in Direction Générale De L'Aviation Civile (France) AD No. T2001–058–001(A), dated February 9, 2001.

Issued Fort Worth, Texas, on June 12, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–16045 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–48–AD; Amendment 39–12281; AD 2001–13–01]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

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

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained

from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for BHTI Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters was published in the **Federal Register** on March 8, 2001 (66 FR 13858). That action proposed to require the following:

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

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

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

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 a new airworthiness directive to read as follows:

2001–13–01 Bell Helicopter Textron, Inc.: Amendment 39–12281. Docket No. 2000–SW–48–AD.

Applicability: Model 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

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

(a) For Model 205A–1 helicopters:

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

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

(b) For Model 205B helicopters:

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

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

(c) *For Model 212 helicopters:*

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

(2) At intervals not to exceed 100 hours TIS after accomplishing paragraph (c)(1) of this AD, inspect the retention nuts and CPC coating in accordance with paragraph (6) of the Accomplishment Instructions in the 212

ASB. Reapply the CPC coating if deficiencies are found in the coverage and protection of the area. Replace any retention nut with any corrosion, mechanical damage, a crack, or looseness with an airworthy new nut before further flight.

(d) *For Model 412 or 412EP helicopters:*

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

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

(e) *For Model 412CF helicopters:*

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

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

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

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

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

(h) The modifications and inspections shall be done in accordance with paragraphs (1) through (6) of the Accomplishment Instructions in the following Bell Helicopter Textron, Inc. Alert Service Bulletins: No. 205–00–77, Revision A, dated September 13, 2000; No. 205B–00–31, Revision A, dated September 13, 2000; No. 212–00–107, Revision A, dated September 13, 2000; No. 412–00–102, Revision A, dated September 13, 2000; or No. 412CF–00–10, Revision A, September 13, 2000, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on August 1, 2001.

Issued in Fort Worth, Texas, on June 13, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15794 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–04–AD; Amendment 39–12271; AD 2001–12–16]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter France Model AS332L2 helicopters. This AD requires, at specified time intervals, visually inspecting the main rotor blade sleeve yoke (sleeve) for cracks, corrosion, fretting, or bonding separation; the bearing surface of the metal bushing (bushing) for fretting or cracks; and the sleeve-to-damper attachment bolt (bolt) for corrosion and deterioration of the fluorimid varnish coating. Replacing any cracked or nonairworthy sleeve, bushing, or bolt is also required before further flight. This AD is prompted by the discovery of extensive deterioration of the fluorimid varnish coating on the bolt; cracks in the bushing; and fretting and corrosion of the sleeve. The actions specified in this AD are intended to detect corrosion and cracks in the yoke, which could result in separation of the blade damper assembly and subsequent loss of control of the helicopter.

DATES: Effective July 12, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 12, 2001.

Comments for inclusion in the Rules Docket must be received on or before August 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–04–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5490, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Générale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter France Model AS332L2 helicopters. The DGAC advises that cracks in the yokes of the damper attachment sleeves may result in loss of the damper attachment and the occurrence of vibrations, leading to loss of control of the helicopter.

Eurocopter issued Eurocopter Service Bulletin No. 05.00.53, Revision 1, dated July 6, 1999, which specifies checking the sleeve yoke for cracks and the damper attachment for damage. The DGAC classified this service bulletin as mandatory and issued AD No. 1999–260–014(A) R1, dated July 13, 1999, to ensure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation

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

None of the Eurocopter France Model AS332L2 helicopters affected by this AD are on the U.S. Register. All helicopters included in the applicability of this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject helicopters are imported and placed on the U.S. Register in the future.

Should an affected helicopter be imported and placed on the U.S. Register in the future, it will require approximately 1 work hour per helicopter to inspect the sleeve, and either 10 work hours per helicopter to remove, inspect, and reinstall the current damper attachment bolt and bushing or 10 work hours to remove, inspect, and install a replacement damper attachment bolt and bushing or the sleeve if the current parts are damaged. The average labor rate is $60 per work hour. Required parts will cost approximately $54,549 per blade ($54,305 for a sleeve and $244 for a bolt). Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $55,209 for each helicopter, assuming each imported helicopter would require one new sleeve and one new bolt and bushing.

The FAA has identified an unsafe condition that is likely to exist or develop on other Eurocopter France Model AS332L2 helicopters of the same type design, which may become registered in the United States. This AD is being issued to detect corrosion and cracks in the sleeve, which could result in separation of the blade damper assembly and subsequent loss of control of the helicopter. This AD requires, at specified time intervals, visually inspecting the sleeve for cracks, corrosion, fretting, or bonding separation; the bearing surface of the bushing for fretting or cracks; and the bolt for corrosion and deterioration of the fluorimid varnish coating. Replacing any cracked or non-airworthy sleeve, bushing, or bolt would also be required before further flight. The actions must be accomplished in accordance with the service bulletin described previously.

Since this AD action does not affect any helicopter that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–SW–04–AD.'' The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that notice and prior public comment are unnecessary in promulgating this regulation; therefore, it can be issued immediately to correct an unsafe condition in aircraft since none of these model helicopters are registered in the United States. The FAA has also determined that this regulation is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–12–16 Eurocopter France: Amendment 39–12271. Docket No. 2001–SW–04–AD.

Applicability: Model AS332L2 helicopters, with main rotor hub sleeve, part number (P/N) 332A31–1860–03 or –04, and sleeve-to-drag damper attachment bolt, P/N 332A31–1961–20, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of

the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect corrosion on a sleeve-to-blade damper attachment bolt (bolt) or a crack on the main rotor blade sleeve yoke (sleeve) and to prevent failure of the damper attachment and subsequent loss of control of the helicopter, accomplish the following:

(a) For sleeves with 175 or less hours time-in-service (TIS), before accumulating 275 hours TIS, and thereafter at intervals not to exceed 275 hours TIS, remove the sleeve-to-blade-damper assembly in accordance with paragraph 2.B.2 of the Accomplishment Instructions in Eurocopter Service Bulletin No. 05.00.53, Revision 1, dated July 6, 1999 (SB), and inspect in accordance with paragraphs 2.B.2.1, 2.B.2.2, and 2.B.2.3 of the SB. Returning a sleeve to the manufacturer is not required by this AD. Replace any unairworthy part before further flight.

(b) For sleeves with more than 175 hours TIS that have not complied with paragraph (a) of this AD, before the first flight of each day, visually inspect the sleeve for a crack in accordance with paragraph 2.B.1 of the SB. Replace any cracked sleeve with an airworthy sleeve before further flight. Within the next 100 hours TIS and thereafter at intervals not to exceed 275 hours TIS, remove the sleeve-to-blade-damper assembly in accordance with paragraph 2.B.2 of the SB, and inspect in accordance with paragraphs 2.B.2.1, 2.B.2.2, and 2.B.2.3 of the SB. Returning a sleeve to the manufacturer is not required by this AD. Replace any unairworthy part before further flight.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

(e) Removing the sleeve-to-blade damper assembly and inspecting the sleeve shall be done in accordance with the Accomplishment Instructions, paragraphs 2.B.1, 2.B.2, 2.B.2.1, 2.B.2.2, and 2.B.2.3, of Eurocopter Mandatory Service bulletin No. 05.00.53, Revision 1, dated July 6, 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 12, 2001.

Note 3: The subject of this AD is addressed in Direction Générale de L'Aviation Civile (France) AD No. 1999–260–014(A) R1, dated July 13, 1999.

Issued in Fort Worth, Texas, on June 8, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15792 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–06–AD; Amendment 39–12282; AD 2001–13–02]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 407 helicopters that requires replacing certain cockpit warning horns. This amendment is prompted by reports that pilots have had difficulty in distinguishing between the FADEC Fail horn, the Engine Out horn, and the Low Rotor RPM horn. The actions specified by this AD are intended to assist the pilot in properly identifying a specific cockpit warning horn (horn) and prevent an inappropriate pilot response to a horn, which could cause an engine overspeed and subsequent uncommanded reduction to flight-idle engine power.

DATES: Effective August 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 363–8023, fax (450) 433–0272. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Regulations Group, Fort Worth, Texas 76193, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) for BHTC Model 407 helicopters was published in the **Federal Register** on March 14, 2001 (66 FR 14865). That action proposed to require replacing the FADEC Fail horn, the Engine Out horn, and the Low Rotor RPM horn.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 200 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2.5 work hours per helicopter to replace the horns, and that the average labor rate is $60 per work hour. Required parts will cost approximately $154. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $60,800 to replace the horns in all the fleet.

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 a new airworthiness directive to read as follows:

2001–13–02 Bell Helicopter Textron Canada: Amendment 39–12282. Docket No. 99–SW–06–AD.

Applicability: Model 407 helicopters, serial numbers 53000 through 53194, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 within 90 calendar days, unless accomplished previously.

To assist the pilot in properly identifying a specific warning horn (horn) and prevent an inappropriate pilot response to a horn, which could cause an engine overspeed and subsequent uncommanded reduction to flight-idle engine power, accomplish the following:

(a) Remove and replace the following horns and install the specified terminal junctions in accordance with the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 407–97–12, dated October 7, 1997:

Part Name	Current Part Number	Replacement Part No.
(1) FADEC Fail Horn	SC648S	VSB628CP
(2) Low Rotor RPM Horn	SC628	SC628N
(3) Engine Out Horn	SC628P	SC628NP
(4) Terminal Junction (2)		M81714/65–22–11

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

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

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

(d) The modification shall be done in accordance with the Accomplishment Instructions in Bell Helicopter Textron Alert Service Bulletin No. 407–97–12, dated October 7, 1997. 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 Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 363–8023, fax (450) 433–0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 1, 2001.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF–98–13, effective August 7, 1998.

Issued in Fort Worth, Texas, on June 13, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15793 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–5]

RIN 2120–AA66

Establishment of Jet Route J–713

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This action establishes Jet Route 713 (J–713) through Utah, Montana, and Wyoming. The FAA is taking this action to improve the management of air traffic operations at the Salt Lake City International Airport and to enhance safety.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington,DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On June 2, 2000, the FAA published in the **Federal Register** a notice to amend Title 14 Code of Federal Regulations (14 CFR) part 71 to establish J–713 (65 FR 35303). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received. Except for editorial changes this amendment is the same as that proposed in the notice.

The Rule

This action amends 14 CFR part 71 to establish J–713 through Utah, Montana, and Wyoming. The FAA is establishing J–713 for the following reasons: (1) The need for high altitude arrival and departure routing to and from the north of Salt Lake City; (2) to assist in the

balancing of traffic flow between Brigham City One arrivals into Salt Lake City International Airport; and (3) the addition of this route will improve the overall management of air traffic operations and thereby enhance safety.

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

Jet routes are published in paragraph 2004 of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The jet route listed in this document will be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes

* * * * *

J–713 [New]

From Billings, MT, via Boysen Reservoir, WY; Big Piney, WY; to Salt Lake City, UT.

* * * * *

Issued in Washington, DC, on June 20, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–16181 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 30

Treatment of Customer Funds

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is issuing an Order regarding the treatment of customer funds carried by a futures commission merchant (''FCM'') for the purpose of margining, guaranteeing or securing customers' trades executed on or through a board of trade located outside the U.S. but cleared by a derivatives clearing organization located in the U.S. Subject to the terms and conditions set forth herein, certain designated members of the Chicago Mercantile Exchange (''CME'') may commingle in a single account the funds received from customers trading on or through designated contract markets or derivatives trading execution facilities with those funds received in connection with the CME's clearing of certain products traded on or though the MEFF Sociedad Recotra de Productos Financieros Derivados de Renta Variable (''MEFF''), a board of trade located in Spain. This Order is issued pursuant to Sections 4(b) and 4d of the Commodity Exchange Act and Commission Rule 30.10.

EFFECTIVE DATE: June 20, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew V. Chapin, Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5430.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order: Order Regarding the Treatment of Customer Funds Carried in Connection with Transactions Entered into on or through MEFF Sociedad Rectora de Productos Financieros Derivados de Renta Variable and Cleared through the Chicago Mercantile Exchange.

A. The CME–MEFF Arrangement

The CME has entered into a clearing arrangement with MEFF involving the trading and clearing of certain stock index futures products based on the Standard and Poor's (''S&P'') Euro Index, the S&P Europe 350 Index, and certain sector indices from the S&P Europe 350 Index (collectively, ''Designated Future Contracts'' or ''DFC'').[1] Pursuant to the arrangement, referred to as the Master Agreement, MEFF will list these products for trading on its electronic trading platform, MEFF S/MART, execute these trades subject to MEFF rules, and submit these transactions for clearing to the CME. In accordance with part 30 of the Commission's rules, any DFC transaction involving a customer located in the U.S. will be intermediated by an FCM or a firm exempt from such registration pursuant to Rule 30.10.[2] MEFF has received previously from the Commission an order issued pursuant to

[1] Receipt of a no-action position from Commission staff is a necessary prerequisite to the offer and sale of foreign futures and option contracts on non-narrow foreign stock indices in the U.S. On June 13, 2001, the Commission's Office of General Counsel issued a no-action letter to MEFF permitting the offer and sale in the U.S. of futures and options contracts on the S&P Euro and S&P Europe 350 stock indices. MEFF has not sought similar relief with respect to any of the Europe 350 sector indices.

[2] Rule 30.10 permits a person affected by the requirements contained in Part 30 of the Commission's rules to petition the Commission for an exemption from such requirements. Appendix A to the Part 30 rules provides an interpretative statement that clarifies that a foreign regulator or self-regulatory organization (''SRO'') can petition the Commission under Rule 30.10 for an order to permit firms that are members of the SRO and subject to regulation by the foreign regulator to conduct business from locations outside of the United States for United States persons on non-United States boards of trade without registering under the Commodity Exchange Act, based upon the person's substituted compliance with a foreign regulatory structure found comparable to that administered by the Commission under the Act.

Among the issues considered by the Commission in determining whether to grant Rule 30.10 relief to a foreign regulatory or self-regulatory authority are the authority's: (i) requirements relating to the registration, authorization, or other form of licensing, fitness review, or qualification of persons through whom customer orders are solicited and accepted; (ii) minimum financial requirements for those persons that accept customer funds; (iii) minimum sales practice standards, including risk disclosures, and the risk of transactions undertaken outside of the United States; (iv) procedures for auditing compliance with the requirements of the regulatory program, including recordkeeping and reporting requirements; (v) standards for the protection of customer funds from misapplication; and (vi) arrangements for the sharing of information with the United States. Interpretative Statement with Respect to the Commission's Exemptive Authority Under § 30.10 of its Rules, 17 CFR Part 30, Appendix A (2001).

Rule 30.10 and certain MEFF members have received confirmation of such relief.[3]

For the purpose of clearing transactions involving DFCs, MEFF will be designated as a Special Clearing Member of the CME and generally will be required to comply with all CME rules.[4] As such, MEFF will open a special clearing account with CME. In the case of a trade intermediated by a MEFF clearing member, the CME will post the legs of the trade to the appropriate sub-account for each MEFF clearing member in the MEFF's special clearing account. In the case of a trade intermediated by a CME clearing member, the CME will post the trade directly into the appropriate clearing member's account at the CME. Customer funds will be held either by MEFF in its special clearing account or by a CME clearing member.

B. Request for Relief

By letter dated May 24, 2001, the CME requested, on behalf of its clearing members, an exemption from certain requirements set forth in Section 4d of the Commodity Exchange Act (''Act''), and Commission Rules 1.20 and 30.7.[5]

Section 4d of the Act provides, *inter alia,* that FCMs shall ''treat and deal'' with funds deposited by a customer to margin or settle trades or contracts ''as belonging to such customer.'' [6] Further, an FCM must segregate and separately account for customer funds and property but may, for purposes of convenience, deposit such funds and property in the same account or accounts with any one of the listed depositories. Section 4d(a)(2) further states that it shall be unlawful for any depository to hold, dispose or use any money, securities or property deposited by customers as belonging to the depository or any person other than the customers of said depository. Section 4d also prohibits a depository from commingling funds attributable to trading on or through a designated contract market (''DCM'') or derivatives transactions execution facility (''DTF'') with those funds on deposit for the purpose of trading on or through a board of trade other than a DCM or DTF.

[3] *See* 62 FR 16687 (April 8, 1997).

[4] For example, MEFF will be required to: (i) deposit with CME the initial margin equal to the account required of other CME clearing members; (ii) comply with certain CME capital requirements; (iii) file monthly financially reports; (iv) submit an annual certified audit; and (v) provide CME with access to its books and records.

[5] Letter from Stephen M. Szarmack, Director and Associate General Counsel, CME, to John C. Lawton, Acting Director, Division of Trading and Markets, Commission, dated May 24, 2001.

[6] 7 U.S.C. § 6d (2001).

Commission Rules 1.20–1.30, 1.32, 1.35 and 1.36 implement section 4d.

Rule 30.7 sets forth similar, but not identical, requirements with respect to the treatment of funds held on deposit for foreign futures or foreign options customers, *i.e.,* customers located in the U.S. trading on or subject to the rules of a foreign board of trade [7] Unlike section 4d and Rule 1.20, Rule 30.7 requires an FCM to maintain in a separate account only an amount sufficient to cover or satisfy all of its current obligations to foreign futures and foreign options customers, defined in Rule 1.3(rr) as the foreign futures and foreign options secured amount, and not an amount equal to all money, securities or property on deposit. Like section 4d and Rule 1.20, however, Rule 30.7 requires an FCM to separate customer funds from non-customer funds and permits an FCM to commingle all customer funds into one account. In addition, Rule 30.7(d) also states that ''[I]n no event may money, securities or property representing the foreign futures or foreign options secured amount be held or commingled and deposited with customer funds in the same account or accounts required to be separately accounted for and segregated pursuant to section 4d of the Act and the regulations thereunder.''

Notwithstanding the previously cited provisions, however, Section 4d provides further;

> in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, such money, securities, and property of the customers of such FCM may be commingled and deposited as provided in this section with any other money, securities, and property received by such FCM and required by the Commission to be separately accounted for and treated and dealt with as belonging to customers of such FCM.

In addition, Rule 30.10 permits any party adversely affected by any requirement under Part 30 of the Commission's rules to petition the Commission for relief from such requirement.

Absent any relief, CME clearing members would be required to hold U.S. customer funds in accordance with the Rule 30.7 secured amount requirement and would not be permitted to commingle customer funds associated with DFCs in a Section 4d segregated account along with customer funds associated with domestically-traded contracts.

The CME has represented that it believes that existing protections and protections afforded by the Master Agreement are sufficient to protect the funds of customers trading domestic products (and held in a Section 4d segregated account) in the event of a default by MEFF or a CME clearing member as a result of trading in DFCs. The CME notes that MEFF, as a special clearing member, will be subject to essentially the same capital requirements and financial reporting obligations of other CME clearing members. In addition, CME notes that the clearing of DFCs will be subject to CME oversight and risk management polices. The CME further notes that the Commission previously examined the regulatory structure governing transactions entered on or subject to the rules of MEFF and determined that compliance with applicable Spanish law and MEFF rules may be substituted for compliance with certain provisions of the Act and Commission rules.[8]

[7] *See* Rule 30.1.

C. Terms and Conditions

Upon due consideration, the Commission has determined to issue an Order pursuant to Sections 4(b) and 4d of the Act and Rule 30.10. Subject to the following terms and conditions, clearing members of the CME may commingle customer funds used to margin, secure, or guarantee transactions in DFCs with funds used to margin, secure, or guarantee transactions in domestically-traded contracts in a segregated account or accounts maintained in accordance with Section 4d of the Act and Rule 1.20. The terms and conditions for relief are as follows:

1. CME will maintain a clearing system that will perform the following functions:

a. mark-to-market the prices of DFCs on a daily basis;

b. pay settlement variation and option premium to, and collect settlement variation and option premium from, MEFF and CME clearing members on a daily basis;

c. verify and post matched trades;

d. hold the initial margin deposits of MEFF and CME clearing members;

e. determine and record MEFF's gross open positions;

f. maintain sub-accounts for each MEFF clearing member on CME's books;

g. determine and record margin requirements, exercise and assignment, and final cash settlement records;

h. determine and report daily price fluctuations, total open interest and trading volume for each contract traded pursuant to the Master Agreement for each trading session; and

[8] *See infra,* n.3.

i. ensure the timely and orderly flow of funds in settlement of MEFF's trading profits and losses.

2. MEFF will become and remain a special clearing member of CME subject to all of the rules and policies of CME that govern the rights and responsibilities of other clearing members at the CME including, but not limited to, meeting required security deposit requirements and being subject to CME assessment powers.

3. For each trade executed pursuant to the Master Agreement, MEFF will submit to CME a clearing record submission containing information as CME may require, including, at a minimum, the following information:

a. an indication that the trade is being made pursuant to the Master Agreement;

b. identification of the executing clearing member(s);

c. identification of the terms of the contract being traded, including the delivery month, put/call indicator, strike price, underlying futures contract, if applicable, house or customer origin, whether the trade was a buy or sell transaction, and the date the trade was executed;

d. the number of contracts and the price at which the contracts traded; and

e. an indication as to whether each side of a matched trade will clear in the MEFF special clearing account or in a CME clearing member's account.

4. Upon receipt of each clearing record submission, CME will validate the transaction to ensure the trades are for DFCs and for the existence of two offsetting legs with a trade price that is within a reasonable price range for the contract, and, where necessary, inform MEFF as soon as practicable of any reason validation failed and return the trade to MEFF for correction or nullification.

5. Upon acceptance of a trade for clearing and guarantee, the CME will post the legs of the trade to the appropriate clearing member sub-account of the MEFF special clearing account or to the appropriate CME clearing member's account.

6. CME will retain the right to adjust the marking price for clearing purposes to be different from the settlement price in cases where the settlement prices vary significantly form the theoretical market value of the instruments as determined by the CME.

7. For the purpose of making and receiving margin and daily settlement payments in connection with the clearing of DCFs, CME and MEFF will establish separate accounts at a mutually-agreed upon bank located outside the U.S. authorized to effectuate transfers between accounts.

8. CME will determine the initial and variation margin levels for each DFC required to be maintained by MEFF and calculate MEFF's margin requirements based upon MEFF's net positions with respect to each delivery month, taking into account any applicable spread margin reductions.

9. In the event of a MEFF default, as defined by the Master Agreement, CME may, in addition to all other rights and remedies contained therein, or otherwise permitted by applicable law:

a. apply margin deposits to the obligations of MEFF to make payments to the CME when and as they become due;

b. liquidate the positions and collateral of MEFF, including but not limited to its security and seat assignment deposits and apply other assets of MEFF available to the CME to discharge the obligations of MEFF to make payments to the CME when and as they become due;

c. by notice to MEFF, suspend the operation of the MEFF special clearing account as to all subsequent trades;

d. establish an alternative market for DFCs through electronic means or otherwise; and

e. allow MEFF clearing members to transfer their positions to a CME clearing member.

Notwithstanding the above, if a MEFF default exists because of a failure by MEFF to make a payment required by the Master Agreement, the CME may liquidate the positions in the MEFF special clearing account.

10. CME will receive from MEFF the following information on an ongoing basis:

a. upon written request and within three business days, all information relating to the markets in DFCs that may assist the CME in its efforts to maintain the integrity of the marketplace;

b. periodic reports listing all large trade positions setting forth positions equal to or exceeding a threshold to be determined jointly by CME and MEFF; and

c. upon a special call and within 24 hours, a report that contains, at a minimum, information required to be included in large trader reports and account identification information.

11. All money, securities, and property received by a participating FCM to margin, guarantee, or secure DCFs, or accruing as a result of DCFs, and held subject to the terms of this Order, shall be deemed to have been received by the participating FCM and shall be accounted for and treated and dealt with as belonging to the customers of the participating FCM consistently with Section 4d of the Act.

12. Subject to the terms and conditions of this Order, notwithstanding any provision to the contrary in the Commission's rules (including, but not limited to, Rules 1.20(a), 1.22 and 1.24), the money, securities, and property described in the preceding paragraph of this Order may be commingled with money, securities, and property received by a participating FCM to margin, guarantee, or secure trades or positions in commodity futures or commodity option contracts on a DCM or DTEF, or accruing as a result of such trades or contracts, and otherwise required by the Commission to be segregated under the Act.

This Order does not provide an exemption from any provision of the Act or rules thereunder not specified herein, for example, the registration provision of Rule 30.4 applicable to the offer and sale of foreign futures and foreign options to customers located in the U.S. Moreover, the relief granted is limited to the contracts and activities described in the Master Agreement and does not extend to the clearing of transactions entered into on or subject to the rules of any other board of trade located outside the U.S. The relief also does not extend to the use of electronic devices by persons located in the U.S. to access MEFF directly.

This Order is issued pursuant to Sections 4(b) and 4d of the Act and Rule 30.10 based upon the representations made and supporting material provided to the Commission by the CME. Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the relief set forth herein is appropriate. Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm, would be contrary to or the public interest, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion.

Issued in Washington, DC on June 20, 2001.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–16018 Filed 6–26–01; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–034]

RIN 2115–AA97

Safety Zone; Cleveland Harbor, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone encompassing the navigable waters adjacent to the Cleveland Port Authority, on Cleveland Harbor, Lake Erie. The Safety Zone is necessary to ensure the safety of spectator vessels during a fireworks display launched from a barge in Cleveland Harbor on July 4, 2001. Use of fireworks and related pyrotechnics require that spectator vessels are kept at a safe distance from firework launching and landing sites, and well away from any unexploded pyrotechnics falling into the water and land areas near the launching site.

DATES: This temporary final rule becomes effective at 9:30 p.m. (e.s.t) July 4, 2001 and terminates at 10:30 p.m. (e.s.t.), July 4, 2001.

ADDRESSES: Comments and material received from the public are part of docket CGD09–01–034, and are available for inspection and copying at Coast Guard Marine Safety Office Cleveland, Ohio, 1055 East Ninth Street, Cleveland, Ohio, 44114, between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant John Natale, U.S. Coast Guard Marine Safety Office Cleveland, 1055 East Ninth Street, Cleveland, Ohio 44114. The telephone number is (216) 937–0111.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard had insufficient advance notice to publish an NPRM. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property.

Background and Purpose

On July 4, 2001, at approximately 10 p.m., a fireworks and pyrotechnic display will be launched from a barge in Cleveland Harbor, approximately 1500 feet north of Voinavich Park at coordinates 41°30′53″ N, 081°42′00″ W. These coordinates are based on the North American Datum of 1983 (NAD 83). Spectators are expected to view the display from various spots along the Lake Erie waterfront, and private and commercial spectator vessels are also expected in Cleveland Harbor. A Safety Zone will be in effect on July 4, 2001 from 9:30 p.m. until 10:30 p.m. The Safety Zone will include the navigable waters of Cleveland Harbor and Lake Erie beginning at coordinates 41°30′50″ N, 081°41′33″ W (the northwest corner of Burke Lakefront Airport); continuing northwest to coordinates 41°31′11″ N, 081°41′55″ W; then southwest to 41°30′48″ N, 081°42′34″ W; then southeast to 41°30′27″ N, 081°42′13″ W (the northwest corner of dock 28 at the Cleveland Port Authority).

Regulatory Evaluation

This temporary 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 exempted it from review under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040 February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Coast Guard considered whether this rule will have a significant impact on a substantial number of small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. This Safety Zone will not have a significant economic impact on a substantial number of small entities for the following reason: this rule will be in effect for approximately one hour. Before the effective period, we will issue maritime advisories widely available to users of the waterway.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effectiveness and participate in the rulemaking process. If your small business or organization is affected by this rule, and you have questions concerning its provisions or options for compliance, please contact the office listed in **ADDRESSES** in this preamble.

Collection of Information

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

Unfunded Mandates Reform Act

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 13132 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 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.

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

The Coast Guard has considered the environmental impact of this regulation and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

For the reasons set out 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, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09–948 is added to read as follows:

§ 165.T09–948 Safety Zone: Lake Erie, Cleveland Harbor, Ohio.

(a) *Location.* The safety zone will include the navigable waters of Cleveland Harbor and Lake Erie beginning at coordinates 41°30′50″ N, 081°41′33″ W (the northwest corner of Burke Lakefront Airport); continuing northwest to coordinates 41°31′11″ N, 081°41′55″ W; thence southwest to 41°30′48″ N, 081°42′34″ W; then southeast to 41°30′27″ N, 081°42′13″ W (the northwest corner of dock 28 at the Cleveland Port Authority). (NAD 83)

(b) *Effective dates.* This section is effective from 9:30 p.m. until 10:30 p.m. on July 4, 2001.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Cleveland or his representative on the Coast Guard vessel on scene. The Coast Guard Patrol Commander may be contacted on VHF Channel 16.

Dated: June 2, 2001.

R.J. Perry,

Commander, U.S. Coast Guard, Captain of the Port, Cleveland, Ohio.

[FR Doc. 01–16184 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0063a; FRL–7000–7]

Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Metropolitan Denver; State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action makes a determination of attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) for the metropolitan Denver CO nonattainment area which was classified as ''serious''. The Denver area was required by the Clean Air Act Amendments (CAAA) of 1990 to attain the CO NAAQS by December 31, 2000. This determination is based on complete, quality assured ambient air quality monitoring data for the years 1998, 1999, and 2000.

DATES: This direct final rule is effective on August 27, 2001 without further notice, unless EPA receives adverse comments by July 27, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices: United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; and, United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean the Environmental Protection Agency.

I. What is the Purpose of This Action?

In this action, we are determining that the metropolitan Denver (hereafter Denver) CO nonattainment area, as described in 40 CFR 81.306, has attained the 8-hour CO NAAQS based on quality assured ambient air monitoring data for the years 1998, 1999, and 2000. This action is being taken as required by section 179 (c)(1) of the Clean Air Act (CAA) and is consistent with the requirements of section 186(b)(2) of the CAA for CO nonattainment areas. This determination of attainment does not redesignate the Denver area to attainment for the CO NAAQS. The CAA requires that for an area to be redesignated to attainment the five criteria in section 107(d)(3)(E) must first be satisfied and EPA must fully approve a maintenance plan for the area.

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), we designated the Denver area as nonattainment for CO because the area had been designated as nonattainment before November 15, 1990. We originally designated Denver as nonattainment for CO under the provisions of the 1977 CAA Amendments (see 43 FR 8962, March 3, 1978). This designation was reaffirmed

by the 1990 CAA Amendments and Denver was classified as a ''moderate'' CO nonattainment area with a design value greater than or equal to 12.7 parts per million (ppm). See 56 FR 56694, November 6, 1991. The Denver area violated the 8-hour CO standard in 1995 and we reclassified the area as ''serious'' for CO in conjunction with our approval of the Denver CO element nonattainment State Implementation Plan (SIP) revision (see 62 FR 10690, March 10, 1997). CO nonattainment areas classified as ''serious'' were expected to attain the CO NAAQS as expeditiously as practical, but no later than December 31, 2000. Further information regarding this CO classification and the accompanying requirements are described in section 187 of the CAA and in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990.'' (See 57 FR 13498, April 16, 1992.)

III. Analysis of Ambient Air Quality Monitoring Data

As described in 40 CFR 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standard is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the CO standard over a one-year period. 40 CFR 50.8 and 40 CFR part 50, appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA has been that to be considered in attainment for the CO NAAQS, an area must attain the CO NAAQS for at least a continuous two-year calendar period.[1]

Our determination that the Denver area has attained the CO NAAQS is based on an analysis of quality assured ambient air quality monitoring data that have been entered into AIRS and are relevant this action. State annual-certified ambient air quality monitoring data for calendar years 1998, 1999, and quarterly data from 2000[2] show a measured a design value of 5.4 ppm with an exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Denver nonattainment area.

All of the data discussed above were collected and analyzed as required by EPA (see 40 CFR 50.8 and 40 CFR part 50, appendix C) and in accordance with EPA policy and guidance. The data have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. We have evaluated the ambient air quality data and have determined that the Denver area has not violated the CO standard. Therefore, the Denver area has met its CAA requirement and attained the CO NAAQS by December 31, 2000.

IV. Final Action

In this action, EPA is determining that the Denver carbon monoxide ''serious'' nonattainment area attained the CO NAAQS by December 31, 2000.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to determine that the Denver area attained the CO NAAQS by December 31, 2000, should adverse comments be filed. This rule will be effective August 27, 2001 without further notice unless the Agency receives adverse comments by July 27, 2001.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 27, 2001 and no further action will be taken on the proposed rule.

[1] June 18, 1990, Memorandum from William G. Laxton, Director Technical Support Division, entitled ''Ozone and Carbon Monoxide Design Value Calculations.''

[2] Quarterly ambient air quality data for calendar year 2000 have been entered into AIRS and quality assured by the State as required by 40 CFR 58.35. However, the calendar year 2000 data are not required to be certified by the State until July 1, 2001 (see 40 CFR 58.26).

Administrative Requirements

(a) Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

(b) Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

(c) Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action

does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

(d) Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely makes a determination of attainment, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

(e) Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because it will not create any new requirements. Therefore, because this Federal determination of attainment does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

(f) Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this determination of attainment does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action provides a determination of attainment and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

(g) Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2). This rule will be effective August 27, 2001 unless EPA receives adverse written comments by July 27, 2001.

(h) National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

(i) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 13, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Title 40, chapter I, part 52 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart G—Colorado

2. Section 52.349 is amended by adding paragraph (f) to read as follows:

§ 52.349 Control strategy: Carbon monoxide.

* * * * *

(f) *Determination.* EPA has determined that the Denver carbon monoxide ''serious'' nonattainment area attained the carbon monoxide national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

[FR Doc. 01–15873 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC 95–200034a; FRL–6993–9]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On July 28, 2000, the North Carolina Department of Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan (SIP). These revisions include the adoption, revision and repeal of multiple Volatile Organic Compounds (VOCs) regulations. The purpose of these revisions is to make the revised regulations consistent with the requirements of the Clean Air Act as amended in 1990. The EPA is approving these revisions.

DATES: This direct final rule is effective August 27, 2001 without further notice, unless EPA receives adverse comment by July 27, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Randy Terry, 404/562–9032. North Carolina Department of Environment, Health, and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT: Randy B. Terry at 404/562–9032.

SUPPLEMENTARY INFORMATION:

I. Background

On July 28, 2000, the North Carolina Department of Health and Natural Resources submitted revisions to the North Carolina SIP. These revisions include the adoption, revision and repeal of multiple VOC regulations. A detailed analysis of each of the major revisions submitted is listed below.

II. Analysis of State's Submittal

15A NCAC

2D .0518 Miscellaneous Volatile Organic Compound Emissions

This rule has been repealed. Most of the requirements set forth in this rule have become antiquated or have been incorporated into other air quality rules. The remaining requirements which have not been incorporated into other rules, will be covered in 15A NCAC 2D. 0958 Work Practice Standards for VOCs.

2D .0902 Applicability

This rule is being amended to add references to new or recently adopted VOC rules. This change is necessary in part to ensure that the requirements that were contained in 2D .0518 are now covered in new requirements located in 2D .0900 VOCs.

2D .0909 Compliance Schedules For Sources in New Nonattainment Areas.

This rule is being amended to remove references to 2D .0518.

2D .0948 VOC Emissions from Transfer Operations

This rule is being amended to correct minor administrative changes and clarifications.

2D .0949 VOC Storage of Miscellaneous Volatile Organic Compounds.

This rule is being amended to remove the requirement of having the director approve the vapor recovery system or any other means of air pollution. Approval must now be obtained through the permitting process.

2D .0950 Interim Standards for Certain Source Categories.

This rule is being repealed since it is obsolete and does not currently apply to any source.

2D .0951 Miscellaneous Volatile Organic Compound Emissions.

This rule is being amended to eliminate all former references to 2D .0518, add references to 2D .0958, and make other minor modifications to update this rule. Additionally, this rule is being revised to require the usage of Reasonably Available Control Technology (RACT), so that this rule remains consistent with the other rules in section 2D .0900.

2D .0958 Work Practices for Sources of Volatile Organic Compounds

This rule is being adopted to establish work practice standards for a wide spectrum of VOC sources. These work practice standards include such practices as: storing all VOC material in containers with tightly fitting lids, cleaning up all spills of VOC materials as soon as possible, and similar, reasonable controls for solvent cleaning activities. These new standards will replace the existing VOC requirements that have become antiquated.

2Q .0102 Activities Exempted From Permit Requirements

This rule is being revised to correct cross references to the state incinerator regulations.

2Q .0306 Permits Requiring Public Participation

This rule is being revised to correct cross references to the state incinerator regulations.

III. Final Action

EPA is approving the aforementioned changes to the SIP because the revisions are consistent with Clean Air Act and EPA regulatory requirements. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 27, 2001 without further notice unless the Agency receives adverse comments by July 27, 2001.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 27,

2001 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: January 5, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Accordingly, 40 CFR, chapter I, part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart II—North Carolina

2. In the table in § 52.1770(c), the table is amended:

a. Under subchapter 2D by revising entries: .0902; .0909; .0948; .0949; and .0951;

b. Under subchapter 2D by adding in numerical order a new entry for .0958.

c. Under subchapter 2D by removing entries .0518; and .0950.

d. Under subchapter 2Q by revising entries .0102 and .0306.

The revisions and additions read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Subchapter 2D Air Pollution Control Requirements				
* * * * * * *				
Section .0900 Volatile Organic Compounds				
* * * * * * *				
Sect. .0902	Applicability	07/01/00	8/27/01	

EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
* * * * * * *				
Sect. .0909	Compliance Schedules for Sources in New Nonattainment Areas	07/01/00	8/27/01	
* * * * * * *				
Sect. .0948	VOC Emissions From Transfer Operations	07/01/00	8/27/01	
Sect. .0949	Storage of Miscellaneous Volatile Organic Compounds	07/01/00	8/27/01	
Sect. .0951	Miscellaneous Volatile Organic Compound Emissions	07/01/00	8/27/01	
* * * * * * *				
Sect. .0958	Work Practices for Sources of Volatile Organic Compounds	07/01/00	8/27/01	
* * * * * * *				
Subchapter 2Q Air Quality Permits				
* * * * * * *				
Section .0100 General Provisions				
* * * * * * *				
Sect. .0102	Activities Exempted From Permit Requirements	07/01/00	8/27/01	
* * * * * * *				
Section .0300 Construction and Operating Permits				
* * * * * * *				
Sect. .0306	Permits Requiring Public Participation	07/01/00	8/27/01	
* * * * * * *				

[FR Doc. 01–15875 Filed 6–26–01; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–7003–2]

RIN 2090–AA20

Project XL Site-Specific Rulemaking for Weyerhaeuser Company Flint River Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today EPA is publishing a final rule, approving revisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP), which concern the control of hazardous air pollutant (HAP) emissions from the pulp and paper industry. The revisions apply only to the Weyerhaeuser Company's Flint River Operations in Oglethorpe, Georgia (Weyerhaeuser). The revisions are one of the EPA's steps to implement the Final Project Agreement for Weyerhaeuser's XL Project.

These revisions regulate emissions of HAPs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) and to facilitate implementation of the Project eXcellence and Leadership (Project XL) at Weyerhaeuser. EPA also expects implementation to result in superior environmental performance while providing Weyerhaeuser with greater operational flexibility.

DATES: This final rule is effective on June 27, 2001.

ADDRESSES: A docket containing supporting information used in developing this final rule is available on the world wide web at http://www.epa.gov/ProjectXL. It is also available for public inspection and copying at Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia, 30303; and at Environmental Protection Agency, Headquarters, 401 M Street, SW., Room 3802–M, Washington, DC 20460. Persons wishing to view the materials at the Georgia location are encouraged to contact Mr. Lee Page in advance by telephoning (404) 562–9131. Persons wishing to view the materials at the Washington DC location are encouraged to contact Ms. Janet Murray in advance by telephoning (202) 260–2570. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Page, Environmental Protection Agency, Region 4, Air, Pesticides & Toxics Management Division, 61 Forsyth Street, Atlanta, GA, 30303, (404) 562–9131.

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Authority
II. Background
A. What Is Project XL?
B. What Is EPA Publishing?
C. What Are the Environmental Benefits Anticipated Through Project XL?
D. Stakeholder Involvement in the XL Process
E. What Are the National Emission Standards for Hazardous Air Pollutants?
F. What Are the Regulatory Requirements for the Weyerhaeuser XL Project?
G. What Is the Project Duration and Completion Date?

III. Rule Description
IV. Summary of Response to Public Comments
V. Additional Information
A. Immediate Effective Date
B. Executive Order 12866: Regulatory Planning and Review
C. Regulatory Flexibility
D. Paperwork Reduction Act
E. Unfunded Mandates Reform Act
F. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
G. Executive Order 13132: Federalism
H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
I. National Technology Transfer and Advancement Act.
J. Congressional Review Act

I. Authority

This regulation is being published under the authority of sections 101(b)(1), 112, and 301(a)(1) of the CAA. EPA has determined that this rulemaking is subject to the provisions of section 307(d) of the CAA.

II. Background

A. What Is Project XL?

Project XL, which stands for ''eXcellence and Leadership,'' is a national pilot program that tests innovative ways of achieving better and more cost-effective public health and environmental protection through site-specific agreements with project sponsors. Project XL was announced on March 16, 1995, as a central part of the National Performance Review and EPA's effort to reinvent environmental protection. See 60 FR 2782 (May 23, 1995) and 60 FR 55569 (November 1, 1995). The intent of Project XL is to allow EPA and regulated entities to experiment with pragmatic, potentially promising regulatory approaches, both to assess whether they provide superior environmental performance and other benefits at the specific source affected, and whether they should be considered for wider application. Such pilot projects are intended to allow EPA to collect more data on a more focused basis prior to national rulemaking. Today's regulation will enable implementation of a specific XL project. These efforts are crucial to EPA's ability to test new strategies that reduce the regulatory burden and promote economic growth while achieving better environmental public health protection. EPA intends to evaluate the results of this and other XL projects to determine which specific elements of the project, if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

B. What Is EPA Publishing?

Today EPA is publishing a site-specific rule that supports the Clean Air Act portion of the Project XL Final Project Agreement (FPA) for the Weyerhaeuser Company Flint River Operations in Oglethorpe, Georgia. The site-specific rule facilitates the use of alternative pollution controls and process changes not required by any existing rule that applies to Weyerhaeuser. The rule provides for greater reductions in hazardous air pollutants emissions, measured as methanol, than would otherwise be required for this mill under the maximum available control technology (MACT) determination specific to the pulp and paper industry. The principles for accounting for HAP emission controls, including controls to implement MACT are outlined in the Weyerhaeuser Project XL FPA.

The FPA is among the background documents available for review in the docket and also available on the world wide web at http://www.epa.gov/ProjectXL. **Federal Register** documents were published on October 11, 1996 at 61 FR 53373 and January 31, 1997 at 62 FR 4760 to notify the public of the details of this XL project and to solicit comments on the specific provisions of the FPA, which embodies the Agency's intent to implement this project. The FPA addresses the eight Project XL criteria, the expectation of the Agency that this XL project will meet those criteria, and the manner in which the project is expected to produce, measure, monitor, report and demonstrate superior environmental benefits.

In today's action, the Agency is publishing the site-specific regulatory changes necessary to implement the Clean Air Act, MACT portion of the project.

Weyerhaeuser is an international forest products company whose principal businesses are the growing and harvesting of trees; the manufacture, distribution and sale of forest products, including logs, wood chips, building products, pulp, paper and packaging products; and real estate construction and development. The Weyerhaeuser Flint River Operations is a Kraft pulp manufacturing source, which produces absorbent fluff pulp. The source is located in Oglethorpe, Georgia and was initially constructed in 1980.

Except as specifically described in this site-specific rule and the FPA, nothing in today's rule will waive, modify, or otherwise affect any obligations Weyerhaeuser may have under local, State, and Federal law with respect to the operation of its Flint River Operations mill.

The goal of the Weyerhaeuser Flint River Operations XL project is to develop a regulatory structure that both facilitates flexible manufacturing operations and achieves superior environmental performance. The flexibility provided by this rule allows Weyerhaeuser's Flint River Operations to provide greater reductions in HAP emissions, measured as methanol, than are controlled by the MACT rule from specified equipment used in kraft pulp manufacturing, and to obtain credit for process improvements that reduced HAP emissions.

At the time the MACT rule was adopted, EPA determined that the majority of all non-chlorinated HAP emissions from Kraft mill pulping process equipment is methanol. See, 63 FR 18511 (April 15, 1998). EPA's Final Environmental Impact Statement for the MACT rule accepted that methanol was an appropriate measure for HAP emissions from Kraft mill pulping systems. EPA addressed this point in response to comments calling for monitoring of speciated HAP emissions. ''Methanol is an appropriate indicator of total HAP since it is the dominant HAP present in pulping vents and condensates and since the control technologies identified in the rule do not remove HAPs preferentially.'' Final EIS (EPA document EPA–453/R–93–050b) pp. 8–9 through 8–11. Today's site specific rule does not provide flexibility by counting reductions of the less dangerous HAPs to balance increases in emissions of the more toxic HAPs. Besides measuring HAP emissions as methanol, as required by the MACT rule for pulping process vents, the source's MACT compliance plan does not claim any credit related to HAP emissions from bleaching systems. All the ''extra'' HAP emission reductions provided by the source, and all the flexibility proposed for the source to control alternate process vents, occur in the pulping process area.

Since 1992, Weyerhaeuser has focused on a ''Minimum Impact Manufacturing'' (MIM) model as a holistic strategy for continuous environmental improvement. MIM is an aggressive plan that seeks to harmonize Weyerhaeuser's pulp and paper manufacturing facilities with their surrounding physical environments. Weyerhaeuser is committed to managing its raw material and resources such that its manufacturing processes, and their outputs, achieve continuous improvement of air, water, and solid-waste discharges. MIM contains the elements of a comprehensive pollution

prevention program designed to obtain the greatest use of raw materials and to stop waste generation rather than rely on ''end-of-pipe'' remedies. MIM involves multi-disciplinary teams employing a systems engineering approach, waste reduction and a commitment to continuous improvement rather than the more traditional ''project'' focus. Weyerhaeuser is committed to optimizing raw materials used at the mill level, reducing water usage, minimizing fossil fuel for energy in manufacturing, reducing/eliminating hazardous waste, generating less solid waste, reducing emissions to all media, eliminating spills, reusing and recycling from mills the materials and residuals that previously went to landfills, and collecting and recycling used waste paper for use as a raw material.

The FPA provides that HAP reductions at Flint River Operations shall be guided by a MACT Compliance Plan. The FPA sets out seven principles to guide the MACT Compliance Plan. The principles include the following points: (1) HAP emission reductions from the total source occurring after January 1, 1996 are eligible to be counted; (2) HAP emission reductions occurring after January 1, 1996 that were obtained voluntarily (from the source's weak gas collection system) are eligible to be counted; (3) HAP emission reductions at the source are to be counted on a total pound HAP for total pound HAP, as measured by methanol, basis; (4) HAP measurements were documented using EPA-approved test methods and as provided in the MACT Standard; (5) HAP emission reductions are required as of the due date for compliance provided in the MACT Standard; (6) HAP emission reductions from all HAP emitting units currently regulated under applicable state or Federal rules (e.g., 40 CFR Part 60, Subpart BB) are not eligible to be counted against the HAP emissions reductions required by the MACT Standard; and (7) compliance is required with all requirements (other than the emission limitations) of the MACT Standard as promulgated. In addition, Weyerhaeuser will comply with all other present or future Clean Air Act Section 112 standards that are applicable to the source.

Specific details of the MACT Compliance Plan were agreed upon through negotiations between Weyerhaeuser Company, EPA Region 4 and the Georgia EPD after the MACT rule for the kraft pulp manufacturing industry was published on April 15, 1998. See, 63 FR 18503. The MACT Compliance Plan is consistent with the principles set out in the FPA. The MACT Compliance Plan includes the HAP emitting units that must be controlled to comply with the MACT Standard, the amount of HAPs allowed to be emitted for each HAP emitting unit at the source under the MACT Standard; the HAP emitting units and the amount of HAP emission reductions eligible to be counted, the HAP emitting units that the source plans to use to obtain additional HAP emission reductions, the units that present a potential to obtain HAP emission reductions, and the amount eligible to be counted against HAP emission reductions required by the MACT Standard. For more information about the specific equipment subject to the MACT Compliance Plan, status of emissions, the HAP emitting unit that will be controlled and the accounting of HAP emissions and emission reductions refer to the information referenced in the section entitled **ADDRESSES.**

C. What Are the Environmental Benefits Anticipated Through Project XL?

Today's site-specific rule supports the goals of the Clean Air Act to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population.

Specifically, this project not only meets, but exceeds the HAP emission reductions required by the current MACT standard. For example, reductions in HAP emissions are expected from the digesting, brownstock washing, oxygen delignification and bleaching system processes due to improved digester woodchip delignification and pulp washing; from the collection and incineration of Weak Gas system sources and the collection and biological treatment of methanol containing process condensates; from bleach plan process reductions; and from various pollution prevention projects. Decreased emissions of volatile organic compounds, total reduced sulfur, and carbon monoxide are also expected. A more detailed discussion of the environmental benefits associated with the Weyerhaeuser project is located in the FPA, EPA's response to comments on the proposed FPA, and other information referenced in the section entitled **ADDRESSES.**

D. Stakeholder Involvement in the XL Process

Stakeholder involvement and participation in developing the Weyerhaeuser Pilot XL program was vital to the success of the program. The process for involving stakeholders in the design of this pilot program was based upon the guidance set out in the April 23, 1997 **Federal Register** notice (62 FR 19872). The stakeholder process has been open and the public invited to participate. Stakeholders that participated in the development of the Weyerhaeuser Company Flint River Operations site-specific rule included the Lake Blackshear Watershed Association, non-management employees at Flint River Operations, City of Montezuma, City of Oglethorpe, Macon Correctional Institution, Macon County Local Emergency Planning Committee, other leaders from Macon County, and other interested Parties. Together these groups served as the primary contact with the community throughout the process. Weyerhaeuser will continue to work with the stakeholders. Once EPA accepted Weyerhaeuser as a candidate based on its detailed proposal, Weyerhaeuser, EPA, the State, and local stakeholders developed a Final Project Agreement (FPA). The FPA is a nonbinding agreement that describes the intentions and commitments of the implementing parties. Stakeholders participated in the negotiation of the FPA. **Federal Register** documents were published on October 11, 1996 at 61 FR 53373 and January 31, 1997 at 62 FR 4760 to notify the public of the details of this XL project and to solicit comments on the specific provisions of the FPA No public comments were received. A **Federal Register** document was also published on March 27, 2001 at 59 FR 16637 to notify the public of the details of the site-specific revisions to the MACT rule finalized herein in today's rule. No comments from the public were received.

E. What Are the National Emission Standards for Hazardous Air Pollutants?

The main purposes of the Clean Air Act (''CAA'' or ''the Act'') are to protect and enhance the quality of our Nation's air resources, and to promote the public health and welfare and the productive capacity of the population. See CAA, section 101(b)(1). Section 112 of the Act provides a list of 189 hazardous air pollutants (''HAP's'') and directs EPA to develop rules to control HAP emissions from both new and existing major sources. The Act requires that the rules be established by categories of emission sources considering all HAPs emitted rather than establishing rules based on the emission of a single pollutant from a source category. The statute also requires that the standards reflect the maximum degree of reduction in emissions of HAPs that is achievable, taking into consideration the cost of

achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements. This level of control is commonly referred to as Maximum Achievable Control Technology (''MACT'').

In addition, the Act sets out specific criteria to be considered for establishing a minimum level of control and criteria (incremental cost, energy impacts, etc.). For evaluating control options more stringent than the minimum level of control. This minimum level of control is commonly referred to as the MACT ''floor.'' The MACT floor for new sources, as specified by the Act, is ''the emission control that is achieved in practice by the best controlled similar source.'' The MACT floor for existing sources, as specified by the Act, is the average emission limitation achieved by the best performing 12 percent of existing sources in each category or subcategory of 30 or more sources (CAA section 112(d)(3)). For smaller categories or subcategories, the Act specifies that standards shall not be less stringent than the average emission limitation achieved by the best performing five sources in the category or subcategory. These floor determinations are based on data available to the Administrator at the time the standards are developed. The statutory provisions do not limit how the standard is set, beyond requiring that it be applicable to all sources in a category or subcategory and at least as stringent as the MACT floor. The emission standards are to be reviewed and revised as necessary no less often than every 8 years. Also, EPA may later promulgate more stringent standards to address any unacceptable health or environmental risk that remains after the imposition of controls resulting from the standards.

To this end, section 112(d) of the CAA directs EPA to set standards for stationary sources emitting greater than ten tons of any one HAP or 25 tons of total HAPs annually (one ton is equal to 0.908 megagrams). EPA promulgated the NESHAP for the pulp and paper production source category at 40 CFR Subpart S, because pulp and paper mills have the potential to emit ten tons per year of any one HAP or 25 tons per year of all HAPs. Potential to emit is based on the total of all HAP emissions from all activities at the mill. Individual mills are capable of emitting as much as several hundred tons per year (TPY) of HAPs, which may adversely affect air quality and public health. The emission standards for pulping and bleaching processes provide several options for compliance, including an alternative pollution prevention option for the kraft pulping process. The standards specify compliance dates for new and existing sources and require control devices to be properly operated and maintained at all times.

F. What Are the Regulatory Requirements for the Weyerhaeuser XL Project?

Implementation of the Weyerhaeuser XL project requires only limited regulatory changes. Weyerhaeuser will achieve HAP emission reductions for this mill that at least equal the HAP emission reductions required to be provided by this mill under the applicable portions of the pulp and paper MACT standard, 40 CFR Part 63, Subpart S (MACT standard). Weyerhaeuser will achieve the reductions in hazardous air pollutant emissions required by the pulp and paper MACT standard by using a combination of equipment regulated by MACT, equipment not regulated by the MACT, and process changes.

G. What Is the Project Duration and Completion Date?

Under Project XL, the Weyerhaeuser Flint River Operations project is approved to operate for the term expressed in the FPA. The FPA was signed on December 13, 1996 and will be in effect for a period of 15 years, unless it is terminated earlier. As outlined in the FPA, the duration of the project does not affect the term of any permit, the duration of this rule, or any other enforceable regulatory mechanism that has a term fixed by applicable law or regulation. Therefore, the terms and requirements of this rule do not expire unless formally amended through notice and comment rulemaking.

III. Rule Description

Today's final rule requires Weyerhaeuser to control HAP emissions from alternative process vents and to maintain process changes at its Flint River Operations that are currently not required by the existing rule. In implementing this change, this mill will achieve a greater amount of HAP reductions that this mill would achieve under the existing rule.

To accomplish this alternative compliance, the EPA is today promulgating this site-specific rule to amend 40 CFR Subpart S, which provides the National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry. This Federal site-specific rule, amending 40 CFR 63.459, will allow the source to provide greater reductions in HAP emissions, measured as methanol, than are controlled by the MACT rule from alternative process vents and through process changes during the kraft pulping process. The rule does not provide flexibility by counting reductions of the less dangerous HAPs to balance increases in emissions of the more toxic HAPs. For example, instead of controlling HAP emissions from the brownstock diffusion washer vent, first stage brownstock diffusion washer filtrate tank vent, and oxygen delignification system, the site-specific rule allows the Weyerhaeuser Flint River Operations to control HAP emission from the weak liquor storage tank; boilout tank; utility tank; 50 percent solids black liquor storage tank; south 67 percent solids black liquor storage tank; north 67 percent solids black liquor storage tank; precipitator make down tanks numbers 1, 2 and 3; salt cake mix tank; and NaSH storage tank. (These terms are defined in the proposed rule.) Weyerhaeuser is required by the generally applicable MACT rule (40 CFR Subpart S) to provide for record-keeping, monitoring and reporting to demonstrate continuous compliance for these operations. HAP emission reductions achieved from process changes involving the cylinder mould decker and the cylinder mould filtrate tank will be counted against the total HAP emission reductions Weyerhaeuser would have to provide to meet the MACT standard.

IV. Summary of Response to Public Comments

The EPA received one public comment on the March 27, 2001 proposed rule for the Weyerhaeuser Flint River Operations site-specific rule. The comment was a positive comment from Weyerhaeuser Company, supporting the XL project initiative and the regulatory implementing mechanism.

V. Additional Information

A. Immediate Effective Date

Pursuant to 5 U.S.C. 553(d)(3) and 42 U.S.C. 6930(b)(3), EPA finds that good cause exists to make today's site-specific rule effective immediately. The Weyerhaeuser Flint River Operations is the only regulated entity that is subject to this rule. The Weyerhaeuser Flint River Operations has had very extensive notice of this final rule for site-specific MACT revisions, and is prepared to comply immediately. As described in section II.D of today's preamble, the public and the project stakeholder group have had several opportunities to review today's action, provide public comment, and participate in the

rulemaking process. An immediate effective date will allow this XL project to proceed without delay.

B. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because the annualized cost of this final rule will be significantly less than $100 million and will not meet any of the other criteria specified in the Executive Order, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866, and is therefore not subject to OMB review.

Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. In consideration of the very limited scope of today's rulemaking the considerable public involvement in development of the proposed Final Project Agreements subject to today's rule, EPA considers 30 days to be sufficient in providing a meaningful public comment period for today's action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. Today's rule does not have a significant impact on a substantial number of small entities because it only affects one source, the Weyerhaeuser Flint River Operations, which is not a small entity.

D. Paperwork Reduction Act

This action applies only to one company, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why the alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, because this rule contains no regulatory requirements that might significantly or uniquely affect small governments, it is not subject to UMRA section 203.

F. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant,'' as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, because it is based on technology performance and implements previously promulgated health or safety-based National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAPS). The effects of hazardous air pollutants from the pulp and paper industry on children's health was addressed in detail in EPA's rulemaking to establish Subpart S, the NESHAP for the pulp and paper industry, and EPA is not revisiting those issues here.

G. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Section 6 of Executive Order 1312, EPA may not issue a regulation that has

federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

Today's rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, EPA did fully coordinate and consult with the affected State and local officials in developing this rule.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this rule from tribal officials.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary standards. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards. However, EPA invited comments on this aspect of the rulemaking, and specifically invited the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation. No public comments were received.

J. Congressional Review Act

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

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous air pollutants, Major source, Monitoring, Reporting and recordkeeping requirements, National emission standards, Pulp and paper.

Dated: June 20, 2001.

Christine Todd-Whitman,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

2. § 63.459 is added to subpart S to read as follows:

§ 63.459 Alternative standards.

(a) *Flint River Mill.* The owner or operator of the pulping system using the kraft process at the manufacturing facility, commonly called Weyerhaeuser Company Flint River Operations, at Old Stagecoach Road, Oglethorpe, Georgia, (hereafter the Site) shall comply with all provisions of this subpart, except as specified in paragraphs (a)(1) through (a)(5) of this section.

(1) The owner or operator of the pulping system is not required to control total HAP emissions from equipment systems specified in paragraphs (a)(1)(i) and (a)(1)(ii) if the owner or operator complies with paragraphs (a)(2) through (a)(5) of this section.

(i) The brownstock diffusion washer vent and first stage brownstock diffusion washer filtrate tank vent in the pulp washing system specified in § 63.443(a)(1)(iii).

(ii) The oxygen delignification system specified in § 63.443(a)(1)(v).

(2) The owner or operator of the pulping system shall control total HAP emissions from equipment systems listed in paragraphs (a)(2)(i) through (a)(2)(ix) of this section as specified in § 63.443(c) and (d) of this subpart no later than April 16, 2001.

(i) The weak liquor storage tank;

(ii) The boilout tank;

(iii) The utility tank;

(iv) The fifty percent solids black liquor storage tank;

(v) The south sixty-seven percent solids black liquor storage tank;

(vi) The north sixty-seven percent solids black liquor storage tank;

(vii) The precipitator make down tanks numbers one, two and three;

(viii) The salt cake mix tank; and

(ix) The NaSH storage tank.

(3) The owner or operator of the pulping system shall operate the Isothermal Cooking system at the site while pulp is being produced in the continuous digester at any time after April 16, 2001.

(i) The owner or operator shall monitor the following parameters to demonstrate that isothermal cooking is in operation:

(A) Continuous digester dilution factor; and

(B) The difference between the continuous digester vapor zone temperature and the continuous digester extraction header temperature.

(ii) The isothermal cooking system shall be in operation when the continuous digester dilution factor and the temperature difference between the continuous digester vapor zone temperature and the continuous digester extraction header temperature are maintained as set forth in Table 2:

TABLE 2 TO SUBPART S—ISOTHERMAL COOKING SYSTEM OPERATIONAL VALUES

Parameter	Instrument number	Limit	Units
Digester Dilution Factor	K1DILFAC	>0.0	None
Difference in Digester Vapor Zone Temperature and Digester.	03TI0311	<10	Degrees F.
Extraction Header Temperature	03TI0329.		

(iii) The owner or operator shall certify annually the operational status of the isothermal cooking system.

(4) [Reserved]

(5) *Definitions.* All descriptions and references to equipment and emission unit ID numbers refer to equipment at the Site. All terms used in this paragraph shall have the meaning given them in this part and this paragraph. For the purposes of this paragraph only the following additional definitions apply:

Boilout tank means the tank that provides tank storage capacity for recovery of black liquor spills and evaporator water washes for return to the evaporators (emission unit ID No. U606);

Brownstock diffusion washer means the equipment used to wash pulp from the surge chests to further reduce lignin carryover in the pulp;

Continuous digester means the digester system used to chemically and thermally remove the lignin binding the wood chips to produce individual pulp fibers (emission unit ID No. P300);

Fifty percent solids black liquor storage tank means the tank used to store intermediate black liquor prior to final evaporation in the 1A, 1B, and 1C Concentrators (emission unit ID No. U605);

First stage brownstock diffusion washer means the equipment that receives and stores filtrate from the first stage of washing for return to the pressure diffusion washer;

Isothermal cooking system means the 1995–1996 modernization of brownstock pulping process including conversion of the Kamyr continuous vapor phase digester to an extended delignification unit and changes in the knotting, screening, and oxygen stage systems:

NaSH storage tank means the tank used to store sodium hydrosulfite solution prior to use as make-up to the liquor system

North sixty-seven percent solids black liquor storage tank means one of two tanks used to store black liquor prior to burning in the Recovery Boiler for chemical recovery (emission unit ID No. U501);

Precipitator make down tank numbers one, two and three mean tanks used to mix collected particulate from electrostatic precipitator chamber number one with 67% black liquor for recycle to chemical recovery in the Recovery Boiler (emission unit ID Nos. U504, U505 and U506);

Salt cake mix tank means the tank used to mix collected particulate from economizer hoppers with black liquor for recycle to chemical recovery in the Recovery Boiler (emission unit ID No. U503);

South sixty-seven percent solids black liquor storage tank means one of two tanks used to store black liquor prior to burning in the Recovery Boiler for chemical recovery (emission unit ID No. U502);

Utility tank means the tank used to store fifty percent liquor and, during black liquor tank inspections and repairs, to serve as a backup liquor storage tank (emission unit ID No. U611);

Weak gas system means high volume, low concentration or HVLC system as defined in § 63.441; and

Weak liquor storage tank means the tank that provide surge capacity for weak black liquor from digesting prior to feed to multiple effect evaporators (emission unit ID No. U610).

(b) [Reserved]

[FR Doc. 01–16114 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 053101F]

Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the Second Half of 2001

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the second half of 2001. Publication of these bycatch rate standards is required by regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 1201 hours, Alaska local time (A.l.t.), July 1, 2001, through 2400 hours, A.l.t., December 31, 2001. Comments on this action must be received no later than 4:30 p.m., A.l.t., July 27, 2001.

ADDRESSES: Comments may be submitted to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Comments also may be sent via facsimile (fax) to 907–586–7465. Comments will not be accepted if

submitted via e-mail or Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228, fax 907–586–7465, e-mail mary.furuness@noaa.gov.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR part 679.

Regulations at § 679.21(f) implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and ''other trawl'' fisheries, and the BSAI yellowfin sole and ''bottom pollock'' fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and ''other trawl'' fisheries in Bycatch Limitation Zone 1 (defined in § 679.2). The fisheries included under the incentive program are defined in regulations at § 679.21(f)(2).

Regulations at § 679.21(f)(3) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the **Federal Register**. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. For purposes of calculating vessel bycatch rates under the incentive program, 2001 fishing months were specified in the **Federal Register** on January 16, 2001 (66 FR 3501).

Halibut and red king crab bycatch rate standards for the first half of 2001 also were published in the **Federal Register** (66 FR 3501, January 16, 2001). As required by § 679.21(f)(3) and (4), the Administrator of the Alaska Region, NMFS (Regional Administrator), has established the bycatch rate standards for the second half of 2001 (July 1 through December 31). These standards were endorsed by the Council at its April 2001 meeting and are set out in Table 1. As required by § 679.21(f)(4), bycatch rate standards are based on the following information:

(A) Previous years' average observed bycatch rates;

(B) Immediately preceding season's average observed bycatch rates;

(C) The bycatch allowances and associated fishery closures specified under § 679.21(d) and (e);

(D) Anticipated groundfish harvests;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and

(F) Other information and criteria deemed relevant by the Regional Administrator.

TABLE 1—BYCATCH RATE STANDARDS BY FISHERY FOR THE SECOND HALF OF 2001 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery	2001 Bycatch Rate Standard
Halibut bycatch rate standards (kilogram (kg) of halibut/metric ton (mt) of groundfish catch)	
BSAI Midwater pollock	1.0
BSAI Bottom pollock	5.0
BSAI Yellowfin sole	5.0
BSAI Other trawl	30.0
GOA Midwater pollock	1.0
GOA Other trawl	40.0
Zone 1 red king crab bycatch rate standards (number of crab/mt of groundfish catch)	
BSAI yellowfin sole	2.5
BSAI Other trawl	2.5

Bycatch Rate Standards for Pacific Halibut

The halibut bycatch rate standards for the second half of 2001 trawl fisheries are unchanged from those implemented for the second half of 2000. The Regional Administrator based standards for the second half of 2001 on anticipated seasonal fishing effort for groundfish species and on 1997-2000 halibut bycatch rates observed in the trawl fisheries included under the incentive program. Along with bycatch rate standards, the industry is exploring opportunities under fishery cooperatives and other voluntarily arrangements to control bycatch and optimize the amount of groundfish harvested under halibut and crab bycatch limits. Under § 679.50(k), vessel-specific prohibited species bycatch rates from observer data are published weekly on the NMFS, Alaska Region website (www.fakr.noaa.gov).

In determining these bycatch rate standards, the Regional Administrator considered the annual and seasonal bycatch specifications for the BSAI and the GOA trawl fisheries (66 FR 7276, January 22, 2001). He further recognized that the Council had requested NMFS to implement by emergency interim rule a delay in the second season opening date for the GOA inshore and offshore Pacific cod fisheries from June 10 to September 1. This rulemaking was published in the **Federal Register** on June 13, 2001 (66 FR 31845). The GOA shallow-water and deep-water trawl fishery species complexes are closed until July 1, 2001. In the BSAI, the rockfish, yellowfin sole, and rock sole/flathead sole/other flatfish fishery categories will open or reopen on July 1 when seasonal apportionments of halibut bycatch allowances specified for these fisheries become available. The BSAI Pacific cod trawl fishery is open for catcher vessels and catcher processors. The Regional Administrator also considered the June 10 opening date of the 2001 Bering Sea pollock ''C/D'' season (§ 679.23(e)(2)) and the Gulf of Alaska ''C'' and ''D'' season pollock fisheries on August 20 and October 1, respectively (§ 679.23(d)(2)). The Regional Administrator acknowledged that the 2001 BSAI and GOA trawl fisheries for pollock and Pacific cod are closed November 1 for the remainder of the year as a protection measure for the endangered Western population of Steller sea lions.

The halibut bycatch rate standards for the BSAI yellowfin sole and ''bottom pollock'' trawl fisheries are each set at 5 kilograms (kg) of halibut per metric ton (mt) of groundfish. The BSAI yellowfin sole fishery has experienced undesirably high bycatch rates that NMFS and the Council wish to reduce through existing incentives. The American Fisheries Act (AFA) cooperatives should help participating vessels maintain overall bycatch rates of halibut in the yellowfin sole fishery to a minimal level so that the amount of groundfish harvested may be optimized under the AFA prohibited species catch sideboard provisions. The average halibut bycatch rate for the 2000 third and fourth calendar quarter fisheries was equal to 13 and 11 kg halibut/mt groundfish, respectively. These rates are lower than those in 1999. The prohibition on the use of nonpelagic trawl gear has reduced the number of hauls assigned to the BSAI ''bottom pollock'' fishery and the bycatch rates are lower. Assignment to a fishery for purposes of the vessel incentive program is based on catch composition instead of gear type; this allows a vessel

using pelagic trawl gear to be assigned to the BSAI bottom pollock fishery defined at 50 CFR 679.21(f)(2). The average halibut bycatch rate for the 2000 third and fourth calendar quarter pollock fisheries was equal to 0.68 and 1.95 kg halibut/mt groundfish, respectively.

The halibut bycatch rate standard for the BSAI and GOA midwater pollock fisheries (1 kg of halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries, except for the third quarter of 2000 in the GOA. This standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery. One factor that may have contributed to the 1.91 kg halibut/mt groundfish rate for the third quarter of 2000 in the GOA was the change in the spatial distribution of the pollock fishery because of the court-ordered injunction on fishing for groundfish with trawl gear in Steller sea lion critical habitat.

The considerations that support the bycatch rate standards for the ''other trawl'' fisheries are unchanged from previous years and are discussed in the **Federal Register** publications of 1995 bycatch rate standards (60 FR 2905, January 12, 1995, and 60 FR 27425, May 24, 1995). A bycatch rate standard of 30 kg halibut/mt of groundfish is established for the BSAI ''other trawl'' fishery. This standard has remained unchanged since 1992. Observer data from the 2000 BSAI ''other trawl'' fishery show third and fourth quarter halibut bycatch rates of 10 and 5 kg of halibut/mt of groundfish. The first quarter rate from the 2001 BSAI ''other trawl'' fishery was 11 kg of halibut/mt of groundfish. A bycatch rate standard of 40 kg of halibut/mt of groundfish is established for the GOA ''other trawl'' fishery, which is unchanged since 1994. At times, quarterly bycatch rates have exceeded the bycatch rate standards, but these situations usually represent limited fishing effort in the second and fourth quarters. Observer data collected from the 2000 GOA ''other trawl'' fishery show average third and fourth quarter halibut bycatch rates of 23 and 46 kg of halibut/mt of groundfish, respectively. The first quarter rate from 2001 was 14 kg of halibut/mt of groundfish.

Bycatch Rate Standards for Red King Crab

The red king crab bycatch rate standard for the yellowfin sole and ''other trawl'' fisheries in Zone 1 of the Bering Sea subarea is 2.5 crab/mt of groundfish during the second half of 2001. This standard has remained unchanged since 1992. Through April 14, 2001, the rock sole/flathead sole/other flatfish fishery category have taken 34 percent of its annual red king crab bycatch allowance including the Red King Crab Savings Subarea bycatch limit. The Pacific cod and yellowfin sole fisheries have taken 13 percent and 33 percent, respectively, of their bycatch allowances. The Regional Administrator anticipates that the non-pelagic trawl gear closure of the Red King Crab Savings Area in Zone 1 will continue to result in low red king crab bycatch rates for the remainder of the year and is maintaining the 2.5 red king crab/mt of groundfish bycatch rate standard.

The Regional Administrator has determined that the bycatch rate standards set forth in Table 1 for the second half of 2001 are appropriately based on the information and considerations necessary for such determinations under § 679.21(f). These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Administrator, pending his consideration of the information set forth at § 679.21(f)(4).

Classification

NMFS finds that the prevention of excessive prohibited species bycatch rates constitutes good cause to waive the requirement for prior notice and comment period pursuant to 5 U.S.C. 553(b)(B) as such procedures are contrary to the public interest. Because the halibut and red king crab bycatch rate standards for the second half of 2001 must be effective by July 1, 2001, when the bycatch rate standards for the first half of 2001 expire, NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is taken under 50 CFR 679.21(f) and is exempt from OMB review under Executive Order 12866.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: June 21, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–16173 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 124
Wednesday, June 27, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–115–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 707–100, –100B, –300, and –E3A (Military Airplanes); 727–100 and –200; 737–200, –200C, –300, –400, and –500; 747SP and 747SR; 747–100B, –200B, –200C, –200F, –300, –400, and –400D; 757–200 and –200PF; and 767–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 707–100, –100B, –300, and –E3A (military airplanes); 727–100 and –200; 737–200, –200C, –300, –400, and –500; 747SP and 747SR; 747–100B, –200B, –200C, –200F, –300, –400, and –400D; 757–200 and –200PF; and 767–200 and –300 series airplanes. This proposal would require inspection of the attachment of the shoulder restraint harness to the mounting bracket on certain observer and attendant seats to determine if a C-clip is used in the attachment, and corrective action, if necessary. This action is necessary to prevent detachment of the shoulder restraint harness of the attendant or observer seat from its mounting bracket during service, which could result in injury to the occupant of the seat. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 13, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–115–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Keith Ladderud, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2780; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–115–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports that the shoulder restraint harness of the attendant or observer seat detached from the mounting bracket during service on two Boeing Model 737–300 series airplanes. In the reported incidents, the restraint harness was attached to the mounting bracket with a C-clip. Such detachment of the shoulder restraint harness from its mounting bracket during service, if not corrected, could result in injury to the occupant of the seat.

The shoulder restraint harness installations on the affected Model 737–300 series airplanes are identical to those on certain Boeing Model 707–100, –100B, –300, and –E3A (military airplanes); 727–100 and –200; 737–200, –200C, –400, and –500; 747SP and 747SR; 747–100B, –200B, –200C, –200F, –300, –400, and –400D; 757–200 and –200PF; and 767–200 and –300 series airplanes. Therefore, the shoulder restraint harnesses on all of these models may have a C-clip installed and thus be subject to the same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletins 3499, 727–25–0295, 737–25–1412, 747–25–3244, 757–25–0223, and 767–25–0288; all Revision 1; all dated May 17, 2001. These service bulletins describe procedures for a one-time inspection of the attachment of the shoulder restraint harness of certain attendant or observer seats to the mounting bracket to determine if a C-clip is used in the attachment. If the shoulder restraint harness is looped through the bracket and attached to itself with a C-clip, the service bulletins provide two alternatives for correcting this condition. One method instructs operators to attach the shoulder restraint harness directly to the mounting bracket by removing and discarding the C-clip, removing the mounting bracket, putting the mounting bracket through the loop of the shoulder harness, and attaching the mounting bracket in its original position. In lieu of removal of the C-clip, the service bulletins also describe an optional method that involves installation of a second C-clip with the clip's opening positioned in the opposite direction of the opening of the existing C-clip. Accomplishment of either of these actions given in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the applicable service bulletin described previously, except as discussed below.

Differences Between The Service Bulletins and This Proposed AD

Operators should note that, although the service bulletins recommend accomplishing the inspection ''at the next scheduled maintenance period when manpower and equipment are available,'' the FAA has determined that such an indefinite compliance time would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed actions. In light of all of these factors, the FAA finds an 18-month compliance time for initiating the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

In addition, the service bulletins do not identify the type of inspection that is involved in the procedures for inspecting the attachment of the shoulder restraint harness to determine if a C-clip is used. The FAA refers to this inspection in the proposed AD as a ''general visual'' inspection.

Cost Impact

The table below estimates the cost impact of the inspection that would be required by this proposed AD. The average labor rate is $60 per work hour.

Base model	Number of airplanes/ worldwide	Number of airplanes/ U.S. registry	Number of work hours (@ 0.25 work hour/ seat)	Total cost per airplane	Total cost fleet
707	250	21	1	$60	$1,260
727	1,986	881	1	60	52,860
737	921	437	2	120	52,440
747	533	83	5	300	24,900
757	262	257	2	120	30,840
767	573	207	3	180	37,260

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–115–AD.

Applicability: Airplanes as listed in the table below; certificated in any category.

TABLE 1.

Models and series	As listed in the following Boeing service bulletins
Model 707–100, –100B, –300, and –E3A (Military).	3499, Revision 1, dated May 17, 2001
Model 727–100 and 727–200.	727–25–0295, Revision 1, dated May 17, 2001
Model 737 –200, –200C, –300, –400, and –500.	737–25–1412, Revision 1, dated May 17, 2001
Model 747SR, 747SP, and 747–100B, –200B, –200C, –200F, –300, –400, and –400D.	747–25–3244, Revision 1, dated May 17, 2001
Model 757–200 and 757–200PF.	757–25–0223, Revision 1, dated May 17, 2001
Model 767–200 and –300.	767–25–0288, Revision 1, dated May 17, 2001

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent detachment of the shoulder restraint harness of the attendant or observer seat from its mounting bracket during service, which could result in injury to the occupant of the seat, accomplish the following:

Inspection and Corrective Action

(a) Within 18 months after the effective date of this AD, do a one-time general visual inspection of the attachment of the shoulder restraint harness of each observer or attendant seat to determine if a C-clip is used in the attachment. Do the inspection according to Boeing Service Bulletin 3499, 727–25–0295, 737–25–1412, 747–25–3244, 757–25–0223, or 767–25–0288; all Revision 1; all dated May 17, 2001; as applicable. If the shoulder harness is looped through the bracket and attached to itself with a C-clip, do paragraph (a)(1) or (a)(2) of this AD.

(1) Remove and discard the C-clip, and reattach the shoulder harness to the mounting bracket, according to the service bulletin.

Note 2: Removing and discarding the C-clip and reattaching the shoulder harness to the mounting bracket; according to Boeing Special Attention Service Bulletin 3499, 727–25–0295, 737–25–1412, 747–25–3244, 757–25–0233, or 767–25–0288; all dated April 27, 2000; as applicable; is acceptable for compliance with the requirements of paragraph (a)(1) of this AD.

(2) Install a second C-clip with the clip's opening positioned in the opposite direction of the opening of the existing C-clip, according to the optional method described in Steps 19 and 20 of Figure 1 or 2 of the applicable service bulletin.

Spares

(b) As of the effective date of this AD, do not attach the shoulder restraint harness of an observer or attendant seat on any airplane to the mounting bracket using a C-clip, unless the requirements of paragraph (a)(2) of this AD are done.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16055 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–334–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 series airplanes. This proposal would require inspections for cracking of the web of the horizontal and sloping pressure decks of the fuselage and certain stiffener splice angles and stiffener end fittings, and repair, if necessary. This proposal would also provide an optional preventative modification, which ends the repetitive inspections. This action is necessary to find and fix cracking of the web of the horizontal and sloping pressure decks, which could result in rapid in-flight decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 13, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–334–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–334–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained

in this action may be changed in light of the comments received.

Submit comments using the following format:

• Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

• For each issue, state what specific change to the proposed AD is being requested.

• Include justification (*e.g.*, reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–334–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–334–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, during fatigue testing of a Boeing Model 777–200 series airplane, fatigue cracking was found in the web of the horizontal and sloping pressure decks of the fuselage. Stiffener splice angles at body station (BS) 1287 and stiffener end fittings at BS 1245 were also found cracked. The cracks in the web were found in the radius of the milled pockets of the horizontal and sloping pressure decks. Analysis revealed that the cracks initiated at the upper surface of the web and propagated down through the web to the tangent point of the machined fillet radius of the milled pockets. Such cracks, if not found and fixed, could result in a rapid in-flight decompression of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Special Attention Service Bulletin 777–53–0004, dated May 11, 2000, which describes procedures for inspections for cracking of the web of the horizontal and sloping pressure decks of the fuselage and certain stiffener splice angles and stiffener end fittings, and repair or modification, if necessary. The subject area has been divided into three inspection areas, and the service bulletin recommends a different compliance threshold for each inspection area, based on when cracks were found on the test airplane during the fatigue test. The three areas are subject to the following inspections:

• Area 1: Repetitive internal high frequency eddy current (HFEC) inspections or, alternatively, external low frequency eddy current (LFEC) inspections, of the horizontal pressure deck web.

• Area 2: Repetitive internal HFEC inspections or, alternatively, repetitive external LFEC inspections of the horizontal pressure deck web, repetitive internal HFEC inspections of the sloping pressure deck, and repetitive detailed visual inspections of the stiffener splice angles at BS 1287 and the stiffener end fittings at BS 1245.

• Area 3: Repetitive internal HFEC inspections or, alternatively, repetitive external LFEC inspections of the horizontal pressure deck web, and repetitive internal HFEC inspections of the sloping pressure deck.

The service bulletin also describes procedures for repair of cracks, as well as a preventative modification, which would eliminate the need for the repetitive inspections for the repaired or modified areas. The preventative modification described in the service bulletin is an option for ending the repetitive inspections on airplanes with no cracking. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

The effectivity listing of the service bulletin includes Model 777–200 series airplanes with line numbers 001 through 093. The structure of the area subject to this proposed AD has been redesigned on airplanes with line numbers 094 and subsequent, so these airplanes are not subject to the actions described in the service bulletin.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Proposed Rule and Service Bulletin

Although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings.

Cost Impact

There are approximately 93 airplanes of the affected design in the worldwide fleet. The FAA estimates that 27 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 36 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $58,320, or $2,160 per airplane, per inspection cycle.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–334–AD.

Applicability: Model 777–200 series airplanes, line numbers 001 through 093 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To find and fix cracking of the web of the horizontal and sloping pressure decks, which could result in rapid in-flight decompression of the airplane, accomplish the following:

Initial Inspections

(a) Do the inspections in paragraphs (a)(1), (a)(2), and (a)(3) of this AD at the compliance times specified in those paragraphs. Do the inspections according to the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–53–0004, dated May 11, 2000.

(1) Area 1: Prior to the accumulation of 16,000 total flight cycles, do an internal high frequency eddy current (HFEC) inspection or an external low frequency eddy current (LFEC) inspection of the horizontal pressure deck web in Inspection Area 1, as defined in the service bulletin.

(2) Area 2: Prior to the accumulation of 31,000 total flight cycles, do an internal HFEC inspection or an external LFEC inspection of the horizontal pressure deck web, an internal HFEC inspection of the sloping pressure deck, and a detailed visual inspection of the stiffener end fittings at body station (BS) 1245 and the stiffener splice angles at BS 1287, in Inspection Area 2, as defined in the service bulletin.

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

(3) Area 3: Prior to the accumulation of 46,000 total flight cycles, do an internal HFEC inspection or an external LFEC inspection of the horizontal pressure deck web, and an internal HFEC inspection of the sloping pressure deck, in Inspection Area 3, as defined in the service bulletin.

Repetitive Inspections

(b) Repeat the inspections in paragraph (a) of this AD at least every 2,500 flight cycles for areas inspected using the HFEC or detailed visual inspection method, or at least every 1,000 flight cycles for areas inspected using the LFEC inspection method, until paragraph (d) of this AD is done.

Corrective Actions

(c) If any cracking is found during any inspection required by paragraph (a) or (b) of this AD: Before further flight, repair the affected area according to Boeing Special Attention Service Bulletin 777–53–0004, dated May 11, 2000; except, where the service bulletin says to contact Boeing for repairs, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD. Repair according to this paragraph ends the repetitive inspections required by paragraph (b) of this AD for the repaired area.

Optional Preventative Modification

(d) Modification of Inspection Areas 1, 2, and 3, according to Boeing Special Attention Service Bulletin 777–53–0004, dated May 11, 2000, ends the repetitive inspections required by paragraph (b) of this AD for the modified area.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16054 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–23–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes. This proposal would require a one-time eddy current inspection for cracks of the fuselage butt joint which is forward of the emergency exits on the left- and right-hand sides of the airplane at the level of stringers 27/48. This proposal would also require repair of any cracks detected. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign airworthiness authority. This action is necessary to detect and correct cracks in the area of the emergency escape hatches, which, if undetected, could

result in depressurization during flight, possibly leading to structural failure of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2001–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–23–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–23–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2001–NM–23–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that a crack was found in the fuselage skin in a bonded doubler at stringer 48 during regular maintenance of a Model F.28 Mark 1000 series airplane. The airplane had accumulated 56,000 total flight cycles when the crack was discovered. Subsequent investigation revealed that the crack began at a scratch, which may have occurred during production, on the bonded doubler at the edge of the bonded lower skin. This condition, if not corrected, could result in depressurization during flight, possibly leading to structural failure of the airplane.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF28/53–148, dated August 15, 2000, which describes procedures for conducting a one-time eddy current inspection for cracks of the fuselage butt joint forward of the emergency exits on the left- and right-hand sides of the airplane at the level of stringers 27/48 and reporting the findings to Fokker. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive 2000–151, dated November 30, 2000, in order to assure the continued airworthiness of these airplanes in the Netherlands. If any cracks are found as a result of the inspection, repair is to be conducted in a manner approved by the FAA or the RLD.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below. The proposed AD also would require reporting of the results (positive or negative) to the FAA.

Differences Between Proposed Rule and Foreign Airworthiness Directive

Operators should note that, although the Dutch airworthiness directive specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished per a method approved by either the FAA or the RLD (or a delegated agent of the RLD). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the RLD would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 23 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed

eddy current inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,760, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket 2001–NM–23–AD.

Applicability: All Model F.28 Mark 1000, 2000, 3000, and 4000 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracks in the area of the emergency escape hatches, which, if undetected, could result in depressurization during flight, possibly leading to structural failure of the airplane, accomplish the following:

Inspection

(a) Prior to the accumulation of 30,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Perform a one-time eddy current inspection to detect cracks of the fuselage butt joint forward of the emergency hatches on the left- and right-hand sides of the airplane at the level of stringers 27/48, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF28/53–148, dated August 15, 2000.

Repair

(b) If any crack is found during the inspection required by paragraph (a) of this AD: Prior to further flight, repair the crack per a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Rijksluchtvaartdienst (or its delegated agent).

Reporting

(c) Submit a report of inspection findings (both positive and negative) to Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; and to Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1320. The report is to be submitted at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. The report must include the inspections results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control Number 2120–0056.

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

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

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. 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

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

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16053 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–24–AD]

RIN 2120–AA64

Airworthiness Directive; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes. This proposal would require a one-time

inspection for correct installation of the left- and right-hand fuel differential pressure (FDP) switches and for correct connection of the pressure sensing lines to the switches. It would also require corrective action, if necessary. This action is prompted by reports of incorrect installation of the FDP switches and the resulting cross-connection of the pressure sensing lines to those switches. This action is necessary to ensure that a warning light goes on when the fuel filter is partially blocked by ice, so that the blockage of the fuel filter does not increase, leading to reduced fuel flow to the engine and possibly to an engine flame-out. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 27, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–24–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–24–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–24–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2001–NM–24–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Fokker has issued an information sheet indicating that on several occasions fuel differential pressure (FDP) switches have been installed upside down in their mountings and, as a result, the pressure sensing lines to those switches have been cross-connected. With this incorrect installation, the light which warns the flight crew that the fuel filter is partially blocked by ice would not light up. Without this warning, blockage of the fuel filter could continue, leading to reduced fuel flow to the engine and possibly to an engine flame-out. Fokker has also introduced changes to the F27 Maintenance Manual to emphasize the correct position of the fuel differential pressure switch and identification of the fuel lines to the switch.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin F27/28–63, dated November 21, 1999, which describes procedures for a one-time inspection for correct installation of the left- and right-hand FDP switches, correct connection of the pressure sensing lines to the FDP switches, and corrective action, if necessary.

U.S. Type Certification of the Airplane

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 44 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed one-time inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,640, or $60 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and

the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket 2001-NM–24-AD.

Applicability: All Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 ensure that a warning light goes on when the fuel filter is partially blocked by ice, so that the blockage of the fuel filter does not continue, leading to reduced fuel flow to the engine and possibly to an engine flame-out, accomplish the following:

Inspection

(a) Within 60 days from the effective date of this AD: Perform a one-time general visual inspection for correct installation of the left- and right-hand fuel differential pressure (FDP) switches and for correct connection of the pressure sensing lines to the FDP switches, in accordance with the Accomplishment Instructions of Fokker Service Bulletin F27/28–63, dated November 21, 1999. If the switches are found to be installed incorrectly, as specified in the service bulletin, prior to further flight, re-install the switches and re-connect the pressure sensing lines to the switches, in accordance with the service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

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, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

Special Flight Permits

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

Issued in Renton, Washington, on June 20, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16052 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–100548–01]

RIN 1545–AY72

Withdrawal of Proposed Regulations Relating to Corporations Filing Consolidated Returns and Proposed Regulations Relating to Collapsible Corporations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Withdrawal of notices of proposed rulemaking.

SUMMARY: This document withdraws two notices of proposed rulemaking, one relating to corporations filing consolidated income tax returns and the other relating to collapsible corporations. The proposed regulations were published before the enactment of the Internal Revenue Code of 1986, do not reflect changes to the tax law made after their publication, and will not be finalized unless reproposed.

DATES: These proposed regulations are withdrawn June 27, 2001.

FOR FURTHER INFORMATION CONTACT: Charles M. Whedbee (202) 622–7550 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1984, the IRS issued proposed regulations (LR–97–79) relating to corporations filing consolidated returns (49 FR 30528). Portions of these proposed consolidated return regulations were withdrawn by subsequent notices of proposed rulemaking (CO–78–90 and REG–103805–99) published in the **Federal Register** on February 4, 1991 (56 FR 4228) and September 26, 2000 (65 FR 57755).

On August 31, 1984, the IRS issued proposed regulations (LR–107–84) relating to collapsible corporations (49 FR 34523).

The IRS is withdrawing these proposed regulations because of intervening amendments to the Internal Revenue Code and because these regulations projects will not be undertaken in the foreseeable future (or if undertaken, the regulations will be reproposed).

Drafting Information

The principal author of this withdrawal notice is Charles M. Whedbee of the Office of the Associate Chief Counsel (Corporate). However,

other personnel from the IRS and Treasury participated in its development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirement.

Withdrawal of Notices of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the notices of proposed rulemaking published in the **Federal Register** on July 31, 1984 (49 FR 30528) and August 31, 1984 (49 FR 34523) are withdrawn.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 01–16021 Filed 6–26–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA–020–FOR]

Louisiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Louisiana regulatory program (Louisiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Louisiana proposes to add standards for measuring revegetation success on pastureland. Louisiana intends to revise the Louisiana program to be consistent with the corresponding Federal regulations and to improve operational efficiency.

This document gives the times and locations that the Louisiana program and the proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4 p.m., c.d.t., July 27, 2001. If requested, we will hold a public hearing on the amendment on July 23, 2001. We will accept requests to speak at the hearing until 4 p.m., c.d.t. on July 12, 2001.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Louisiana program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430.

Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N . 4th Street, P. O. Box 94275, Baton Rouge, LA 70804, Telephone: (504) 342–5540.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581–6430. Internet: mwolfrom@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior approved the Louisiana program. You can find background information on the Louisiana program, including the Secretary's findings and the disposition of comments in the October 10, 1980, **Federal Register** (45 FR 67340). You can find later actions concerning the Louisiana program at 30 CFR 918.15 and 918.16.

II. Description of the Proposed Amendment

By letter dated June 1, 2001 (Administrative Record No. LA–365.04), Louisiana sent us an amendment to its program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Louisiana sent the amendment in response to our letters dated March 24, 1999, and August 16, 2000, that we sent to Louisiana under 30 CFR 732.17 (Administrative Record Nos. LA–365 and LA365.01, respectively). Below is a summary of the revegetation success guidelines proposed by Louisiana. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES.**

1. Section A: Introduction

Section A describes the purpose of the revegetation success guidelines for pastureland. It also summarizes the State regulation at Louisiana Administrative Code (LAC) 43:XV.5423 that applies to ground cover and production success on pastureland.

2. Section B: General Revegetation Requirements

Section B describes the determinations that the Commissioner of Conservation (Commissioner) must make in order for the requirements of LAC 43:XV.5417 to be considered satisfied. LAC 43:XV.5417 provides general requirements for revegetation of all approved post-mining land uses.

3. Section C: Success Standards and Measurement Frequency

Section C provides success standards and measurement frequency information for ground cover and forage production. It also provides requirements for reference areas.

4. Section D: Sampling Procedures

Section D.1. provides standards for sampling pastureland. Section D.2.a. describes approved methods for measuring ground cover. Section D.2.b. describes factors that may affect production yields. It also describes approved methods for evaluating production. Section D.3. provides criteria for choosing and using test plots. Finally, section D.4. describes how to determine the size of a sample for ground cover and productivity.

5. Section E: Data Submission and Analysis

Section E describes when and how a permittee should submit data to the Commissioner for review.

6. Section F: Maps

Section F describes what a permittee must include on the maps he or she submits when submitting a proposed reclamation phase III release or data from a previously approved plan to the Commissioner.

7. Section G: Mitigation Plans

Section G describes when a permittee must submit a mitigation plan to the Commissioner. It also describes what the mitigation plan must include.

8. Appendices

Appendix A describes how to choose horizontal and vertical coordinates in establishing the location of sampling sites on the reclaimed area. Appendices B, C, and D provide formats for submitting data on ground cover, sampling frames, and whole release area harvesting, respectively. Appendix E provides T-Tables for use in calculating sample adequacy of ground cover and productivity data. Appendices F and G

provide examples of using the sample adequacy formula for ground cover and hay production measurements, respectively. Appendices H, I, and J provide examples for performing statistical analysis on ground cover measurements, sampling frame data, and whole release area harvesting, respectively. Appendix K provides the average yields per acre of pasture by soil for DeSoto and Red River Parishes. It also describes how to calculate yield adjustments when test plots and reference plots fall on different soil series. Appendix L provides examples of some acceptable plant species for permanent ground cover. Finally, Appendix M provides a list of references.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Louisiana program.

Written Comments: If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments delivered to an address other than the one listed above (see **ADDRESSES**).

Electronic Comments: Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn: SPATS NO. LA–020–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581–6430.

Availability of Comments: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at OSM's Tulsa Field Office (see **ADDRESSES**). Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Public Hearing: If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.d.t. on July 12, 2001. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

If you are disabled and need a special accommodation to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting: If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary under SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 11, 2001.

John W. Coleman,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 01–16039 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[C0–001–0063b; FRL–7000–8]

Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Metropolitan Denver; State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed action makes a determination of attainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) for the metropolitan Denver CO nonattainment area which was classified as ''serious.'' The Denver area was required by the Clean Air Act Amendments (CAAA) of 1990 to attain the CO NAAQS by December 31, 2000. This determination is based on complete, quality assured ambient air quality monitoring data for the years 1998, 1999, and 2000. In the Final Rules section of this **Federal Register**, EPA is approving the determination of attainment for the carbon monoxide CO NAAQS for the metropolitan Denver CO nonattainment area as a direct final rule without prior proposal because the Agency views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by July 27, 2001.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office:

United States Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; Telephone number (303) 312–6479

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules section of this **Federal Register**.

Dated: June 13, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 01–15874 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC95–200034b; FRL–6994–1]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the State of North Carolina for the purpose of adopting, amending and repealing regulations relating to volatile organic compounds (VOCs). In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before July 27, 2001.

ADDRESSES: All comments should be addressed to: Randy Terry at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Randy Terry, 404/562–9032.

North Carolina Department of Environment, Health, and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT: Randy B. Terry at 404/562–9032.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: January 5, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–15876 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket 01–96; FCC 01–134]

Policies and Service Rules for the Non-Geostationary Satellite Orbit,Fixed Satellite Service in the Ku-Band; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This documents corrects one sentence in the preamble to a proposed rule published in the **Federal Register** of June 6, 2001, regarding Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-Band. This correction includes the proper radio frequency bands cited in the sentence.

FOR FURTHER INFORMATION CONTACT: J. Mark Young, 202–418–0762.

Correction

In proposed rule FR Doc. 01–14141, beginning on page 30361 in the issue of June 6, 2001, make the following correction, in the ''Summary'' section. On page 30361 in the 3rd column, the first sentence is corrected to read as follows: ''The Federal Communications Commission (FCC) proposes to decide the means for sharing among multiple satellite network licensees in spectrum recently designated for the non-geostationary satellite orbit, fixed-satellite service (NGSO FSS) in the 10.7–12.7 GHz, 12.75–13.25 GHz and 13.75–14.5 GHz frequency bands (the Ku-band).''

Dated: June 21, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16189 Filed 6–26–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 66, No. 124
Wednesday, June 27, 2001

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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the malting barley variety designated ''Garnet'' is available for licensing and that the Department of Agriculture, Agricultural Research Service, intends to grant to Conagra Malting of Vancouver, Washington, an exclusive license to this variety in selected countries outside the United States where breeder's rights are available.

DATES: Comments must be received on or before September 25, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's intellectual property rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Conagra Malting has submitted a complete and sufficient application for a license. 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 ninety (90) days from the date of this published Notice, Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 01–16133 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Department of Agriculture, Agricultural Research Service, intends to grant to INDOPCO, d/b/a National Starch & Chemical Company, of Bridgewater, New Jersey, an exclusive license for all uses in cosmetics and cosmetic ingredients to U.S. Patent No. 5,676,994, ''Non-Separable Starch-Oil Compositions,'' issued on October 4, 1997, and to U.S. Patent No. 5,882,713, ''Non-Separable Compositions of Starch and Water-Immiscible Organic Materials,'' issued on March 16, 1999. U.S. Patent No. 5,676,994 is a continuation of U.S. Patent Application Serial No. 08/233,173, ''Non-Separable Starch-Oil Compositions,'' and U.S. Patent No. 5,882,713 is a continuation-in-part of U.S. Patent Application Serial No. 08/233,173. Notice of Availability for U.S. Patent Application Serial No. 08/233,173 was published in the **Federal Register** on October 24, 1994.

DATES: Comments must be received on or before August 27, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as National Starch & Chemical Company has submitted a complete and sufficient application for a license. 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 (60) days from the date of this published Notice, Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 01–16134 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the invention disclosed in Patent Cooperation Treaty Application PCT/GB00/04562, ''Resistance Gene,'' filed November 29, 2000, is available for licensing and that the Department of Agriculture, Agricultural Research Service, intends to grant to Plant BioScience Limited, of Norwich, Norfolk, United Kingdom, an exclusive license to the Federal Government's patent rights in this invention. This invention is jointly owned by Plant BioScience Limited, Iowa State University and the United States of America, as represented by the Secretary of Agriculture.

DATES: Comments must be received on or before September 25, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United

States of America, as represented by the Secretary of Agriculture. 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 ninety (90) days from the date of this published Notice, Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 01–16128 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Triple ''F,'' Inc. of Des Moines, Iowa, an exclusive license to U.S. Patent Application Serial No. 09/611,615, ''COBY Products and a Process for Their Manufacture,'' filed on July 7, 2000. Notice of Availability for U.S. Patent Application Serial No. 09/611,615 was published in the **Federal Register** on March 13, 2001.

DATES: Comments must be received on or before August 27, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Triple ''F,'' Inc. has submitted a complete and sufficient application for a license. 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 (60) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 01–16129 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the thickspike wheatgrass variety designated ''Bannock'' is available for licensing and that the Department of Agriculture, Agricultural Research Service, intends to grant to the University of Idaho of Moscow, Idaho, an exclusive license to this variety.

DATES: Comments must be received on or before September 25, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

SUPPLEMENTARY INFORMATION: The Federal Government's intellectual property rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. 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 ninety (90) days from the date of this published Notice, Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 01–16132 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–051–1]

Availability of a Draft Environmental Assessment for Field Testing Avian Encephalomyelitis-Fowl Pox-Laryngotracheitis Vaccine, Live Virus, Fowl Pox Vector

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed avian encephalomyelitis-fowl pox-laryngotracheitis vaccine for use in poultry. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a veterinary biological product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensure.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by July 27, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–051–1, 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. 01–051–1.

Copies of the draft environmental assessment may be obtained by contacting the person listed under **FOR**

FURTHER INFORMATION CONTACT. Please refer to the docket number, date, and complete title of this notice when requesting copies. A copy of the draft environmental assessment (as well as the risk analysis with confidential business information removed) and any comments that we receive on this docket are available for public inspection in our reading room. The reading room is located in room 1141 of the 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. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, USDA, 4700 River Road, Unit 148, Riverdale, MD 20737–1231; telephone (301) 734–8245; fax (301) 734–4314.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment.

Based on the risk analysis, APHIS has prepared a draft environmental assessment (EA) concerning the field testing of the combined unlicensed and licensed veterinary biological product:

Requester: Biomune Company.

Product: Avian Encephalomyelitis-Fowl Pox-Laryngotracheitis Vaccine, Live Virus, Fowl Pox Vector.

Field test locations: Georgia, Kentucky, Nebraska, Texas, and Virginia.

The above-mentioned product is a modified live avian encephalomyelitis vaccine in combination with a live, attenuated fowl pox virus that has been genetically modified to express fowl laryngotracheitis antigens. The vaccine is for use in chickens as an aid in the prevention of avian encephalomyelitis, fowl pox, and laryngotracheitis.

The draft EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial environmental issues are raised in response to this notice, APHIS intends to issue a final EA and finding of no significant impact (FONSI) and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensure.

Authority: 21 U.S.C. 151–159.

Done in Washington, DC, this 21st day of June 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–16136 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–093–8]

Scrapie Eradication Uniform Methods and Rules; Reopening and Extension of Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are reopening and extending the comment period for a notice seeking public comments on the draft Scrapie Eradication Uniform Methods and Rules. This action will allow interested persons additional time to prepare and submit comments.

DATES: We invite you to comment on the draft Scrapie Eradication Uniform Methods and Rules. We will consider all comments on Docket 97–093–7 that we receive by August 20, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 97–093–7, 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. 97–093–7.

You may read any comments that we receive on Docket No. 97–093–7 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.

You may request a copy of the draft Scrapie Eradication Uniform Methods and Rules by writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. The document is also available on the Internet at http://www.aphis.usda.gov/vs/scrapie, and we may post revised versions to this website for additional comment in the future.

FOR FURTHER INFORMATION CONTACT: Dr. Diane Sutton, National Scrapie Program Coordinator, National Animal Health

Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

SUPPLEMENTARY INFORMATION: Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. To control the spread of scrapie within the United States, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, administers regulations at 9 CFR part 79 that restrict the interstate movement of certain sheep and goats. APHIS also has regulations at 9 CFR part 54 that describe a voluntary scrapie control program.

On April 20, 2001, we published a notice in the **Federal Register** (66 FR 20231, Docket No. 97–093–7) soliciting comments on the draft Scrapie Eradication Uniform Methods and Rules(UM&R). The UM&R is a set of proposed cooperative procedures and standards to aid in the control and eradication of scrapie. The legal requirements for interstate movement of sheep and goats due to scrapie are contained in title 9 of the Code of Federal Regulations. The ScrapieEradication UM&R provides guidance to the States regarding the minimum standards necessary for a State to participate in the national eradication program.

Comments on the UM&R were required to be received on or before June 19, 2001. We are reopening and extending the comment period on Docket No. 97–093–7. This action will allow interested persons additional time to prepare and submit comments.

Authority: 21 U.S.C. 111–113, 114, 114a, 115, 117, 120, 121, 123–126, and 134a–134h; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 21st day of June 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–16135 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2001–June 30, 2002.

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to: the national average payment rates for meals and supplements served in child care centers, outside-school-hours care centers, at-risk afterschool care centers, and adult day care centers; the food service payment rates for meals and supplements served in day care homes; and the administrative reimbursement rates for sponsoring organizations of day care homes, to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are made on an annual basis each July, as required by the statutes and regulations governing the Child and Adult Care Food Program (CACFP).

EFFECTIVE DATE: July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Melissa Rothstein, Section Chief, Child and Adult Care and Summer Programs Section, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 305–2620.

SUPPLEMENTARY INFORMATION:

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the CACFP (7 CFR part 226).

Background

Pursuant to sections 4, 11 and 17 of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1753, 1759a and 1766), section 4 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1773) and sections 226.4, 226.12 and 226.13 of the regulations governing the CACFP (7 CFR Part 226), notice is hereby given of the new payment rates for institutions participating in CACFP. These rates shall be in effect during the period July 1, 2001 through June 30, 2002.

As provided for under the NSLA and the CNA, all rates in the CACFP must be revised annually on July 1 to reflect changes in the Consumer Price Index (CPI) for the most recent 12-month period. In accordance with this mandate, the Department last published the adjusted national average payment rates for centers, the food service payment rates for day care homes, and the administrative reimbursement rates for sponsors of day care homes on June 27, 2000, at 65 FR 39589 (for the period July 1, 2000–June 30, 2001).

BILLING CODE 3410–30–U

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)
Per Meal Rates in Whole or Fractions of U.S. Dollars
Effective from July 1, 2001 - June 30, 2002

CENTERS		BREAKFAST	LUNCH AND SUPPER[1]	SUPPLEMENT
CONTIGUOUS STATES	PAID	.21	.20	.05
	REDUCED PRICE	.85	1.69	.28
	FREE	1.15	2.09	.57
ALASKA	PAID	.31	.32	.08
	REDUCED PRICE	1.52	2.98	.46
	FREE	1.82	3.38	.93
HAWAII	PAID	.24	.23	.06
	REDUCED PRICE	1.03	2.04	.33
	FREE	1.33	2.44	.67

DAY CARE HOMES	BREAKFAST		LUNCH AND SUPPER		SUPPLEMENT	
	TIER I	TIER II	TIER I	TIER II	TIER I	TIER II
CONTIGUOUS STATES	.96	.36	1.78	1.07	.53	.14
ALASKA	1.53	.55	2.88	1.74	.86	.23
HAWAII	1.12	.41	2.08	1.25	.62	.17

ADMINISTRATIVE REIMBURSEMENT RATES FOR SPONSORING ORGANIZATIONS OF DAY CARE HOMES PER HOME/PER MONTH RATES IN U.S. DOLLARS	Initial 50	Next 150	Next 800	Each Additional
CONTIGUOUS STATES	83	63	49	44
ALASKA	135	103	80	71
HAWAII	97	74	58	51

[1]These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to participants under the program. A notice announcing the value of commodities and cash-in-lieu of commodities is published separately in the *Federal Register*.

BILLING CODE 3410–30–C

The changes in the national average payment rates for centers reflect a 2.85 percent increase during the 12-month period, May 2000 to May 2001, (from 168.3 in May 2000 to 173.1 in May 2001) in the food away from home series of the CPI for All Urban Consumers.

The changes in the food service payment rates for day care homes reflect a 3.16 percent increase during the 12-month period, May 2000 to May 2001, (from 167.5 in May 2000 to 172.8 in May 2001) in the food at home series of the CPI for All Urban Consumers.

The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 3.74 percent increase during the 12-month period, May 2000 to May 2001, (from 171.3 in May 2000 to 177.7 in May 2001) in the series for all items of the CPI for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments available to each State agency for distribution to institutions participating in the program is based on the rates contained in this notice.

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3518).

Authority: Sections 4(b)(2), 11a, 17(c) and 17(f)(3)(B) of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1753(b)(2), 1759a, 1766(f)(3)(B)) and section 4(b)(1)(B) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(b)(1)(B)).

Dated: June 21, 2001.

George A. Braley,

Acting Administrator.

[FR Doc. 01–16111 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs; National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to: (1) The ''national average payments,'' the amount of money the Federal Government provides States for lunches, afterschool snacks and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; (2) the ''maximum reimbursement rates,'' the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and (3) the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products. These payments and rates are in effect from July 1, 2001 through June 30, 2002.

EFFECTIVE DATE: July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Jane Whitney, Section Chief, School Programs Section, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 640, Alexandria, VA 22302 or phone (703) 305–2620.

SUPPLEMENTARY INFORMATION:

Background

Special Milk Program for Children

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products, published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 2001 to June 30, 2002, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in the Special Milk Program is 14.5 cents. This reflects an increase of 10.8 percent in the Producer Price Index for Fluid Milk Products from May 2000 to May 2001 (from a level of 142.5 in May 2000 to 157.9 in May 2001).

As a reminder, schools or institutions with pricing programs which elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs

Pursuant to sections 11 and 17A of the National School Lunch Act, (42 U.S.C. 1759a and 1766a), and Section 4 of the Child Nutrition Act of 1966, (42 U.S.C. 1773), the Department annually announces the adjustments to the National Average Payment Factors and to the maximum Federal reimbursement rates for lunches and afterschool snacks served to children participating in the National School Lunch Program and breakfasts served to children participating in the School Breakfast Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 2001 through June 30, 2002 reflect a 2.85 percent increase in the Consumer Price Index for All Urban Consumers during the 12-month period May 2000 to May 2001 (from a level of 168.3 in May 2000 to 173.1 in May 2001). Adjustments to the national average payment rates for all lunches served under the National School Lunch Program, breakfasts served under the School Breakfast Program, and afterschool snacks served under the National School Lunch Program are rounded down to the nearest whole cent.

Lunch Payment Levels

Section 4 of the National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. The National School Lunch Act provides two different Section 4 payment levels for lunches served under the National School Lunch Program. The lower payment level applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment level applies to lunches served by school food authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price.

To supplement these section 4 payments, section 11 of the National School Lunch Act provides special cash assistance payments to aid schools in providing free and reduced price lunches. The Section 11 National Average Payment Factor for each reduced price lunch served is set at 40 cents less than the factor for each free lunch.

As authorized under sections 8 and 11 of the National School Lunch Act (42 U.S.C. 1757, 1759a), maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates are to ensure equitable disbursement of Federal funds to school food authorities.

Afterschool Snack Payments in Afterschool Care Programs

Section 17A of the National School Lunch Act (42 U.S.C. 1766a) establishes National Average Payments for free, reduced price and paid afterschool snacks as part of the National School Lunch Program.

Breakfast Payment Factors

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for free and reduced price breakfasts served in schools determined to be in ''severe need'' because they serve a high percentage of needy children.

Revised Payments

The following specific Section 4, Section 11 and Section 17A National Average Payment Factors and maximum reimbursement rates for lunch, the afterschool snack rates, and the breakfast rates are in effect from July 1, 2001 through June 30, 2002. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The District of Columbia, Virgin Islands,

Puerto Rico and Guam use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors—In school food authorities which served *less than 60 percent* free and reduced price lunches in School Year 1999–00, the payments for meals served are: *Contiguous States*—paid rate—20 cents, free and reduced price rate—20 cents, maximum rate—28 cents; *Alaska*—paid rate—32 cents, free and reduced price rate—32 cents, maximum rate—44 cents; *Hawaii*—paid rate—23 cents, free and reduced price rate—23 cents, maximum rate—32 cents.

In school food authorities which served *60 percent or more* free and reduced price lunches in School Year 1999–00, payments are: *Contiguous States*—paid rate—22 cents, free and reduced price rate—22 cents, maximum rate—28 cents; *Alaska*—paid rate—34 cents, free and reduced price rate—34 cents, maximum rate—44 cents; *Hawaii*—paid rate—25 cents, free and reduced price rate—25 cents, maximum rate—32 cents.

Section 11 National Average Payment Factors—Contiguous States—free lunch—189 cents, reduced price lunch—149 cents; *Alaska*—free lunch—306 cents, reduced price lunch—266 cents; *Hawaii*—free lunch—221 cents, reduced price lunch—181 cents.

Afterschool Snacks in Afterschool Care Programs—The payments are: *Contiguous States*—free snack—57 cents, reduced price snack—28 cents, paid snack—5 cents; *Alaska*—free snack—93 cents, reduced price snack—46 cents, paid snack—8 cents; *Hawaii*—free snack—67 cents, reduced price snack—33 cents, paid snack—6 cents.

School Breakfast Program Payments

For schools ''not in severe need'' the payments are: *Contiguous States*—free breakfast—115 cents, reduced price breakfast—85 cents, paid breakfast—21 cents; *Alaska*—free breakfast—182 cents, reduced price breakfast—152 cents, paid breakfast—31 cents; *Hawaii*—free breakfast—133 cents, reduced price breakfast—103 cents, paid breakfast—24 cents.

For schools in ''severe need'' the payments are: *Contiguous States*—free breakfast—137 cents, reduced price breakfast—107 cents, paid breakfast—21 cents; *Alaska*—free breakfast—218 cents, reduced price breakfast—188 cents, paid breakfast—31 cents; *Hawaii*—free breakfast—159 cents, reduced price breakfast—129 cents, paid breakfast—24 cents.

Payment Chart

The following chart illustrates: the lunch National Average Payment Factors with the Sections 4 and 11 already combined to indicate the per lunch amount; the maximum lunch reimbursement rates; the reimbursement rates for afterschool snacks served in afterschool care programs; the breakfast National Average Payment Factors including ''severe need'' schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the District of Columbia, Virgin Islands, Puerto Rico and Guam are those specified for the contiguous States.

BILLING CODE 3410–30–U

SCHOOL PROGRAMS
MEAL, SNACK AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES
Expressed in Dollars or Fractions Thereof
Effective from July 1, 2001 - June 30, 2002

NATIONAL SCHOOL LUNCH PROGRAM *		LESS THAN 60%	60% OR MORE	MAXIMUM RATE
CONTIGUOUS STATES	PAID	.20	.22	.28
	REDUCED PRICE	1.69	1.71	1.86
	FREE	2.09	2.11	2.26
ALASKA	PAID	.32	.34	.44
	REDUCED PRICE	2.98	3.00	3.24
	FREE	3.38	3.40	3.64
HAWAII	PAID	.23	.25	.32
	REDUCED PRICE	2.04	2.06	2.24
	FREE	2.44	2.46	2.64

SCHOOL BREAKFAST PROGRAM		NON-SEVERE NEED	SEVERE NEED
CONTIGUOUS STATES	PAID	.21	.21
	REDUCED PRICE	.85	1.07
	FREE	1.15	1.37
ALASKA	PAID	.31	.31
	REDUCED PRICE	1.52	1.88
	FREE	1.82	2.18
HAWAII	PAID	.24	.24
	REDUCED PRICE	1.03	1.29
	FREE	1.33	1.59

SPECIAL MILK PROGRAM	ALL MILK	PAID MILK	FREE MILK
PRICING PROGRAMS WITHOUT FREE OPTION	.1450	N/A	N/A
PRICING PROGRAMS WITH FREE OPTION	N/A	.1450	Average cost per ½ pint of milk.
NONPRICING PROGRAMS	.1450	N/A	N/A

AFTERSCHOOL SNACKS SERVED IN AFTERSCHOOL CARE PROGRAMS		
CONTIGUOUS STATES	PAID	.05
	REDUCED PRICE	.28
	FREE	.57
ALASKA	PAID	.08
	REDUCED PRICE	.46
	FREE	.93
HAWAII	PAID	.06
	REDUCED PRICE	.33
	FREE	.67

* Payments listed for Free & Reduced Price Lunches include both sections 4 and 11 funds.

BILLING CODE 3410–30–C

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.555, No. 10.553 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Authority: Sections 4, 8, 11 and 17A of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759a, 1766a) and sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773(b)).

Dated: June 21, 2001.

George A. Braley,

Acting Administrator.

[FR Doc. 01–16110 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

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

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

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

DATES: Comments on this notice must be received by August 31, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, Room 4117 South Building, 1400 Independence Avenue SW, Washington, D.C. 20250–2001, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Prices.

OMB Control Number: 0535–0003.

Expiration Date of Approval: 09/30/01.

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

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and national estimates of crop and livestock production and prices. The Agricultural Prices surveys provide data on the prices received by farmers and prices paid by them for production goods and services. NASS estimates based on these surveys are used by agencies of the U.S. Department of Agriculture to prepare the economic accounts of the United States. These price estimates are also used to compute Parity Prices in accordance with requirements of the Agricultural Adjustment Act of 1938 as amended (Title III, Subtitle A, Section 301a). In addition, price data are used by the Federal Crop Insurance Corporation to help determine payment rates, program option levels, and disaster programs.

The Agricultural Surveys program was last approved by OMB in 1998 for a 3-year period. NASS intends to request that the surveys be approved for another 3 years.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 11 minutes per response.

Respondents: Farmers and farm-related businesses.

Estimated Number of Respondents: 82,000.

Estimated Total Annual Burden on Respondents: 17,000 hours.

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

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

Comments:

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

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

Signed at Washington, D.C., May 24, 2001.

Rich Allen,

Associate Administrator.

[FR Doc. 01–16126 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

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

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention the National Agricultural Statistics Service (NASS) to request an extension of a currently approved information collection, the Fruits, Nuts, and Specialty Crops Surveys.

DATES: Comments on this notice must be received by August 31, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, Room 4117 South Building, 1400 Independence Avenue SW, Washington, D.C. 20250–2001, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Fruits, Nuts, and Specialty Crops Surveys.

OMB Control Number: 0535–0039.

Expiration Date of Approval: 09/30/01.

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

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production. The Fruits, Nuts, and Specialty Crops survey program collects information on acreage, yield, production, price, and value of citrus and non-citrus fruits and nuts and other specialty crops in States with significant commercial production. The program provides data needed by the U.S. Department of Agriculture and other government agencies to administer programs and to set trade quotas and tariffs. State Departments of Agriculture and universities also use forecasts and estimates provided by these surveys.

The Fruits, Nuts, and Specialty Crops Program was last approved by OMB in1998 for a 3-year period. NASS intends to request that the survey be approved for another 3 years.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 17 minutes per response.

Respondents: Producers, processors, and handlers.

Estimated Number of Respondents: 53,000.

Estimated Total Annual Burden on Respondents: 17,000 hours.

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

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

Comments

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

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

Signed at Washington, DC, May 22, 2001.

Rich Allen,

Associate Administrator.

[FR Doc. 01–16127 Filed 6–26–01; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 26–2001]

Foreign-Trade Zone 39—Dallas/Fort Worth, Texas; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Dallas/Fort Worth International Airport Board, grantee of Foreign-Trade Zone 39, requesting authority to expand its zone in Dallas/Fort Worth, Texas, within the Dallas/Fort Worth Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 20, 2001.

FTZ 39 was approved on August 17, 1978 (Board Order 133, 43 FR 37478, 8/23/78) and expanded on December 11, 1992 (Board Order 613, 57 FR 61046, 12/23/92); December 27, 1994 (Board Order 723, 60 FR 2377, 1/9/95); December 27, 1994 (Board Order 724, 60 FR 2376, 1/9/95); and, March 12, 1999 (Board Order 1028, 64 FR 14212, 3/24/99). The zone project currently consists of the following sites: *Site 1* (2,400 acres)—within the 18,000-acre Dallas/Fort Worth International Airport complex; *Site 2* (754 acres)—Southport Centre Industrial Park, South Dallas; *Site 3* (552 acres)—within the 1,100-acre Grayson County Airport complex, Grayson County; and, *Site 4* (644 acres, 3 parcels)—Railhead Fort Worth site, intersection of Loop 820 (the Jim Wright Freeway) and Blue Mound Road (FM 156), Fort Worth.

The applicant is now requesting authority to expand the general-purpose zone to include two new sites (832 acres) in the Dallas/Forth Worth area (Proposed Sites 5 and 6): *Proposed Site 5* (280 acres)—within the 745-acre Meacham Airport complex, intersection of Loop 820 and Interstate 35, Fort Worth; and, *Proposed Site 6* (552 acres)—within the 1,060-acre Redbird Airport complex, intersection of Loop 12 and Interstate 35, Dallas. Proposed Site 5 is owned by the City of Fort Worth and Proposed Site 6 is owned by the City of Dallas. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 27, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 10, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, International Trade Administration, Export Assistance Center, 711 Houston Street, Fort Worth, TX 76102

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008,U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: June 20, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–16168 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–601]

Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Extension of Time Limit for Final Results of Antidumping Duty Administrative Reviews

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

EFFECTIVE DATE: June 27, 2001.

FOR FURTHER INFORMATION CONTACT: Nova Daly or Paige Rivas at (202) 482–0989 or (202) 482–0651, respectively; AD/CVD Enforcement, Office 4, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Background

On February 23, 2001, the Department published in the **Federal Register** the preliminary results of the 1999 administrative review of the antidumping duty order on top-of-the-stove stainless steel cooking ware from Korea. *See Top-of-the-Stove Stainless Steel Cooking Ware from Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review* 66 FR 11259 (February 23, 2001).

Extension of Time Limit For Final Determination

We determine that it is not practicable to complete the final results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the final results until no later than August 24, 2001. *See* Decision Memorandum from Holly A. Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: June 19, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 01–16167 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–857]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe From Japan

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

EFFECTIVE DATE: June 27, 2001.

FOR FURTHER INFORMATION CONTACT: John Drury or Helen Kramer at (202) 482–0195 and (202) 482–0405, respectively; AD/CVD, Enforcement, Office 8, Group III, Import Administration, Room 7866, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

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

Preliminary Determination

We preliminarily determine that certain welded large diameter line pipe from Japan is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the Suspension of Liquidation section of this notice.

Case History

On January 10, 2001, the Department received a petition on welded large diameter line pipe from Japan and Mexico in proper form by American Steel Pipe Division of American Cast Iron Pipe Company, Berg Steel Pipe Corporation, and Stupp Corporation (collectively ''petitioners''). The Department received information from the petitioners supplementing the petition on January 22, January 24, January 26, and January 29, 2001.

This investigation was initiated on January 30, 2001. *See Notice of Initiation of Antidumping Duty Investigations: Welded Large Diameter Line Pipes from Mexico and Japan,* 66 FR 11266 (February 23, 2001) (Initiation Notice). Since the initiation of these investigations, the following events have occurred.

The Department set aside a period for all interested parties to raise issues regarding product coverage. *See* Initiation Notice, 66 FR 11267. We received comments regarding product coverage in the Japan investigation from Sumitomo Metal Industries on February 20, 2001 and February 23, 2001, Kawasaki Steel Corporation, Nippon Steel Corporation, NKK Corporation, and Sumitomo Metal Industries on February 20, 2001, and from petitioners on April 9, 2001. For the concurrent investigation of welded large diameter line pipe from Mexico, respondent Tubesa submitted comments on scope which also affect both investigations.

In response to comments by interested parties the Department has determined that certain welded large diameter line pipe products are excluded from the scope of this investigation. These excluded products are described below in the section on the scope of the investigation. *See* also *Memorandum from Richard Weible and Ed Yang to Joseph Spetrini, Scope Issues for Welded Large Diameter Line Pipe,* June 19, 2001.

On February 26, 2001, the Department issued a letter to interested parties in the two concurrent antidumping investigations, providing an opportunity to comment on the Department's proposed model matching characteristics and hierarchy. Comments were submitted by the petitioners, and respondents Nippon Steel Corporation and Kawasaki Steel Corporation. All comments were received on March 8, 2001. Petitioners agreed with the Department's proposed characteristics categories, but wished to add more subcategories. Furthermore, petitioners suggested that the Department change its hierarchy of characteristics. Nippon Steel Corporation suggested that the Department elevate ''weld type'' to the top of the model match criteria hierarchy. Kawasaki also suggested that weld type be used as the first model matching criterion. Also, Kawasaki proposed that the Department change

the individual product codes for wall thickness from absolute numbers to ranges. Based on these comments, the Department made a number of changes which were reflected in subsequent questionnaires to the respondents. The Department changed the hierarchy by placing weld type as the second criterion for model match purposes. Additionally, the Department consolidated the subcategories in outside diameter, wall thickness, and end finish, as well as adding a subcategory to surface finish. These changes are a better reflection of the cost and price differentials between products and allow for better comparisons between sales of identical or similar welded large diameter line pipe products.

On March 6, 2001, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that imports of the products subject to this investigation are materially injuring an industry in the United States producing the domestic like product. *See Certain Welded Large Diameter Line Pipe from Japan and Mexico,* 66 FR 13568(March 6, 2001).

On February 26, 2001, the Department issued an antidumping questionnaire to Kawasaki Steel Corporation, Nippon Steel Corporation, NKK Corporation, and Sumitomo Metal Industries. On March 20, 2001, the Department limited the respondents in the investigation to Nippon Steel Corporation and Kawasaki Steel Corporation (*See* Memorandum from Ed Yang to Joseph A. Spetrini, March 20, 2001). On March 28, 2001, Kawasaki Steel Corporation submitted a response to section A of the Department's antidumping duty questionnaire. On April 12, 2001, Nippon Steel Corporation notified the Department that it would not be responding to the Department's questionnaire. Nippon provided no further elaboration, nor did it suggest alternatives to the Department's requirements pursuant to section 782(c) of the Act. On April 20, 2001, Kawasaki Steel Corporation notified the Department that it would not be participating further in the investigation. Kawasaki provided no further elaboration, nor did it suggest alternatives to the Department's requirements pursuant to section 782(c) of the Act.

Period of Investigation

The POI for this investigation is January 1, 2000 through December 31, 2000. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.,* January 2001).

Scope of the Investigation

The product covered by this investigation is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stencilled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30, 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this investigation is American Water Works Association (AWWA) specification water and sewage pipe and the following size/grade combinations; of line pipe:

- Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade.
- Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.

Facts Available

1. Application of Facts Available

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form and manner requested, subject to sections 782(c)(1) and (e) of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, as provided in section 782(i) of the Act, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination. Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference, if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with the request for information. *See, e.g., Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review,* 62 FR 53808, 53819–20 (October 16, 1997). Finally, section 776(b) of the Act states that an adverse inference may include reliance on information derived from the petition. *See* also *Statement of Administrative Action Accompanying the URAA* (SAA), H.R. Rep. No. 103–316 at 870 (1994).

In accordance with section 776(a)(2)(A) of the Act and section 776(b) of the Act, for the reasons explained below, because both Nippon Steel Corporation and Kawasaki Steel Corporation failed to respond to Section B (which asks for sales-specific data and information for the comparison market, the basis for the calculation of normal value) or Section C (which asks for sales-specific data and information for

the U.S. market, the basis for the calculation of U.S. price) of our questionnaire, we preliminarily determine that the use of total adverse facts available is warranted with respect to both companies.

Section 776(b) of the Act provides that the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information. *See also* SAA at 870. In examining whether either Nippon Steel Corporation or Kawasaki Steel Corporation acted to the best of their abilities in responding to our requests for information, we note that neither respondent requested an extension to the deadline for submitting responses to Sections B and C of the questionnaire, nor did they even indicate that they were encountering any difficulties with preparing responses to those sections. Nippon Steel Corporation only stated that it ''has determined not to participate further'' in the Department's investigation, and asked that its counsel be removed from the service list. *See* Letter from Nippon Steel Corporation to the Department of Commerce, April 12, 2001. Kawasaki Steel Corporation merely noted that it was ''not submitting responses to Sections B or C of the Department's Request for Information.'' *See* Letter from Kawasaki Steel Corporation to the Department of Commerce, April 20, 2001. Neither company offered any further explanation, nor did either company suggest alternative forms in which it could submit the data, as required for application of section 782(c) of the Act. Moreover, both respondents received the Department's standard questionnaire that clearly indicates that failure to respond may result in a determination based on the facts available. *See* Antidumping Duty Questionnaires to Nippon Steel Corporation and Kawasaki Steel Corporation, March 14, 2001 (General Instructions, p. 1). We find that the evidence on the record indicates that both companies explicitly refused to participate by withholding information requested by the Department. Therefore, we determine that the failure by Nippon Steel Corporation and Kawasaki Steel Corporation to respond fully to the Department's antidumping questionnaire constitutes a failure to act to the best of their ability to comply with a request for information from the Department, within the meaning of section 776(b) of the Act, and that an adverse inference is warranted in selecting the facts available for these companies.

As discussed below, consistent with Department practice, we assigned both companies the highest margin alleged in the petition (in this case, in an amendment to the petition), *i.e.,* 30.80 percent. *See* Initiation Notice.

2. Selection and Corroboration of Facts Available

Section 776(b) states that an adverse inference may include reliance on information derived from the petition. See also SAA at 870. Section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal.

The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (see SAA at 870). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation (See SAA at 870).

To corroborate the margins calculated in the petition, we compared the U.S. price and normal value to independent source material petitioner used to derive these figures, such as import statistics, data from U.S. producers, and other publicly available cost data. We found that EP was determined based on the import average unit value (AUV) for one ten-digit category of the HTSUS accounting for 40 percent of the in-scope imports from Japan during the first eleven months of 2000. The AUVs are based on import statistics derived from U.S. Customs data. This HTSUS classification was the largest portion of line pipe imported from Japan during this period of time. Petitioners presumed that the Customs values used to calculate the AUV reflect the actual ''transaction value'' of the merchandise being shipped by Japanese mills. No further corroboration of the U.S. price is necessary because it is based on U.S. official import statistics, which the Department considers to be an independent source. *See Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails from the People's Republic of China,* 62 FR 51410, 51412 (October 1, 1997).

To corroborate the CV calculation used for normal value, we reexamined the margin in the petition in light of information obtained during the investigation. Specifically, we examined the cost components used to calculate CV for the petition. Petitioners calculated the cost for a product which falls within the HTSUS category used to calculate EP. The cost components used by petitioners include contemporaneous financial statements from one of the companies under investigation (Nippon Steel Corporation) to calculate SG&A and profit rates. Petitioners obtained costs for plate, the largest cost component from publicly available, contemporaneous sources. Specifically, the plate prices originated from spot rates for plate in Japan during the year 2000, as published by *Metal Bulletin.* Costs for labor and electricity were obtained from public sources, and were indexed to current prices using the Japanese Wholesale Prices Index. Electricity prices are from data published by the OECD International Energy Agency for the year 1997, while labor costs were obtained from the International Trade Administration's web site. Other costs used by petitioners came from a U.S. surrogate company, such as other materials (wire, flux), and overhead. These costs are also contemporaneous. We consider the normal value calculation, based on CV, to be corroborated because the elements of the CV calculation are based on independent sources.

Based on the above, we find that the estimated margins set forth in the petitioner have probative value.

All-Others Rate

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or de minimis margins, or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated ''all-others'' rate for exporters and producers not individually investigated. Our recent practice under these circumstances has been to assign, as the ''all-others'' rate, the simple average of the margins in the petition. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Flat Products from Venezuela,* 65 FR 18047, 18048 (April 6, 2000). However, given that the petition alleges only one rate for all companies, we have used the same rate as the ''all-others'' rate.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing Customs to

suspend liquidation of all entries of welded large diameter line pipe from Japan that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct Customs to require a cash deposit or the posting of a bond equal to the amount by which the NV exceeds the EP, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The dumping margins are as follows:

Manufacturer/exporter	Margin (percent)
Nippon Steel Corporation (Nippon)	30.80
Kawasaki Steel Corporation (Kawasaki)	30.80
All Others	30.80

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final antidumping determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. The deadline for that ITC determination would be the later of 120 days after the date of this preliminary determination or 45 days after the date of our final determination.

Public Comment

Case briefs must be submitted no later than 50 days after the publication of this notice in the **Federal Register**. Rebuttal briefs must be filed within five days after the deadline for submission of case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Public versions of all comments and rebuttals should be provided to the Department and made available on diskette.

Section 774 of the Act provides that the Department will hold a hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by any interested party. If a request for a hearing is made in an investigation, the hearing will tentatively be scheduled for two days after the deadline for submission of the rebuttal briefs, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. In the event that the Department receives requests for hearings from parties to more than one large diameter line pipe case, the Department may schedule a single hearing to encompass all cases. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request within 30 days of the publication of this notice. Requests should specify the number of participants and provide a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.

If this investigation proceeds normally, we will make our final determination in this investigation no later than 75 days after the date of this preliminary determination.

This determination is published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: June 19, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–16169 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 01–001R. *Applicant:* St. Louis Science Center, 5050 Oakland Avenue, St. Louis, MO 63110. *Instrument:* Universal Planetarium, Universarium Model IX. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* Original notice of this resubmitted application was published in the **Federal Register** of February 8, 2001.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–16170 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 980911236–0314–03]

RIN 0693–ZA22

Announcing Approval of Federal Information Processing Standard (FIPS) 140–2, Security Requirements for Cryptographic Modules

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Secretary of Commerce approves FIPS 140–2, Security Requirements for Cryptographic Modules, which supersedes FIPS Standard 140–1, and makes it compulsory and binding on Federal agencies for the protection of sensitive, unclassified information, FIPS 140–1, which was first published in 1994, specified that it would be reviewed within five years. FIPS 140–2 is the result of the review and replaces FIPS 140–1.

DATE: This standard is effective November 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Snouffer, (301) 975–4436, National Institute of Standards and Technology, 100 Bureau Drive, STOP 8930, Gaithersburg, MD 20899–8930.

A copy of FIPS 140–2 is available electronically from the NIST website at: <http://csrc.nist.gov/cryptval/>

SUPPLEMENTARY INFORMATION: FIPS 140–1, Security Requirements for Cryptographic Modules, first issued in 1994, identified requirements for four security levels for cryptographic modules to provide for a wide spectrum of data sensitivity (e.g., low value administrative data, million dollar funds transfers, and life protecting data), and a diversity of application environments. Over 140 modules have been tested by accredited private-sector laboratories and validated to-date as conforming to this standard. The standard provided that it be reviewed within five years to consider its continued usefulness and to determine whether new or revised requirements should be added.

A notice was published in the **Federal Register** (63 FR 56910) on October 23, 1998, soliciting public comments on reaffirming FIPS 140–1. The comments supported reaffirming FIPS 140–1 with technical modifications to address advances in technology since FIPS 140–1 was issued. A notice was published in the **Federal Register** (64 FR 62654) on November 17, 1999, soliciting public comments on proposed FIPS 140–2, a revision of FIPS 140–1 making such technical modifications. The comments received (available at http://csrc.nist.gov/cryptval/) supported the issuance of proposed FIPS 140–2 with technical and editorial changes. None of them opposed the proposed revision of FIPS 140–1.

The Secretary of Commerce, after making appropriate revisions to proposed FIPS 140–2, approves it, and makes it compulsory and binding on Federal agencies for the protection of sensitive, unclassified information.

Authority: Under Section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, the Secretary of Commerce is authorized to approve standards and guidelines for the cost effective security and privacy of sensitive information processed by federal computer systems.

E.O. 12866: This notice has been determined to be significant for the purposes of E.O. 12866.

Dated: June 21, 2001.

Karen H. Brown,

Acting Director, NIST.

[FR Doc. 01–16186 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Cryptographic Key Management Workshop

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of public workshop.

SUMMARY: The National Institute of Standards and Technology (NIST) announces a workshop to discuss the development of Cryptographic Key Management guidance for Federal Government applications. The workshop will be held to review and discuss draft documentation that will be available prior to the workshop.

DATES: The Key Management Workshop will be held on November 1–2, 2001, from 9 a.m. to 5 p.m.

ADDRESSES: The Key Management workshop will be held in the Administration Building (Bldg. 101), Lecture Room A, National Institute of Standards and Technology, Gaithersburg, MD.

FOR FURTHER INFORMATION CONTACT: Further information may be obtained from the Key Management web site at http://www.nist.gov/kms or by contacting Elaine Barker, National Institute of Standards and Technology, Building 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930; telephone 301–975–2911; Fax 301–948–1233, or email ebarker@nist.gov.

SUPPLEMENTARY INFORMATION: Electronic Commerce needs well-established cryptographic schemes that can provide such services as data integrity and confidentiality. Symmetric encryption schemes such as Triple DES, as defined in FIPS 46–3, and the Advanced Encryption Standard (AES) make attractive choices for the provision of these services. Systems using symmetric techniques are efficient, and their security requirements are well understood. Furthermore, these schemes have been or will be standardized to facilitate interoperability between systems. However, the implementation of such schemes requires the establishment of a shared secret key in advance. As the size of a key management system or the number of entities using a system grows, the need for key establishment can lead to a key management problem.

In 1997, NIST announced plans to develop a public key-based key management standard and solicited comments from the public. In February of 2000, a public workshop was held to examine key establishment techniques that are currently available and to discuss the approach to the development of a Key Management Standard for Federal Government use. The workshop attendees suggested (1) the development of a ''framework'' document that discusses the documents to be developed and their proposed content, (2) the identification of key establishment schemes, and (3) the development of key management guidance.

Following the workshop, the framework document was prepared and made available for review on the Key Management web page (http://www.nist.gov/kms). A key establishment scheme definition document and a key management guidance document are currently under development. Initial drafts of these documents will be made available on the Key Management web page at least one month prior to the workshop and will be the subjects under discussion during that workshop.

For planning purposes, advance registration is encouraged. To register, please fax your name, address, telephone, fax and e-mail address to 301–926–2733 (Attn: Key Management Workshop) by October 19, 2000. Registration questions should be addressed to Vickie Harris on 301–975–2034. Registration will also be available at the door, space permitting. The workshop will be open to the public and is free of charge.

Authority: This work is being initiated pursuant to NIST's responsibilities under the Computer Security Act of 1987, the Information Technology Management Reform Act of 1996, Executive Order 13011, and OMB Circular A–130.

Dated: June 21, 2001.

Karen H. Brown,

Acting Director, NIST.

[FR Doc. 01–16187 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061501A]

Marine Mammals; File No. 1000–1617

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Whitlow W.L. Au, University of Hawaii, Hawaii Institute of Marine Biology, Marine Mammal Research Program, PO Box 1106, Kailua, Hawaii 96734, has been issued a permit to take several species of small cetaceans for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before July 27, 2001.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018;

Protected Species Coordinator, Pacific Area Office, NMFS, 1601 Kapiolani Blvd., Room 1110, Honolulu, HI 96814–

4700; phone (808)973–2935; fax (808) 973–2941.

FOR FURTHER INFORMATION CONTACT: Lynne Barre or Trevor Spradlin, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On April 12, 2001, notice was published in the **Federal Register** (66. FR 18904) that a request for a scientific research permit to take several species of small cetaceans around Hawaii, California and on the high seas had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: June 22, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–16174 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition under the North American Free Trade Agreement (NAFTA)

June 22, 2001.

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

ACTION: Request for Public Comments concerning a petition for modification of the NAFTA rules of origin for products made from certain yarns of cashmere and of camel hair.

FOR FURTHER INFORMATION CONTACT: Martin Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

SUMMARY: On June 14, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that certain yarns of cashmere and of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. The yarns are described as (1). Yarns of cashmere, singles, multiple or plied, of fiber 17.5 to 19 microns average diameter, of natural, bleached, or dyed fiber, of metric count 9.7 or finer (3 run or finer), mule spun or frame spun. (2). Yarns of camel hair, singles, multiple or plied, of fiber 18 microns average diameter or finer, of bleached or dyed fiber, of metric count 16 or finer (5 run or finer), mule spun or frame spun.

Such a proclamation may be made only after reaching agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this petition, in particular with regard to whether cashmere and camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by July 27, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

Background

Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification.

On June 14, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that certain yarns of cashmere and of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. The yarns are described as (1). Yarns of cashmere, singles, multiple or plied, of fiber 17.5 to 19 microns average diameter, of natural, bleached, or dyed fiber, of metric count 9.7 or finer (3 run or finer), mule spun or frame spun. (2). Yarns of camel hair, singles, multiple or plied, of fiber 18 microns average diameter or finer, of bleached or dyed fiber, of metric count 16 or finer (5 run or finer), mule spun or frame spun. The referenced yarns would be used to produce woven fabrics for use in suits, coats and suit–type jackets classified under HTS subheadings 6201.11, 6202.11, 6203.11, 6203.31, 6204.11 and 6204.31.

CITA is soliciting public comments regarding this request, particularly with respect to whether the yarns of cashmere and of camel hair described above, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner. The petition states that potential North American suppliers of the referenced yarns would be required to deliver them within 21 days of receipt of a purchase order. Also relevant are whether there has been a change in availability and whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than July 27, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that yarns of cashmere or of camel hair can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill

an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–16147 Filed 6–26–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–03]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–03 with attached transmittal and policy justification.

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

13 JUN 2001
In reply refer to:
I-01/006168

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-03, and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Chile for defense articles and services estimated to cost $714 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended, requires a description of any offset agreement with respect to this proposed sale. Section 36(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Classified Annex
Offset certificate

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

(ii) Total Estimated Value:

	F-16C/D	KC-135A
Major Defense Equipment*	$ 421 million	$46 million
Other	$ 215 million	$32 million
TOTAL	$ 636 million	$78 million

(iii) Description of Articles or Services Offered: The proposed sale of ten F-16C/D Block 50+ aircraft and two KC-135A aircraft (to be reconfigured to KC-135R). The F-16 aircraft will be either configured with the F100-PW-229 or F110-GE-129 engine and the KC-135 aircraft will be configured with the General Electric CFM-56 engine. Jet engines to power these aircraft will be acquired by direct commercial sale and notified by a 36(c) notification. This proposed sale also includes: 10 APG-68(V)XM FMS radar, four LITENING II Navigation Targeting Pod (FMS version), 10 M61 Vulcan cannons, 40 LAU-129 launchers, six each of the AN/ALQ-131 and AN/ALQ-184 countermeasures, Night Vision Goggle compatible cockpits, and the capability to employ a wide variety of munitions. Associated support equipment, software development/integration, modification kits, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided.

(iv) Military Department: Air Force (SGB and SGC)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See annex under separate cover.

(vii) Date Report Delivered to Congress: 13 JUN 2001

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Chile - F-16C/D Block 50+ and KC-135A Aircraft

The Government of Chile (GOC) has requested a possible sale of 10 F-16C/D Block 50+ aircraft and two KC-135A aircraft (to be reconfigured to KC-135R). The F-16 aircraft will be either configured with the F100-PW-229 or F110-GE-129 engine and the KC-135 aircraft will be configured with the General Electric CFM-56 engine. Jet engines to power these aircraft will be acquired by direct commercial sale and notified by a 36(c) notification. This proposed sale also includes: 10 APG-68(V)XM FMS radar, four LITENING II Navigation Targeting Pod (FMS version), 10 M61 Vulcan cannons, 40 LAU-129 launchers, six each of the AN/ALQ-131 and AN/ALQ-184 countermeasures, Night Vision Goggle compatible cockpits, and the capability to employ a wide variety of munitions. Associated support equipment, software development/integration, modification kits, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided. The estimated cost of the F-16C/D aircraft program is $636 million. The estimated cost of the KC-135 aircraft program is $78 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in South America.

The proposed sale of these F-16 aircraft will allow the Chilean Air Force to maintain a strong defense while it continues its plans to modernize its shrinking inventory of aging aircraft. Chile's unique geography dictates the need for the KC-135's aerial refueling capability for its front-line fighter aircraft. The GOC does not have the F-16 aircraft system capability currently in its inventory.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed Martin Aeronautical Corporation of Fort Worth, Texas. One or more proposed offset agreements may be related to this proposed sale.

The number of U.S. Government and contractor representatives required in-country to support the program will be determined in joint negotiations as the program proceeds through the development, production and equipment installation phases.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 01–16034 Filed 6–26–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–12]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of section 36(b)(1) arms sale notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–12 with attached transmittal and policy justification.

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

14 JUN 2001
In reply refer to:
I-01/004411

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-12, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services estimated to cost $257 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

A.R. KELTZ
ACTING DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-12

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Saudi Arabia**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$ 257 million
TOTAL	$ 257 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: U.S. Government and contractor engineering, technical and logistics services in the development and implementation of a comprehensive 10 year program for the upgrade, development, operation and maintenance program, and system additions to the Royal Saudi Naval Forces (RSNF) Command, Control, and Communications (C^3) System. The system additions will include, but are not limited to, installation of commercial data link and mobile communications equipment.**

(iv) **Military Department: Navy (LCE)**

(v) **Prior Related Cases, if any:**

FMS case LBG	- $288 million	- 25Nov90
FMS case LAH, Amd 12-	$ 21 million	- 18Jul87
FMS case LAH, Amd 10-	$ 17 million	- 9Sep85
FMS case LAH, Amd 9	- $ 50 million	- 29Sep84
FMS case LAH, Amd 8	- $ 50 million	- 19Mar84
FMS case LAH, Amd 5	- $129 million	- 11May82

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none**

(viii) **Date Report Delivered to Congress: 14 JUN 2001**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Saudi Arabia - Upgrade, Development, and Support for Royal Saudi Naval Forces Command, Control, and Communications System

The Government of Saudi Arabia has requested a possible sale of U.S. Government and contractor engineering, technical and logistics services in the development and implementation of a comprehensive 10 year program for the upgrade, development, operation and maintenance program, and system additions to the Royal Saudi Naval Forces (RSNF) Command, Control, and Communications (C^3) System. The system additions will include, but are not limited to, installation of commercial data link and mobile communications equipment. The estimated cost is $257 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The RSNF need the equipment and services in order to modernize and enhance an aging C^3 system that was provided during the period of 1974 through 2000. The program, which will provide commercially available equipment, material and services, will significantly enhance interoperability with U.S., NATO and other Saudi military forces operating in the region.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be Science Applications International Corporation of San Diego, California; PE Systems of Alexandria, Virginia; and Booz, Allen, and Hamilton, Incorporated of McLean, Virginia. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 18 contractor representatives for 10 years to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 01–16035 Filed 6–26–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–14]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–14 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

14 JUN 2001
In reply refer to:
I-01/005351

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-14, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services estimated to cost $100 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

A.R. KELTZ
ACTING DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-14

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Finland**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 32 million
Other	$ 68 million
TOTAL	$100 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: F/A-18 Mid-Life Upgrade Program consisting of 64 F/A-18C/D Fleet Retrofit Kits, 37 AN/APX-111 Combined Interrogator Transponders, and two AN/APX-111 Combined Interrogator Transponder Mode IV Kits for Validation and Verification. Also, Validation and Verification Kits of the following systems: two Tactical Aircraft Moving Map Capability systems, two Multi-functional Information Distribution System/Low Volume Terminals (Airborne Link-16), two Joint Helmet Mounted Cueing Systems, two Enhanced Interface Blanker Units and two Digital Communications to Wingtips. The proposed program support includes spare and repair parts, support and test equipment, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and other related elements of logistics and program management support.**

(iv) **Military Department: Navy (LBB)**

(v) **Prior Related Cases, if any: none**

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(viii) **Date Report Delivered to Congress: 14 JUN 2001**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Finland - F/A-18 Mid-Life Upgrade Program

The Government of Finland has requested a possible upgrade of their Finnish Air Force (FAF) F/A-18 aircraft. The F/A-18 Mid-Life Upgrade Program consists of 64 F/A-18C/D Fleet Retrofit Kits, 37 AN/APX-111 Combined Interrogator Transponders, and two AN/APX-111 Combined Interrogator Transponder Mode IV Kits for Validation and Verification. Also, Validation and Verification Kits of the following systems: two Tactical Aircraft Moving Map Capability systems, two Multi-functional Information Distribution System/Low Volume Terminals (Airborne Link-16), two Joint Helmet Mounted Cueing Systems, two Enhanced Interface Blanker Units and two Digital Communications to Wingtips. The proposed program support includes spare and repair parts, support and test equipment, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and other related elements of logistics and program management support. The estimated cost is $100 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Europe.

The FAF intends to purchase the Mid-Life Upgrade Program equipment to enhance survivability, communications connectivity, and extend the useful life of its F/A-18 fighter aircraft. It has extensive experience operating the F/A-18 aircraft and should have no difficulties incorporating the upgraded capabilities into its forces. The FAF needs this upgrade to keep pace with high tech advances in sensors, weaponry, and communications.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Boeing Military Aircraft and Missile Systems in St. Louis, Missouri. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any contractor representatives in-country; however, it is estimated that U.S. Government representatives will be required in Finland for approximately six months during the preparation, equipment installation, and equipment testing and checkout of the equipment.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 01-14

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The Combined Interrogator Transponder (CIT) AN/APX-111(V) IFF system was specifically designed for the F/A-18. The Interrogator function provides the pilot with capability to identify cooperative or friendly aircraft. The transponder function self-identifies the aircraft to other off-board interrogators in the same way as the APX-100 transponder. CIT combines most of the interrogator, transponder, and crypto computer functions into one unit outline. The electronically scanned interrogator antenna function is performed by a five-blade array and Beam Forming Network (BFN).

2. The configuration requested is compatible for use in F/A-18 aircraft. The configuration consists of the following equipment: RT-1763A/APX-111(V) interrogator-transponder, KIV-6/TSEC cryptographic computer, C-12481/APX-111(V) beam forming network, (5X) AS-4440/APX-111(V) antenna blade elements, IT-to-BFN cable group, BFN-to-FMA cable group, receiver-transmitter radio, antenna position control, antenna set (upper), battery charge panel, external power monitor, ID light transformer/mount, mounting tray assembly BFN, 3L landing gear control unit bay, LGCU mounting tray assembly and relay panel no. 3. AN/APX-111 CIT is classified as Confidential.

3. The Tactical Aircraft Moving Map Capability (TAMMAC) System includes Digital Map Computer with extension, Advanced Memory Unit and High Speed Interface Cable. The TAMMAC system is being developed to alleviate problems, including parts obsolescence issues, associated with the Digital Video Map Set (DVMS) and the Data Storage Set (DSS) currently installed on the F/A-18. The DVMS does not possess sufficient throughput or database storage capability to support future F/A-18 operational requirements. Additionally, the DVMS cannot use Compressed AC Digitized Raster Graphic the digital map database provided by the National Imagery and Mapping Agency (NIMA), without costly preprocessing. The DSS does not provide enough memory capacity to store the desired amount of data recorded by the aircraft during flight.

4. The configuration requested is compatible for use in F/A-18 aircraft. The configuration consists of the following equipment: advanced memory unit, MU-11129A/A memory unit, digital map set, and CP-2414A/A digital map computer. TAMMAC system is classified as Confidential.

5. The Multifunctional Information Distribution System (MIDS) Low Volume Terminal (LVT) is a secure data and voice communication network using the Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure voice capability, and ARN-118 TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS LVT can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios.

6. The configuration requested is compatible for use in F/A-18 aircraft. The configuration consists of the following equipment: RT-1765 C/USQ-140(V)C MIDS/LVT and MIDS notch filter set. MIDS/LVT is classified as Confidential.

7. The Joint Helmet Mounted Cueing System (JHMCS) provides an off-boresight visual targeting of sensors and weapons with a head-out display where the pilot is looking. The system improves situational awareness in visual combat while providing off-boresight visual cueing and threat identification. Also, when combined with a high off-boresight missile, aircraft weapon system lethality is improved for short-range air-to-air engagements.

8. The configuration requested is compatible for use in F/A-18 aircraft. The configuration consists of the following equipment: electronics unit, cockpit unit, magnetic transition unit, seat position sensor, mounting bracket, lower helmet vehicle interface, helmet display unit, visor day, visor night, visor high contrast, oxygen mask, helmet upper interface, JHMCS/ANVIS-9 Night Vision Goggles adapters, and JHMCS helmet bag. The JHMCS is classified as Confidential.

9. The MIDS Enhanced Interference Blanking Units (EIBU) provides validation and verification of equipment and concept. EIBU enhances input/output signal capacity of the MIDS LVT and addresses parts obsolescence.

10. The configuration requested is compatible for use in F/A-18 aircraft. The configuration consists of the following equipment: MX-11741/A interference blanker.

11. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

12. A determination has been made that Finland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 01–16036 Filed 6–26–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–18]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–18 with attached transmittal and policy justification.

Dated: June 21, 2001.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

8 June 2001

In reply refer to:
I-01/006016

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

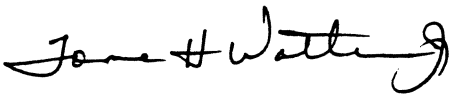
Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), we are forwarding herewith Transmittal No. 01-18 and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services estimated to cost $4.3 billion. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

We previously notified Section 62(a) of the Arms Export Control Act (AECA), transmittal number 01-01, to Congress on 1 November 2000 for a low-cost lease of 16 F-16A/B aircraft. In conjunction with the lease notification, we notified Section 36(b)(1) of the AECA, transmittal number 01-01, to Congress on 1 November 2000 in support of the lease notification and possible sale for two F-16A Block 10 OCU aircraft for cannibalization, two Pratt and Whitney F-100-PW-100/200 spare engines, two AN/APG-66 radar sets and logistics support for an estimated value of $245 million.

The Government of Poland has recently requested additional proposed requirements, listed on the Policy Justification. The prior notifications and this notification will present Poland with a total of three aircraft options: (1) the low-cost lease or sale of 16 F-16A/B aircraft along with the purchase of two F-16A Block 10 Operational Capabilities Upgrade (OCU) aircraft for cannibalization, two spare engines, two radar sets and logistics support, (2) the purchase of 44 F-16C/D aircraft, munitions and associated logistical support, offered in this notification, and (3) a combination of option 1 and 2 for a total of 60 aircraft.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended, requires a description of any offset agreement with respect to this proposed sale. Section 36(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,



TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Classified Annex
Offset certificate

Transmittal No. 01-18

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Poland**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$3.1 billion
Other	$1.2 billion
TOTAL	$4.3 billion

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: Forty-four F-16C/D Block 50/52 aircraft with engines, 12 F-16A Block 15 Air Defense Fighter aircraft with engines, four F-16B Block 10 Operational Capabilities Upgrade (OCU) aircraft with engines, two F-16A Block 10 OCU aircraft for cannibalization, six Pratt and Whitney F-100-PW-229 or F-110-GE-129 spare engines, two each F-100-PW-200 or F-100-PW-200E engines, five spare APG-68VxM radar sets, two spare AN/APG-66 radar sets, 120 LAU-129 launchers, 384 AIM-120C Advance Medium Range Air-to-Air Missiles (AMRAAM), six AIM-120C AMRAAM Air Vehicle Instrumented missiles, 384 AIM-9M-2 SIDEWINDER missiles, 24 AIM-9M-2 SIDEWINDER training missiles, 816 AGM-65G MAVERICK short-range air-to-ground class guided missile, 24 TGM-65G MAVERICK training missiles, 232 MK-84 Joint Direct Attack Munition tail kits, 20 AN/ARC-210 SINCGAR radios with HAVE QUICK II, 44 AN/ALQ-131 or AN-ALQ-184 Electronic Counter Measure pods, 36 each PATHFINDER/SHARPSHOOTER (LANTIRN derivative) navigation and targeting pods or 36 LITENING pods, 7,000 2.75 inch rockets, 920 MK-83 1000kg general-purpose bombs, 232 MK-84 2000kg general propose bombs, 384 CBU-87 combined effects bomblet bombs, 232 GBU-16 and 232 GBU-10 guided bomb units, and 340,000 20mm cartridges. Associated support equipment, software development/integration, practice bombs, training missiles, ammunition, spare and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability.**

*** as defined in Section 47(6) of the Arms Export Control Act.**

(iv) **Military Department: Air Force (SAB)**

(v) **Prior Related Cases, if any: none**

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover**

(viii) **Date Report Delivered to Congress: 8 June 2001**

POLICY JUSTIFICATION

Poland - F-16A/B and F-16C/D Aircraft

The Government of Poland has requested a possible sale of 44 F-16C/D Block 50/52 aircraft with engines, 12 F-16A Block 15 Air Defense Fighter aircraft with engines, four F-16B Block 10 Operational Capabilities Upgrade (OCU) aircraft with engines, two F-16A Block 10 OCU aircraft for cannibalization, six Pratt and Whitney F-100-PW-229 or F-110-GE-129 spare engines, two each F-100-PW-200 or F-100-PW-200E engines, five spare APG-68VxM radar sets, two spare AN/APG-66 radar sets, 120 LAU-129 launchers, 384 AIM-120C Advance Medium Range Air-to-Air Missiles (AMRAAM), six AIM-120C AMRAAM Air Vehicle Instrumented missiles, 384 AIM-9M-2 SIDEWINDER missiles, 24 AIM-9M-2 SIDEWINDER training missiles, 816 AGM-65G MAVERICK short-range air-to-ground class guided missile, 24 TGM-65G MAVERICK training missiles, 232 MK-84 Joint Direct Attack Munition tail kits, 20 AN/ARC-210 SINCGAR radios with HAVE QUICK II, 44 AN/ALQ-131 or AN-ALQ-184 Electronic Counter Measure pods, 36 each PATHFINDER/SHARPSHOOTER (LANTIRN derivative) navigation and targeting pods or 36 LITENING pods, 7,000 2.75 inch rockets, 920 MK-83 1000kg general-purpose bombs, 232 MK-84 2000kg general propose bombs, 384 CBU-87 combined effects bomblet bombs, 232 GBU-16 and 232 GBU-10 guided bomb units, and 340,000 20mm cartridges. Associated support equipment, software development/integration, practice bombs, training missiles, ammunition, spare and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability. The estimated cost is $4.3 billion.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Poland while enhancing weapon system standardization and interoperability with U.S. forces.

This proposed sale of the F-16 aircraft would enhance NATO interoperability and simultaneously provide operational capabilities as Poland's inventory of Soviet-era aircraft is eventually retired. This proposed sale would not impact regional military balance of power.

The principal contractors will be Lockheed Martin Tactical Aircraft Systems in Fort Worth, Texas, Pratt and Whitney of East Hartford, Connecticut, General Electric in Cincinnati, Ohio, Raytheon Corporation in Lexington, Massachusetts, and Boeing Company in Seattle, Washington. One or more proposed offset agreements may be related to this proposed sale.

Implementation will require the assignment of approximately 12 each U.S. Government and contractor representatives for a period of up to four years to provide program support commencing with delivery of the aircraft to Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 01–16037 Filed 6–26–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date changes.

SUMMARY: On Monday, March 12, 2001 (66 FR 14359) the Department of Defense announced closed meetings of the Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense. These meetings have been rescheduled from June 25–26, 2001, to June 26–27, 2001; and from July 23–24, 2001, to July 24–25, 2001.

Both meetings will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: June 21, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–16030 Filed 6–26–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date change.

SUMMARY: On Thursday, February 22, 2001 (66 FR 11158), the Department of Defense announced a closed meeting of the Defense Science Board (DSB) Task Force on Precision Targeting. This meeting has been rescheduled from July 26–27, 2001 to July 25–26, 2001. The meeting will be held at SAIC, 4001 N. Fairfax Drive, Arlington, VA.

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–16031 Filed 6–26–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Defense Contract Audit Agency (DCAA) Performance Review Boards

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Notice of membership of the Defense Contract Audit Agency Performance Review Boards.

SUMMARY: This notice announces the appointment of the members of the Performance Review Boards (PRBs) of the Defense Contract Audit Agency (DCAA). The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Boards provide fair and impartial review of Senior Executive Service (SES) performance appraisals and make recommendations to the Director, DCAA, regarding final performance ratings and performance awards for DCAA SES members.

EFFECTIVE DATE: June 27, 2001.

FOR FURTHER INFORMATION CONTACT: Dale R. Collins, Chief, Human Resources Management Division, Defense Contract Audit Agency, Department of Defense, Ft. Belvoir, Virginia 22060–6219, 703–767–1236.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are the names and titles of the executives who have been appointed to serve as members of the DCAA Performance Review Boards. They will serve one-year terms, effective upon publication of this notice.

Headquarters Performance Review Board

Mr. Larry Uhlfelder, Assistant Director, Policy and Plans, Defense Contract Audit Agency, Chairperson.

Mr. Earl Newman, Assistant Director, Operations, Defense Contract Audit Agency, member.

Mr. Kirk Moberley, General Counsel, Defense Contract Audit Agency, member.

Regional Performance Review Board

Mr. Frank Summers, Regional Director, Eastern, Defense Contract Audit Agency, Chairperson.

Mr. James Lovelace, Director, Field Detachment, Defense Contract Audit Agency, member.

Mr. Steve Hernandez, Deputy Regional Director, Northeastern, Defense Contract Audit Agency, member.

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–16033 Filed 6–26–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Senior Executive Service Performance Review Board

AGENCY: Office of the Inspector General, Department of Defense (OIG, DoD).

ACTION: Notice.

SUMMARY: This notice announces the appointment of the members of the Senior Executive Service (SES) Performance Review Board (PRB) for the OIG, DoD, as required by 5 U.S.C. 4314(c)(4). The PRB provides fair and impartial review of SES performance appraisals and makes recommendations regarding performance ratings, performance awards and recertification to the Inspector General.

EFFECTIVE DATE: July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Peterson, Director, Personnel and Security, Office of Administration and Information Management, OIG, DoD, 400 Army Navy Drive, Arlington, VA 22202, (703) 602–4513.

Charles W. Beardall—Deputy Assistant Inspector General for Criminal Investigative Policy and Oversight, OAIG for Investigations

Thomas J. Bonnar—Deputy Assistant Inspector General for Investigations

Patricia A. Brannin—Deputy Assistant Inspector General for Audit Policy and Oversight, OAIG—Auditing

David A. Brinkman—Director, Audit Followup and Technical Support, OAIG—Auditing

C. Frank Broome—Director, Office of Departmental Inquiries

David M. Crane—Director, Office for Intelligence Review

Thomas F. Gimble—Director, Acquisition Management, OAIG—Auditing

Paul J. Granetto—Director, Contract Management, OAIG—Auditing

Joel L. Leson—Director, Administration and Information Management

Carol L. Levy—Assistant Inspector General for Investigations

Robert J. Lieberman—Deputy Inspector General

David K. Steensma—Deputy Assistant Inspector General for Auditing

Alan W. White—Director, Investigative Operations, OAIG for Investigations

Shelton R. Young—Director, Readiness and Logistics Support, OAIG—Auditing

Robert L. Ashbaugh—Deputy Inspector General, Department of Justice

Patricia Dalton—Deputy Inspector General, Department of Labor

Joyce Fleischman—Deputy Inspector General, Department of Agriculture

Joseph R. Willever—Deputy Inspector General, Office of Personnel Management

Dated: June 21, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–16032 Filed 6–26–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF ENERGY

[FE Docket No. PP–241]

Application for Presidential Permit, Enron North America Corp.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Enron North America Corp. (Enron) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the U.S. border with Mexico.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 27, 2001.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–2793..

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On May 4, 2001, Enron filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. Enron proposes to construct two 300-megawatt (MW) converter stations in the vicinity of Brownsville, Texas, and a double-circuit 230,000 volt (230-kV) alternating current (AC) transmission line across the U.S. border to connect with similar facilities of the Comision Federal de Electricidad, the national electric utility of Mexico, in the vicinity of Matamoros, Mexico. The first converter station would convert 138-kV AC power from the City of Brownsville Public Utility Board's Loma Alta Substation to 150-kV DC power. A 150-kV DC transmission line would connect the first converter station with the second which would then convert the DC power to 230-kV AC power. The 230-kV transmission line proposed to cross the U.S.-Mexican border would extend from the second converter station. Depending on the configuration of the two converters (co-located at one site or constructed at separate sites) total length of the DC and AC transmission lines within the US would be between 5.7 and 8.7 miles.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on Enron's proposed facilities.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Robert Frank, Director, Government Affairs, Enron Corp., 1400 Smith Street, Houston, TX 77002 AND Jeffrey D. Watkiss/Andrea M. Settanni, Bracewell & Patterson, L.L.P., 2000 K Street, NW, Suite 500, Washington, DC 20006.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: http://www.FE.DOE.GOV. Upon reaching the Fossil Energy Home page, select ''Electricity'' from the options menu, and then ''Pending Proceedings.''

Issued in Washington, DC, on June 21, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Systems, Office of Coal & Power Im/Ex Office of Fossil Energy.

[FR Doc. 01–16112 Filed 6–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–466–005]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

June 21, 2001.

Take notice that on June 15, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute First Revised Sheet No. 29A and Substitute First Revised Sheet No. 50D.

Great Lakes states that these changes are proposed to be effective October 1, 1999 and January 1, 2001, respectively.

Great Lakes states that these tariff sheets are being filed to correct pagination errors that occurred when reserving a range of sheets for future use in earlier tariff filings. As a result of those errors, the electronic Great Lakes tariff includes the reserved sheets as currently effective, with outdated text. The instant filing will resolve any inconsistencies in Great Lakes' electronic tariff, and it will conform the affected sheets to the Commission's pagination requirements.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16057 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–217–001]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

June 21, 2001.

Take notice that on June 15, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following with an effective date of June 1, 1996:

Substitute First Revised Sheet No. 70

Great Lakes states that this tariff sheet is being filed to correct a pagination error that occurred when reserving a range of sheets for future use in an earlier tariff filing. As a result of that error, the electronic Great Lakes tariff includes the reserved sheets as currently effective, with outdated text. The instant filing will resolve any inconsistencies in Great Lakes' electronic tariff, and it will conform the affected sheets to the Commission's pagination requirements.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16059 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–93–000]

Mirant Americas Energy Marketing, L.P., Mirant New England, LLC, Mirant Kendall, LLC, Mirant Canal, LLC, Complainant, v. ISO New England Inc., Respondent; Notice of Complaint

June 21, 2001.

Take notice that on June 20, 2001, Mirant Americas Energy Marketing, L.P., Mirant New England, LLC, Mirant Kendall, LLC and Mirant Canal, LLC (the Mirant Parties) tendered for filing a complaint pursuant to Sections 206 and 306 of the Federal Power Act against the ISO New England Inc. (ISO–NE) in connection with ISO–NE's proposed revisions to procedures for mitigation of generation resources run or used out of economic merit order during transmission constraints.

The Mirant Parties have served copies of the complaint upon the ISO–NE and the New England Power Pool.

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 29, 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 29, 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. 01–16062 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–457–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 21, 2001.

Take notice that on June 14, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective July 16, 2001:

First Revised Sheet Number 202
First Revised Sheet Number 301

Northern Border states that the purpose of this filing is to revise Northern Border's FERC Gas Tariff to permit Northern Border to have the ability, from time to time, to contract for off-system pipelines' services without prior Commission approval. Northern Border also requests that the Company grant Northern Border a waiver of the ''shipper must hold title to the gas'' policy. Northern Border is making this tariff filing to be consistent with the Commission's policy findings as Docket No. CP95–218, *et al.* (Texas Eastern).

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/efi/doorbell htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16056 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–94–000]

Rumford Power Associates, LP, Complainant, v. Central Maine Power Company, Respondent; Notice of Complaint

June 21, 2001.

Take notice that on June 20, 2001, Rumford Power Associates, L.P. (Rumford) filed a complaint pursuant to Section 206 of the Federal Power Act against Central Maine Power Company (CMP) requesting that the Commission issue an order: (1) Directing CMP to issue a Final Cost Report for the facilities constructed under the Rumford Interconnection Agreement, and refund to Rumford certain monies collected thereunder without authorization; (2) finding that CMP's non-capital cost carrying charges, calculated under CMP's Open Access Transmission Tariff (OATT), are unjust and unreasonable and should, therefore, be summarily modified or set for hearing to determine just and reasonable rates; and (3) requiring CMP to charge Rumford the ''Control Center Services'' charge under Schedule 1 of CMP's OATT, as elected by Rumford, instead of CMP's local ''Scheduling, System Control and Dispatch Service'' charge.

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 July 10, 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 July 10, 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. 01–16061 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–430–001]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

June 21, 2001.

Take notice that on June 15, 2001, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain new and revised tariff sheets enumerated in Appendix A attached to the filing. The proposed effective date of such tariff sheets is July 15, 2001.

Transco states that the purpose of the instant filing is to submit tariff sheets setting forth Transco's revised interconnect policy and to eliminate any references in Transco's tariff to proposed Rate Schedules DLS and DLS–R, all in compliance with the Commission's May 17, 2001 order in this proceeding. Transco states that the revised interconnect policy sets forth the conditions applicable to the construction of new receipt and delivery interconnect facilities on Transco's pipeline system, and that such conditions are in compliance with the May 17 order and the Commission's new interconnect policy.

Transco states that it will serve copies of the instant filing on its affected customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16058 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11301–001 Georgia]

Fall Line Hydro Company; Notice of Availability of Environmental Assessment

June 21, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original major license for the Carters Regulation Dam Hydroelectric Project located on the Coosawatte Rivery in Murray County, Georgia, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measure, would

not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch of the Commission's offices at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, and may also be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 01–16060 Filed 6–26–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7002–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Protection of Stratospheric Ozone—Request for Applications for Critical Use Exemptions From the Phaseout of Methyl Bromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Request for Applications for Critical Use Exemptions from the Phaseout of Methyl Bromide, ICR #2031.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 27, 2001.

ADDRESSES: Copies of the material supporting this ICR renewal notice are available free of charge from The Stratospheric Ozone Protection Hotline at 1–800–269–1996 between the hours of 10 am and 4 pm Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Amber Moreen, Telephone: (202) 564–9295, Fax: (202) 564–2155, Email: Moreen.Amber@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which may want to request critical use exemptions from the phaseout of methyl bromide, such as State agencies responsible for the regulation of pesticides.

Title: Request for Applications for Critical Use Exemptions from the Phaseout of Methyl Bromide (ICR #2031.01)

Abstract: The international treaty, The Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and Title VI of the Clean Air Act (CAA) establish the phaseout of methyl bromide. The Protocol and Section 604(d)(6) of the CAA, added by Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law No. 105–277; October 21, 1998), provide an exemption from the phaseout of methyl bromide that allows for the continued import and/or production of methyl bromide for critical uses. The critical use exemption applies to critical methyl bromide uses agreed to by the Parties to the Protocol as of the complete phaseout of methyl bromide, January 1, 2005.

Under the Montreal Protocol, exemptions are granted for uses that are determined by the Parties to be ''critical'' as defined by Decision IX/6. The critical-use allowances will be allocated to the United States entities based on the nominations made to the Protocol which will be decided upon by the Parties at the 2003 meeting and at meetings thereafter.

This data collection is designed to: (1) Maintain consistency with the international treaty, the Montreal Protocol on Substances that Deplete the Ozone Layer; (2) ensure that any critical use exemption complies with Section 604(d) of the CAA; and (3) provide EPA with necessary data to evaluate an application for a critical use exemption and to evaluate the technical and economic feasibility of methyl bromide alternatives in the circumstances of the specific use. Requests for critical use exemptions, thus submission of the application, are at the discretion of a State. Should one of these entities apply for the exemption, then the information and data herein are requested by EPA.

Pursuant to regulations 40 CFR part 2, subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted business information as defined in 40 CFR 2.201(c). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The burden hours shown below represent the hours for the information collection request (ICR). The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for collection of information associated with the exemption is estimated to average 125 hours per application, including time for reading the request for applications, processing, compiling and reviewing the requested data, generating application correspondence or summary reports, and storing, filing, and maintaining the data. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: 200.

Estimated total number of potential respondents: 200.

Frequency of response: Annual.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 25,000.

Estimated total annual burden costs: $1,500,000.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: June 8, 2001.

Paul Stolpman,

Director, Office of Atmospheric Programs.

[FR Doc. 01–16120 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[IN 200; FRL–7002–5]

Notice of Prevention of Significant Deterioration (PSD) Final Determination for Steel Dynamics, Inc., Whitley County, IN

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Notice of final action.

SUMMARY: The purpose of this document is to announce that on April 23, 2001, the EPA Environmental Appeals Board (Board) denied a petition for review of a permit for the proposed Steel Dynamics, Inc. steel mill in Whitley County, Indiana, pursuant to the Prevention of Significant Deterioration (PSD) regulations under 40 CFR 52.21.

DATES: The effective date for the Board's decision isApril 23, 2001.

FOR FURTHER INFORMATION CONTACT: Kushal Som, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, at (312) 353–5792.

SUPPLEMENTARY INFORMATION: On July 7, 1999, the Indiana Department of Environmental Management (IDEM) issued a Federal prevention of significant deterioration (PSD) permit, pursuant to Section 165 of the Clean Air Act (CAA), 42 U.S.C. 7475, to Steel Dynamics, Inc. for construction and operation of a new steel mill in Whitley County, Indiana. The United Association of Plumbers and Steamfitters, Local Union 166, and Citizens Organized Watch (COW) subsequently appealed IDEM's decision to the Board. On June 22, 2000, the Board issued an opinion and order (*see In re Steel Dynamics, Inc.*, PSD Appeal Nos. 99–4 and 99–5, 9 E.A.D. ____ (EAB, June 22, 2000), denying review in part and granting review of several issues. The Board remanded the permit to IDEM for reconsideration of three issues: the best available control technology (BACT) determination for nitrogen oxide emissions from the proposed mill's reheat furnace; the form of the BACT limitations selected for nitrogen oxide and carbon monoxide emissions from the mill's electric arc furnace; and the analysis of the mill's potential to emit lead.

On September 29, 2000, following reconsideration of the remanded issues, IDEM issued a revised draft permit for public comment. On January 10, 2001, following public comment and a public hearing, IDEM issued a revised final permit. On February 14, 2001, COW filed a petition for review of the revised permit. On April 23, 2001, the EAB issued an order, denying COW's petition for review.

Pursuant to 40 CFR 124.19(f)(2), for purposes of judicial review, final Agency action occurs when a final PSD permit is issued and Agency review procedures are exhausted. This notice, published today in the **Federal Register**, constitutes notice of the final Agency action denying review of the PSD permit. If available, judicial review of these determinations under Section 307(b)(1) of the CAA may be sought only by filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which this notice of final Agency action appears in the **Federal Register**. Under section 307(b)(2) of the CAA, final Agency action with respect to which review could be obtained as described above, shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: June 8, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 01–16117 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7002–2]

Access to Confidential Business Information by Enrollees Under the Senior Environmental Employment Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized grantee organizations under the Senior Environmental Employment (SEE) Program, and their enrollees; access to information which has been submitted to EPA under the environmental statutes administered by the Agency. Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning CBI access will be accepted July 2, 2001.

ADDRESSES: Comments should be submitted to Susan Street, National Program Director, Senior Environmental Employment Program (MC 3650), Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Susan Street, National Program Director, Senior Environmental Employment Program (MC 3650), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Telephone (202) 260–2573.

SUPPLEMENTARY INFORMATION:

The Senior Environmental Employment (SEE) program is authorized by the Environmental Programs Assistance Act of 1984 (Public Law 98–313), which provides that the Administrator may ''make grants or enter into cooperative agreements'' for the purpose of ''providing technical assistance to: Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control.'' Cooperative agreements under the SEE program provide support for many functions in the Agency, including clerical support, staffing hot lines, providing support to Agency enforcement activities, providing library services, compiling data, and support in scientific, engineering, financial, and other areas.

In performing these tasks, grantees and cooperators under the SEE program and their enrollees may have access to potentially all documents submitted under the Resource Conservation and Recovery Act, Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide and Rodenticide Act, and Comprehensive Environmental Response, Compensation, and Liability Act, to the extent that these statutes allow disclosure of confidential information to authorized representatives of the United States (or to ''contractors'' under the Federal Insecticide, Fungicide, and Rodenticide Act). Some of these documents may contain information claimed as confidential.

EPA provides confidential information to enrollees working under the following cooperative agreements:

Cooperative Agreement No.	Organization
	National Caucus and Center on Black Aged, Inc.
CQ–828885	NCBA
CQ–828886	NCBA
CQ–828890	NCBA
CQ–828891	NCBA
	National Association for Hispanic Elderly
CQ–828642	NAHE
CQ–828947	NAHE
	National Asian Pacific Center on Aging

Cooperative Agreement No.	Organization
CQ–828749	NAPCA
CQ–828760	NAPCA
CQ–828767	NAPCA
CQ–828861	NAPCA
	National Council On the Aging, Inc.
CQ–828243	NCOA
CQ–828641	NCOA
QS–828795	NCOA
CQ–828944	NCOA
	National Senior Citizens Education and Research Center
QS–828139	NSCERC
CQ–828564	NSCERC
CQ–828664	NSCERC
CQ–828852	NSCERC
CQ–828862	NSCERC
CQ–828863	NSCERC

Among the procedures established by EPA confidentiality regulations for granting access is notification to the submitters of confidential data that SEE grantee organizations and their enrollees will have access. 40 CFR 2.201(h)(2)(iii). This document is intended to fulfill that requirement.

The grantee organizations are required by the cooperative agreements to protect confidential information. SEE enrollees are required to sign confidentiality agreements and to adhere to the same security procedures as Federal employees.

Dated: June 14, 2001.

Donald W. Sadler,

Director, Human Resources Staff #1.

[FR Doc. 01–16118 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00726; FRL–6790–5]

EPA-USDA Committee to Advise on Reassessment and Transition (CARAT); Workgroup on Cumulative Risk Assessment Public Participation Process: Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency–United States Department of Agriculture (USDA) Committee to Advise on Reassessment and Transition (CARAT) will hold a public meeting of the Workgroup on Cumulative Risk Assessment Public Participation Process on June 28, 2001. This Workgroup will focus on the public participation process for the regulatory consideration of the cumulative risks of organophosphates.

DATES: The meeting will be held on Thursday, June 28, 2001 from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Radisson Hotel Old Town, 901 North Fairfax Street, Alexandria, VA 22314; telephone number (703) 683–6000.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach, Office of Pesticide Programs (7501C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–4775; e-mail address: fehrenbach.margie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are concerned about implementation of the Food Quality Protection Act (FQPA). Passed in 1996, this new law strengthens the nation's system for regulating pesticides on food.Participants may include environmental/public interest and consumer groups; industry and trade associations; pesticide user and grower groups; Federal, State and local governments; food processors; academia; general public; etc. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the **''Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an administrative record for this meeting under docket control number OPP–00726. The administrative record consists of the documents specifically referenced in this notice and other information related to the ''Committee to Advise on Reassessment and Transition.'' This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents.The public version of the administrative record is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Information Resources and services Division, Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, CM2, 1921 Jefferson Davis HWY., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The telephone number for the PIRIB is (703) 305–5805.

3. *By mail.* You may submit a written request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

III. How Can I Request To Participate in this Meeting?

CARAT meetings and workgroup meetings are open to the public under section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Outside statements by observers are welcome. Oral statements will be limited to 3 to 5 minutes, and it is preferred that only l person per organization present the statement. Any person who wishes to file a written statement may do so before or after the workgroup meeting. These statements will become part of the permanent record and will be available for public inspection at the address listed in Unit II.B. of this document.

List of Subjects

Environmental protection, Agriculture, Chemicals, pesticides, Cumulative risk.

Dated: June 15, 2001.

Joseph J. Merenda,

Acting Director, Office of Pesticide Programs

[FR Doc. 01–16122 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–7004–7]

New Source Review 90-Day Review and Report to the President

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of public meeting.

SUMMARY: The National Energy Policy Development Group, under the

direction of Vice President Richard Cheney, has directed EPA, in consultation with the Secretary of Energy and other relevant agencies, to review the Environmental Protection Agency's New Source Review (NSR) program, including administrative interpretation and implementation, and report to the President within 90 days on the impact of the regulations on investment in new utility and refinery generation capacity, energy efficiency, and environmental protection. A background paper relating to this review was made available on June 22, 2001. The EPA's Office of Air and Radiation will hold four public meetings to provide interested persons an opportunity to provide comments and suggestions regarding the information in the background paper and other information relevant to this review.

DATES: The public meeting dates are:

1. July 10, 2001, 9:30 a.m. to 4:00 p.m., Cincinnati, OH.
2. July 12, 2001, 9:30 a.m. to 4:00 p.m., Sacramento, CA.
3. July 17, 2001, 9:30 a.m. to 4:00 p.m., Boston, MA.
4. July 20, 2001, 9:30 a.m. to 4:00 p.m., Baton Rouge, LA.

ADDRESSES: The public meeting locations are:

1. Cincinnati—Hyatt Regency (Regency Ballroom, Sections E and F), 151 West Fifth Street, Cincinnati, OH 45202.
2. Sacramento—Red Lion Hotel Sacramento (Martinique Ballroom), 1401 Arden Way, Sacramento, CA 95815.
3. Boston—DoubleTree Guest Suites Boston (Charles River Ballroom), 400 Soldiers Field Road, Boston, MA 02134.
4. Baton Rouge—Holiday Inn South (The Grand Ballroom), 9940 Airline Highway, Baton Rouge, LA 70816.

FOR FURTHER INFORMATION CONTACT: Persons who have questions about the NSR 90-Day review background paper or the review itself should contact Mr. Michael Ling, Office of the Director, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711; Telephone Number: (919) 541–4729.

SUPPLEMENTARY INFORMATION: Documents relevant to this matter are available for inspection at the Air and Radiation Docket and Information Center, Attention: Docket No. A–2001–19, U.S. Environmental Protection Agency, 401 M Street SW., room M–1500, Washington, DC 20460, Telephone (202) 260–7548, between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

Persons planning to attend the hearing or wishing to present oral testimony should notify Mr. Lorence Pope, Office of Air Quality, Planning, and Standards, Division of Policy Analysis and Communications, MD–10, Research Triangle Park, NC 27711, Telephone (919) 541–0682, E-mail: *pope.lorence@epa.gov.* at least two (2) days in advance of each respective public meeting. Each meeting will be strictly limited to the subject matter covered in the NSR 90-Day Draft Study Report. Oral Testimony will be limited to five (5) minutes each. Any member of the public may file a written statement before or during the public meeting, or up until the close of the comment period for the background paper. Written statements (duplicate copies preferred) should be submitted to Docket No. A–2001–19 at the following address: Attention: Docket No. A–2001–19, U.S. Environmental Protection Agency, 401 M Street S.W., room M–1500, Washington, D.C. 20460, Telephone (202) 260–7548. Any updates to the meeting schedule will be posted on the World Wide Web at *http://www.opa.gov/air/NSR-review.*

Following each public meeting, a verbatim transcript of the hearing and written statements will be made available for copying during normal working hours at the Air and Radiation Docket Information Center, U.S. Environmental Protection Agency, 401 M Street S.W., room M–1500, Washington, DC 20460; Telephone (202) 260–7548, between 8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

Dated: June 22, 2001.

Linda Fisher,

Deputy Administrator.

[FR Doc. 01–16268 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34203H; FRL–6780–6]

Chlorpyrifos; Receipt of Requests For End-Use Product Amendments and Cancellations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Companies that hold the pesticide registrations of end-use pesticide products containing chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridinyl)phosphorothioate] have asked EPA to cancel or amend their registrations. Pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is announcing the Agency's receipt of these requests from the registrants. These requests for voluntary cancellation and amendment are the result of a memorandum of agreement signed by EPA and the basic manufacturers of the active ingredient chlorpyrifos on June 7, 2000. Registrants identified in this notice requesting voluntary cancellation and amendments are in large part the customer of these basic manufacturers. Given the potential risks, both dietary and non-dietary, that chlorpyrifos use poses, especially to children, EPA intends to grant the requested cancellations and amendments to delete uses. EPA also plans to issue a cancellation order for the deleted uses and the canceled registrations at the close of the comment period for this announcement. Upon the issuance of the cancellation order, any distribution, sale, or use of chlorpyrifos products will only be permitted if such distribution, sale, or use is consistent with the terms of that order.

DATES: Comments, identified by docket control number OPP–34203F, must be received on or before July 27, 2001. Comments on the requested amendments to delete uses and the requested registration cancellations must be submitted to the address provided below and identified by docket control number OPP–34203F.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34203F in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Tom Myers, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone number: 703-308-8589; fax number: 703-308-8041; e-mail address:myers.tom@epa.gov.

SUPPLEMENTARY INFORMATION: This announcement consists of three parts. The first part contains general information. The second part addresses the registrants' requests for registration cancellations and amendments to delete uses. The third part proposes existing stock provisions that will be set forth in the cancellation order that the Agency

intends to issue at the close of the comment period for this announcement.

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. You may be potentially affected by this action if you manufacture, sell, distribute, or use chlorpyrifos products. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about the risk assessment for chlorpyrifos, go to the Home Page for the Office of Pesticide Programs or go directly http://www.epa.gov/pesticides/op/chlorpyrifos.htm.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–34203F. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34203F in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–34203F. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Receipt of Requests to Cancel and Amend Registrations to Delete Uses

A. Background

In a memorandum of agreement (Agreement) effective June 7, 2000, EPA and the basic manufacturers of the active ingredient chlorpyrifos agreed to several voluntary measures that will reduce the potential exposure to children associated with chlorpyrifos containing products. EPA initiated the negotiations with registrants after finding chlorpyrifos, as currently registered, was an exposure risk especially to children. As a result of the Agreement, registrants that hold the pesticide registrations of end-use products containing chlorpyrifos (who are in large part the customer of these basic manufacturers) have asked EPA to cancel or amend their registrations for these products. Pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA announced the Agency's

receipt of these requests from the registrants on November 17, 2000 (65 FR 69518). With respect to the registration amendments, the registrants have asked EPA to amend end-use product registrations to delete the following uses: All termite control uses (these will be phased out); all residential uses (except for ant and roach baits in child resistant packaging (CRP) and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies); all indoor non-residential uses (except ship holds, industrial plants, manufacturing plants, food processing plants, containerized baits in CRP, and processed wood products treated during the manufacturing process at the manufacturing site or at the mill); all outdoor non-residential sites (except golf courses, road medians, industrial plant sites, fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, processed wood products, manhole covers, and underground utility cable and conduits; and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies). In addition, the companies agreed to limit the maximum chlorpyrifos end-use dilution to 0.5% active ingredient (a.i.) for termiticide uses that will be phased out, limit the maximum label application rate for outdoor non-residential use on golf courses, road medians, and industrial plant sites to 1 lb/a.i. per acre, and either classify all new/amended chlorpyrifos products (except baits in CRP) as restricted use or package the products in large containers, depending on the formulation type, to ensure that remaining chlorpyrifos products are not available to homeowners. In return, EPA stated that with this Agreement, it had no current intention to initiate any cancellation or suspension proceedings under section 6(b) or 6(c) of FIFRA with respect to the issues addressed in the Agreement.

In the **Federal Register** of September 20, 2000, (65 FR 56886) (FRL–6743–7), EPA published a notice of the Agency's receipt of amendments and cancellations for manufacturing use products and associated end use products for signatories of the Agreement signed on June 7, 2000 and subsequent ancillary agreements. These requests were submitted as a result of the Agreement that was signed on June 7, 2000 between EPA and the basic manufacturers of chlorpyrifos. A copy of the Agreement that was signed on June 7, 2000 is located in docket control number OPP–34203D.

B. Requests for Voluntary Cancellation of End-Use Products

Pursuant to the Agreement and FIFRA section 6(f)(1)(A), several registrants have submitted requests for voluntary cancellation of registrations for their end-use products. The registrations for which cancellations were requested are identified in the following Table 1.

TABLE 1.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
P.F. Harris Manufacturing Company	3–5	Formula BF-101 (Roach and Ant Killer)
Bonide Products, Inc.	4–207	Bonide Dursban 5 Lawn Insect Control Granules
	4–308	Bonide Home Pest Control
	4–319	Bonide Home Pest Control Concentrate
	4–320	Bonide Termite and Carpenter Ant Control
	4–364	Pyrenone Dursban Roach and Ant Spray
	4–421	Dursban
Dexol, A Division of Verdant Brands, Inc.	192–207	Dexol Pest Free Insect Killer
Prentiss Incorporated	655–696	Prentox Pyrifos 0.50 RTU
	655–792	Prentox D+2 Insecticide
	655–793	Prentox Super Brand D+2 Insecticide
Lebanon Seaboard Corporation	961–261	Greenskeeper Chinch Bug Control
	961–275	Lebanon Lawn Food 19-4-4 w/Insect & Grub Control
	961–326	Agrico Country Club Insect Control
NCH Corporation	1769–281	Trail-Blazer
	1769–330	Dichloran L.O.
Wellmark International	2724–471	Methoprene/Chlorpyrifos Combination Collar for Dogs
Happy Jack, Inc.	2781–20	Happy Jack Tri-Plex Flea and Mange Collar
	2781–35	Happy Jack 3x Flea, Tick and Mange Collar for Cats
	2781–47	Sardex
PIC Corporation	3095–46	PIC Roach, Ant and Spider Killer 2
	3095–54	PIC Pest Control
	3095–64	PIC Roach Control III
Combe, Incorporated	4306–16	Sulfodene Scratchex Flea and Tick Collar for Cats
J.C. Ehrlich Chemical Co, Inc.	4704–41	Roach and Ant Killer 2
Hub States, LLC	5602–204	Hub States Residual Crack/Crevice
Voluntary Purchasing Group	7401–293	Hi-Yield Special Kill-A-Bug Lawn Granules
	7401–294	Hi-Yield Dursban Spray
	7401–296	Hi-Yield Mole Cricket Bait Containing Dursban
	7401–313	Ferti-Lome Spider Spray
	7401–314	Ferti-Lome Flea & Tick Spray
	7401–347	Hi-Yield Dursban Garden Dust
	7401–350	Hi-Yield Borer Killer Containing Dursban
	7401–364	Ferti-Lome Fire Ant Killer
	7401–371	Improved Ferti-lome Cricket & Grasshopper Bait
	7401–416	Hi-Yield Termite and Soil Insect Killer
	7401–417	Hi-Yield ready to Use Flea and Tick Killer
	7401–419	Hi-Yield Mole Cricket Killer
	7401–423	Hi-Yield Kill-A-Bug Lawn Granules
	7401–448	Dursban-1E Insect Control

TABLE 1.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS—Continued

Company	Reg. No.	Product
Spectrum Group, Division of United Industries Corp.	8845–21	Rid-A-Bug Home Insect Killer Brand AZ5
	8845–30	Rid-A-Bug Concentrate Brand DD7-2 Home Insect Killer
	8845–31	Rid-A-Bug Flea and Tick Brand TF-5 Killer
Theochem Laboratories, Inc.	9367–29	Aqua-Sect Water Base Insecticide
Waterbury Companies Inc.	9444–90	CB Aqueous Crack and Crevice Insecticide
	9444–93	Dursban Crack and Crevice Insecticide
	9444–103	CB Flea & Tick Spray
Chemisco, Division of United Industries Corp.	9688–42	Chemisco Ant and Roach Killer A
	9688–47	Ant and Roach Killer IV
	9688–62	Chemisco Wasp and Hornet Killer IV
	9688–75	Chemisco Microencapsulated Ant and Roach Killer
	9688–88	Chemisco Lawn & Garden Granules
	9688–95	Chemisco Insect Control Concentrate A
	9688–96	Chemisco Insect Control Concentrate B
Lesco, Inc.	10404–30	Lesco Lawn & Ornamental 4.E Plant Insecticide
Hi-Yield Chemical Company	34911–12	Hi-Yield Kill-A-Bug Lawn Granules
	34911–17	Hi-Yield Kill-A-Bug
	34911–18	Hi-Yield Fire Ant Killer
St Jon Laboratories, Inc.	45087–40	Zema 11 Month Collar for Dogs
Celex, Division of United Industries Corp.	46515–13	Super K-Gro Home Pest Insect Control
	46515–51	Dursban Insect Spray
Chem-Tech, Ltd.	47000–60	Household Insecticide (with Dursban)
Alljack, Division of United Industries Corp.	49585–16	Super K Gro Dursban 1/2 G Granular Insecticide
	49585–17	Super K Gro Dursban Grub and Insect Control
	49585–18	Super K Gro Mole Cricket Bait
PM Resources, Inc	67517–28	Roach and Ant Insecticide
Black Flag	69421–31	Black Flag Roach Control System
	69421–54	Black Flag Liquid Roach & Ant Killer
Health and Environmental Horizons, Ltd	71076–1	The Sprinklelizer System
OMS Investments, Inc.	71949–1	Ford's Dursban 1/2 G
	71949–4	Ford's Lawn Granules
	71949–5	Ford's Roach Bait
	71949–6	Ford's Dursban 2.5% G Granular Insecticide
	71949–7	Ford's Aquakill Plus Roach Spray
	71949–8	Ford's Marine Control Multi Purpose Insecticide
	71949–9	Ford's Dursban 1% Dust Insecticide

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that EPA cancel any of their pesticide registrations. Section 6(f)(1)(B) of FIFRA requires that EPA provide a 30-day period in which the public may comment before the Agency may act on the request for voluntary cancellation. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary termination of any minor agricultural use before granting the request, unless (1) the registrants request a waiver of the comment period, or (2) the Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment. The registrants have requested that EPA waive the 180-day comment period. In light of this request, EPA is granting the request to waive the 180-day comment period and is providing a 30-day public comment period before taking action on the requested cancellations. Given the potential risks, both dietary and non-dietary, that chlorpyrifos use poses, especially to children, EPA intends to grant the requested cancellations at the close of the comment period for this announcement.

C. Requests for Voluntary Amendments to Delete Uses from the Registrations of End-Use Products

Pursuant to section 6(f)(1)(A) of FIFRA, several registrants have also submitted requests to amend other end-use registrations of pesticide products containing chlorpyrifos to delete the aforementioned uses from any product bearing such use. The registrations for which amendments to delete uses were requested are identified in the following Table 2.

TABLE 2.—END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS

Company	Reg. No.	Product
Riverdale Chemical Company	228–161	Riverdale Grub Out Plus Fertilizer
Hub States, LLC	5602–97	Di-Tox E
	5602–151	Di-Tox Plus
Clark Mosquito Control	8329–26	Dursban 1/2% G
	8329–29	Dursban 1% G

TABLE 2.—END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS—Continued

Company	Reg. No.	Product
Knox Fertilizer Company, Inc.	8378–42	Dursban 70 with Plant Food
	8378–43	Shaw's Dursban 50 with Plant Food
	8378–44	Shaw's Dursban 60 with Plant Food
	8378–46	Shaw's Dursban 100 Granules
Waterbury Companies, Inc.	9444–184	CB Strikeforce I Residual With Dursban
	9444–202	Strikeforce II Residual with Dursban
Athea Laboratories, Inc.	10088–84	Residual Insecticide
	10088–85	Surface Insecticide
	10088–94	Banish Residual Insect Spray
Howard Fertilizer Company, Inc.	35512–27	Turf Pride Fertilizer with Dursban
	35512–36	Turf Pride with 0.67% Dursban
Harrell's Inc.	52287–5	0.4% Chlorpyrifos Plus Fertilizer
Troy E. Fox and Mariene R. Fox	55773–1	Score Roach Bait

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be amended to delete one or more pesticide uses. The registrants have requested that EPA waive the 180-day comment period. In light of this request, EPA is granting the request to waive the 180-day comment period and is providing a 30-day public comment period before taking action on the requested amendments to delete uses. Given the potential dietary and non-dietary risks that chlorpyrifos use poses, especially to children, EPA intends to grant the requested amendments to delete uses at the close of the comment period for this announcement.

III. Proposed Existing Stocks Provisions

The registrants have requested voluntary cancellation of the chlorpyrifos registrations identified in Table 1 and voluntary amendment to terminate certain uses of the chlorpyrifos registrations identified in Table 2. Pursuant to section 6(f) of FIFRA, EPA intends to grant the requests for voluntary cancellation and amendment. For purposes of the cancellation order that the Agency intends to issue at the close of the comment period for this announcement, the term ''existing stocks'' will be defined, pursuant to EPA's existing stocks policy at June 26, 1991,(56 FR 29362) as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation or amendment. Any distribution, sale, or use of existing stocks after the effective date of the cancellation order that the Agency intends to issue that is not consistent with the terms of that order will be considered a violation of section 12(a)(2)(K) and /or 12(a)(1)(A) of FIFRA.

1. *Distribution or sale by registrants of products bearing other uses.* (i) *Restricted use and package size limitations.* Except for the purposes of returns for relabeling consistent with the June 7, 2000 Agreement, shipping for export consistent with the requirements of section 17 of FIFRA, or proper disposal:

(a) The distribution or sale by registrants of existing stocks of any EC formulation product listed in Table 1 or 2 willnot be lawful under FIFRA as of the date of publication of the cancellation order in the **Federal Register**, unless the product is labeled as restricted use;

(b) The distribution or sale by registrants of existing stocks of any product listed in Table 1 or 2 labeled for any agricultural use and that is not an EC, will not be lawful under FIFRA as of the date of publication of the cancellation order in the **Federal Register**, unless the product is either labeled for restricted use or packaged in containers no smaller than 15 gallons of a liquid formulation, 50 pounds of a granular formulation, or 25 pounds of any other dry formulation; and

(c) The distribution or sale by registrants of existing stocks of any product listed in Table 1 or 2 labeled solely for non-agricultural uses (other than containerized baits in CRP) and that is not an EC, will not be lawful under FIFRA after of February 1, 2001, unless the product is either labeled for restricted use or packaged in containers no smaller than 15 gallons of a liquid formulation or 25 pounds of a dry formulation.

(ii) *Prohibited uses.* Except for the purposes of returns for relabeling consistent with the June 7, 2000 Agreement, shipping for export consistent with the requirements of section 17 of FIFRA, or proper disposal, the distribution or sale of existing stocks by registrants of any product identified in Table 1 or 2 that bears instructions for any of the following uses will not be lawful under FIFRA as of the date of publication of the cancellation order in the **Federal Register**:

(a) Termite control, unless the product bears directions for use of a maximum 0.5% active ingredient chlorpyrifos end-use dilution;

(b) Post-construction termite control, except for spot and local termite treatment, provided the label of the product states that the product may not be used for spot and local treatment after December 31, 2002;

(c) Indoor residential except for containerized baits in CRP;

(d) Indoor non-residential except for containerized baits in CRP and products with formulations other than EC that bear labeling solely for one or more of the following uses: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants, or processed wood products treated during the manufacturing process at the manufacturingsite or at the mill;

(e) Outdoor residential except for products bearing labeling solely for one or more of the following public health uses: Individual fire ant mound treatment by licensed applicators or mosquito control by public health agencies; and

(f) Outdoor non-residential, non-agricultural except for products that bear labeling solely for one or more of the following uses: golf courses, road medians, and industrial plant sites, provided the maximum label application rate does not exceed 1lb./ai per acre; mosquito control for public health purposes by public health agencies; individual fire ant mound treatment for public health purposes by licensed applicators; and fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, processed wood products, manhole covers, and underground utility cable and conduits.

2. *Retail and other distribution or sale,.* The retail sale of existing stocks of

products listed in Table 1 or 2 bearing instructions for the prohibited uses set forth above in Units III.1.(ii)(a)-(f) of this document will not be lawful under FIFRA after December 31, 2001. Except as otherwise provided in this order, any other distribution or sale (for example, return to the manufacturer for relabeling) is permitted until stocks are exhausted.

3. *Final distribution, sale and use date for preconstruction termite control.* The distribution, sale or use of any product listed in Table 1 or 2 bearing instructions for pre-construction termiticide use will not be lawful under FIFRA after December 31, 2005, unless, prior to that date, EPA has issued a written determination that such use may continue consistentwith the requirements of FIFRA.

4. *Use of existing stocks.* Except for products bearing those uses identified above in Unit III.3. of this document, EPA intends to permit the use of existing stocks of products listed in Table 1 or 2 until such stocks are exhausted, provided such use is in accordance with the existing labeling of that product.

List of Subjects

Environmental protection, Memorandum of Agreement, Pesticides andpests.

Dated: June 15, 2001.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–16125 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30488A; FRL–6785–4]

Pesticide Product; Registration Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application to register the pesticide product Contans WG containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703 308–8077; and email address: cerrelli.susanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

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

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access a fact sheet which provides more detail on this registration, go to the Home Page for the Office of Pesticide Programs at http://www.epa.gov/pesticides/, and select ''fact sheet.''

2. *In person.* The Agency has established an official record for this action under docket control number OPP–30488A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 1200 Pennsylvania Ave., NW., Washington, DC 20460. The request should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

II. Did EPA Approve the Application?

The Agency approved the application after considering all required data on risks associated with the proposed use of Coniothyrium minitans strain CON/M/91–08, and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show thatuse of Coniothyrium minitans strain CON/M/91–08 when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

III. Approved Application

EPA issued a notice, published in the **Federal Register** of December 28, 1999, (64 FR 72658) (FRL–6484–7), which announced that PROPHYTA Biologischer Pflanzenschutz GmbH, c/o Technology Sciences Group, Inc., 101 17th St., NW., Suite 500, Washington, DC 20036, had submitted an application to register the pesticide product, Contans WG, a microbial fungicide (EPA File Symbol 72444–1), containing Coniothyrium minitans strain CON/M/91–08. This product was not previously registered.

The application was approved on March 16, 2001, as Contans WG (EPA Registration Number 72444–1) for use in agricultural soils to control *Sclerotinia sclerotiorum* and *Sclerotinia minor*, common plant pathogens which cause white mold, pink rot, and water soft rot.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 8, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–16123 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7002–7]

Agency Compliance Assistance Activity Plan Inventory: Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is seeking comment on its draft Annual Compliance Assistance Activity Plan Inventory (Plan Inventory) for fiscal year 2002. EPA's fiscal year commences October 1, 2001 and ends on September 30, 2002. The draft Plan Inventory catalogues compliance assistance activities proposed throughout the Agency for fiscal year 2002, and provide a single source for stakeholders to access the information. The Agency is seeking stakeholder input on the content, type and scope of projects contained in the draft Plan Inventory. EPA intends to use this feedback in the fiscal year 2002 budget development process.

DATES: Comments must be submitted on or before August 13, 2001.

ADDRESSES: Interested persons may review the draft Annual Compliance Assistance Activity Plan Inventory from the National Compliance Assistance Clearinghouse, at *www.epa.gov/clearinghouse.*

FOR FURTHER INFORMATION CONTACT: Comments can be sent to Joanne Berman, (202) 564–7064; e-mail at berman.joanne@epa.gov; or by mail at US Environmental Protection Agency, Office of Compliance, Mail Code 2224A, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The draft Plan Inventory reflects EPA's commitment to help entities comply with regulatory requirements and improve environmental performance through compliance assistance. Compliance assistance includes activities, tools, or technical assistance that provides clear and consistent information for: (1) Helping the regulated community understand and meet its obligations under environmental regulations; or (2) compliance assistance providers to aid the regulated community in complying with environmental regulations.

The comprehensive approach of the Plan Inventory allows interested stakeholders to understand the Agency's current compliance assistance priorities and activities and to suggest where tools or additional emphasis are still needed. The consolidated information will also assist compliance assistance providers in determining how to focus their resources without duplicating EPA's efforts. Additionally, the regulated community will be able to anticipate what compliance assistance will be available to them in the near future.

The draft fiscal year 2002 Plan Inventory continues the coordinated, intra-agency planning that marked the first Compliance Assistance Activity Plan, fiscal year 2001, published April 2001. Stakeholder comments played a significant role in the development of the fiscal year 2001 Plan. To better assist the Agency, EPA would particularly welcome comments addressing the following issues:

1. What are the most important environmental or regulatory problems where the EPA should focus its compliance assistance efforts?

2. What type of compliance assistance would be most useful and effective at addressing the environmental or regulatory problems identified above? What entities should EPA direct that assistance toward?

3. What activities suggest opportunities for collaboration between EPA and other compliance assistance providers? How might that collaboration work?

4. Are any of EPA's compliance assistance activities unnecessary or duplicative of other efforts? Which ones? Why?

The Agency looks to stakeholder comments to influence the directions in which we focus our compliance assistance resources. The Agency is committed to using stakeholder comments as we continuously improve the way we do business.

Dated: June 19, 2001.

Michael M. Stahl,

Director, Office of Compliance.

[FR Doc. 01–16119 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6997–5]

Notice of Availability of National Management Measures To Control Nonpoint Source Pollution From Forestry and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comment.

SUMMARY: EPA has developed and is requesting comment on draft technical guidance for managing nonpoint source pollution from forestry. This guidance is intended to provide technical assistance to State program managers and others on the best available, economically achievable means of reducing nonpoint source pollution of surface and ground water from forestry. The guidance provides background information about nonpoint source pollution from forestry, including where it comes from and how it enters the Nation's waters. It discusses the broad concepts of assessing and addressing water quality problems on a watershed level, and it presents up-to-date technical information about how to reduce nonpoint source pollution from forestry.

Reviewers should note that the draft technical guidance is entirely consistent with the Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Water (EPA 840–B–92–002), which EPA published in January 1993 under the authority of section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). The draft document does not supplant or replace the requirements of the 1993 document. It enhances the technical information contained in the 1993

coastal guidance to include inland as well as coastal context and to provide updated technical information based on current understanding and implementation of best management practices (BMP) controls. It does not set new or additional standards for either CZARA section 6217 or Clean Water Act section 319 programs.

EPA will consider comments on this draft guidance and will then issue final guidance.

DATES: Written comments should be addressed to the person listed directly below by September 25, 2001.

ADDRESSES: Comments should be sent to Chris Solloway, Assessment and Watershed Protection Division (4503–F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Non-US Postal Service comments should be sent to Chris Solloway, Assessment and Watershed Protection Division, U.S. Environmental Protection Agency, Room 200, 499 S. Capitol Street, SW., Washington, DC 20003. Faxes should be sent to (202) 260–7024.

The complete text of the draft guidance is available on EPA's Internet site on the Nonpoint Source Control Branch's homepage at <http://www.epa.gov/owow/nps>. Copies of the complete draft can also be obtained by request from Chris Solloway at the above address, by E-mail at <Solloway.Chris@epa.gov>, or by calling (202) 260–3008.

FOR FURTHER INFORMATION: Contact Chris Solloway at (202) 260–3008.

SUPPLEMENTARY INFORMATION:

I. Background

In 1993, under the authority of section 6217(g) of the Coastal Zone Act Reauthorization Amendments, EPA issued Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters. That guidance document details management measures appropriate for the control of five categories of nonpoint sources of pollution in the coastal zone: Agriculture, forestry, urban areas, marinas and recreational boating, and hydromodification. The document also includes management measures for wetlands, riparian areas, and vegetated treatment systems because they are important to the abatement of nonpoint source pollution in coastal waters. States and territories were required to adopt measures ''in conformity'' with the coastal management measures guidance for their Coastal Nonpoint Pollution Control Programs.

State, territory, and tribal water quality assessments continue to identify nonpoint source pollution as a major cause of degradation in surveyed waters nationwide. In 1987 Congress enacted section 319 of the Clean Water Act to establish a national program to control nonpoint sources of water pollution. Under section 319, States, territories, and tribes address nonpoint source pollution by assessing the nonpoint source pollution problems within the State, territory, or tribal lands; identifying the sources of pollution; and implementing management programs to control the pollution. Section 319 also authorizes EPA to award grants to States, territories, and tribes to assist them in implementing management programs that EPA has approved. Program implementation includes nonregulatory and regulatory programs, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects. In fiscal year 2000, Congress appropriated and EPA awarded $200 million for nonpoint source management program grants. EPA has awarded a total of $1 billion to States, territories, and Indian tribes since 1990.

The 1993 management measures guidance focused on conditions and examples of management measure implementation from the coastal zone. To date, technical guidance on the best available, economically achievable measures for controlling nonpoint sources with a national focus has not been released. The draft national management measures guidance for forestry is intended to partially address this gap. Although the practices detailed in the 1993 coastal guidance apply generally to inland areas, EPA has recognized the utility of developing and publishing technical guidance that explicitly addresses nonpoint source pollution on a nationwide basis. Moreover, additional information and examples from research and experience to date with implementation of the management measures are available to enrich the national guidance. These changes have helped to prompt the revision and expansion of the forestry chapter of the 1993 guidance.

II. Scope of the Draft Forestry Guidance—Sources of Nonpoint Source Pollution Addressed

The draft technical guidance continues to focus on the major sources of pollution from forestry identified for the 1993 coastal guidance by EPA in consultation with a number of other Federal agencies and other leading national experts, including several experts from the U.S. Forest Service. Specifically, the guidance identifies management measures for the following:

i. Preharvest planning;
ii. Streamside management areas;
iii. Road construction and reconstruction;
iv. Road management;
v. Timber harvesting;
vi. Site preparation and forest regeneration;
vii. Fire management;
viii. Revegetation of disturbed areas;
ix. Forest chemical management; and
x. Wetlands forest management.

III. Approach Used To Develop Guidance

The draft national management measures guidance is based in large part on the 1993 coastal guidance. The coastal guidance was developed using a workgroup approach to draw upon technical expertise within other Federal agencies as well as State water quality and coastal zone management agencies.

The 1993 text has been expanded to include information on the application and effectiveness of forestry BMPs from recent research, the cost of installing BMPs, watershed-scale and ecological impacts of forestry activities, technological advances that affect BMP use and installation, State BMP monitoring programs, logger education and certification programs, and BMP installation and use considerations for nonindustrial private forest landowners.

IV. Request for Comments

EPA is soliciting comments on the draft guidance on management measures to control nonpoint source pollution from forestry. The Agency is soliciting additional information and supporting data on the measures specified in this guidance and on additional measures that may be as effective or more effective in controlling nonpoint source pollution from forestry. EPA requests that commenters focus their comments on the technical soundness of the draft management measures guidance.

Diane C. Regas,

Acting Assistant Administrator for Water.

[FR Doc. 01–16121 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–7004–6]

New Source Review (NSR) 90-day Review and Report to the President

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and opportunity to comment.

SUMMARY: This notice announces the availability of, and opportunity to comment on, a background paper that will be used in the development of EPA's Report to the President on the impact of the Environmental Protection Agency's New Source Review (NSR) program on investment in new utility and refinery generation capacity, energy efficiency, and environmental protection. The National Energy Policy Development Group, under the direction of Vice President Richard Cheney, has directed EPA, in consultation with the Secretary of Energy and other relevant agencies, to review NSR regulations, including administrative interpretation and implementation, and prepare this Report to the President within 90 days. The Report to the President is scheduled to be released in August. The background paper summarizes the data that EPA has found thus far addressing the topics that are covered by the NEPD Group's recommendation. The background paper is not a draft of the Report to the President, but is intended to facilitate public comment on issues that may be addressed in that report.

The EPA is now accepting comments on this background paper and other information relevant to the NSR Review and Report to the President. Because the Report to the President is scheduled to be completed in August, commenters are encouraged to submit information as early as possible.

DATES: Comments will be accepted until July 27, 2001.

ADDRESSES: Docket No. A–2001–19 contains the background paper and additional supporting information that EPA relied upon in developing the background paper. Material in the docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 260–7548, fax (202) 260–4000. The docket is available at the above address in Room M–1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying. The background paper is also available on the Internet at the following address: *http://www.epa.gov/air/NSR-review*.

Comments and additional information may be provided in writing to the address provided above for the Air and Radiation Docket and Information Center, or may be faxed to the Docket at (202) 260–4000. Information may also be submitted by electronic mail (e-mail) to: *a-and-r-docket@epa.gov.* Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems or on disks in WordPerfect version 5.1, 6.1 or Corel 9 file format. All comments and data submitted in any form must note the docket number: A–2001–19.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Ling, Information Transfer and Program Integration Division (MD–12), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541–4729, e-mail: ling.michael@epa.gov.

SUPPLEMENTARY INFORMATION: In its May 2001 report, the energy task force headed by Vice President Cheney recommended that ''the Administrator of the EPA, in consultation with the Secretary of Energy and other relevant agencies, review the New Source Review regulations, including administrative interpretation and implementation, and report to the President within 90 days on the impact of the regulations on investment in new utility and refinery generation capacity, energy efficiency, and environmental protection.''

New Source Review is a program that was first incorporated into the Clean Air Act in 1977. It requires that a source of air pollution install the best pollution control equipment when it is built or when it makes a major modification that increases emissions. NSR has been an important part of EPA's efforts to protect air quality. At the same time, it is widely recognized that the NSR program is overly complex and burdensome both for affected companies and for the state and local agencies that are responsible for implementing it. For several years, EPA has been exploring options designed to simplify the program, reduce the length of the review process, and remove any barriers it may pose to innovation and improved energy efficiency.

Consistent with the Report, EPA has undertaken a 90-day review of NSR to determine if changes should be made to help the program work more efficiently while still maintaining environmental safeguards. In particular, the Agency will study the impact of NSR regulations on investment in new utility and refinery capacity, energy efficiency, and pollution emissions.

The final report, which is scheduled to be submitted to the President on August 17, will summarize NSR data related to the electricity generating and petroleum refining industries, and examine whether NSR, including enforcement cases filed against those industries, have had a negative impact on investments in new capacity. The report will also include recommendations on how to improve NSR and minimize any adverse impacts on the energy industry.

EPA is conducting this review in close cooperation and consultation with the Department of Energy, the Department of the Interior, the Office of Management and Budget, the White House Council on Environmental Quality, and the National Economic Council.

In addition to today's notice of availability and opportunity to submit comments on the background paper, the Agency is taking additional steps to seek input from the public and from affected stakeholders. We will hold several public meetings across the U.S. to collect information and public views on NSR. Information about these meetings will be published separately in the **Federal Register**, and will be available on the Internet at *http://www.epa.gov/air/NSR-review*. We will also hold separate meetings with outside stakeholders, including affected industries, environmental groups, and state and local governments.

Dated: June 22, 2001.

Linda Fisher,

Deputy Administrator.

[FR Doc. 01–16267 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7002–6]

Motorola 52nd Street Superfund Site Phoenix, AZ; Proposed Notice of Administrative Settlement

AGENCY: Environmental Protection Agency

ACTION: Notice; Request for public comment

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C sections 9600 *et seq.*,notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with the Motorola 52nd Street Superfund Site (the Site) was executed by the United States Environmental Protection Agency (EPA) on June 13,2001. The Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C sections 9606 and 9607(a), and section 7003 of the Resource Conservation and Recovery

Act (RCRA), 42 U.S.C. section 6973, against the City of Phoenix, a municipal corporation of the State of Arizona (City). City plans to acquire six (6) parcels of land comprising 22.1 acres within Operable Unit 2 (OU2) of the Site by purchase or condemnation as part of an expansion plan for Sky Harbor International Airport in Phoenix. City plans to use these parcels for aviation-related purposes, including airfields, terminals, parking operations, air cargo operations, car rental operations, airport administrative functions and aircraft maintenance operations. City will pay EPA$100,000, will provide access to these parcels to EPA if and as necessary to accomplish cleanup of the Site and will implement institutional controls on these properties if and as requested by EPA.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105.

DATES: Comments must be submitted on or before July 27, 2001.

ADDRESSES: The proposed Prospective Purchaser Agreement and additional background documents relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may be obtained from James Collins, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference ''City of Phoenix PPA, Motorola 52nd Street Site'' and Docket No. 2000–06, and should be addressed to James Collins at the above address.

FOR FURTHER INFORMATION CONTACT: James Collins, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 744–1345; fax: (415) 744–1041; e-mail: collins.jim@epa.gov

Dated: June 15, 2001.

Keith Takata,

Director, Superfund Division, U.S.EPA, Region IX.

[FR Doc. 01–16115 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7002–4]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Shore Refinery site, Kilgore, Gregg County, Texas with the parties referenced in the Supplementary Information portion of this Notice.

The settlement require the settling parties to perform a removal action, and make payment of future response costs to the Hazardous Substances Superfund. The settling parties were provided orphan share compensation in the form of forgiveness of past costs. The settlement includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733.

DATES: Comments must be submitted on or before July 27, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. A copy of the proposed settlement may be obtained from Carl Bolden, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–6713. Comments should reference the Shore Refinery Superfund Site, Kilgore, Gregg County, Texas and EPA Docket Number 6–01–2000, and should be addressed to Carl Bolden at the address listed above.

FOR FURTHER INFORMATION CONTACT: Michael Boydston,1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–7376.

SUPPLEMENTARY INFORMATION:

Atlas Processing Company c/o Pennzoil-Quaker State Company
LaGloria Oil and Gas Company c/o Crown Central Petroleum
Texaco Inc.
Eastman Chemical Company
ExxonMobil Chemical Company

Dated: June 13, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 01–16116 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–50040A; FRL–6784–6]

Correction to Chemical Nomenclature for Monomer Acid and Derivatives for TSCA Inventory Purpose

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An August 2, 1985 letter from EPA erroneously equated monomer acid and its derivatives with Tall Oil Fatty Acid (TOFA) and its corresponding derivatives for Toxic Substances Control Act (TSCA) Inventory purposes when, in fact, they are chemically distinct. As a result, many manufacturers of monomer acid derivatives have not submitted Premanufacture Notices (PMNs) under TSCA section 5, because the letter incorrectly indicated that monomer acid derivatives were covered by TOFA derivatives already on the Inventory. This notice implements a correction to the 1985 letter on nomenclature of monomer acid and derivatives. With this correction, monomer acid derivatives that are not on the Inventory will be considered new chemical substances under section 5 of TSCA. Manufacturers of monomer acid derivatives not on the Inventory have 1 year to complete the PMN process to comply with this nomenclature correction. Today's nomenclature correction finalizes the **Federal Register** notice of October 31, 2000.

DATES: This action will become effective June 27, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number

OPPTS–50040A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*:Barbara Cunningham, Acting Director, Environmental Assistance Division (7401), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone numbers: 202–554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact:Kenneth Moss, New Chemicals Prenotice Branch (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–3395; fax number: (202) 260–0118; e-mail address: moss.kenneth@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Document Apply to Me?

You may be affected by this document if you are, or may in the future be, a manufacturer or importer of a monomer acid derivative that requires submission of a Premanufacture Notice (PMN) under the Toxic Substances Control Act (TSCA). Special rules apply to persons who manufactured, between August 2, 1985, and the effective date of this **Federal Register** notice, monomer acid derivatives that, in reliance on EPA's guidance of August 2, 1985, could have been viewed as covered by corresponding TOFA chemicals listed on the TSCA Inventory. Potentially affected entities may include, but are not limited to the following:

Categories	NAICS codes	Examples of Potentially Affected Entities
Chemical manufacturers or importers	325, 32411	Anyone who manufactures or imports, or who plans to manufacture or import, a monomer acid derivative or other ''downstream'' substance based on monomer acid for a non-exempt commercial purpose

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

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the**Federal Register**—Environmental Documents. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about EPA's New Chemicals Program, go directly to the Home Page at http://www.epa.gov/oppt/newchems/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–50040A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

II. Background

A. What Action is the Agency Taking?

An August 2, 1985 letter from EPA erroneously equated monomer acid and its derivatives with Tall Oil Fatty Acid (TOFA) and its corresponding derivatives for TSCA inventory purposes when, in fact, they are chemically distinct. As a result, many manufacturers of monomer acid derivatives have not submitted PMNs under TSCA section 5, because the letter incorrectly indicated that monomer acid derivatives were covered by TOFA derivatives already on the Inventory. This notice implements a correction to the 1985 letter on nomenclature of monomer acid and derivatives. With this correction, monomer acid derivatives that are not on the Inventory will be considered new chemical substances under section 5 of TSCA. Today's nomenclature correction finalizes the**Federal Register** notice of October 31, 2000 (65 FR 64944) (FRL–6746–7).

B. What is the Agency's Authority for Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Section 8(b) of TSCA requires EPA to compile, keep current, and publish a list of each chemical substance which is manufactured or processed in the United States (the TSCA Inventory). This requirement includes defining the scope of the chemical listings on the Inventory.

C. Why is this Nonmenclature Correction Necessary?

1. *The 1985 letter*. The August 2, 1985 EPA letter to an industry representative on the nomenclature for monomer acids states:

> The co-product produced during the catalytic dimerization of tall oil fatty acids and generally known as 'monomer acid' or 'monomer fatty acid' is considered to be the same as tall oil fatty acids for TSCA Inventory purposes.
>
> [and]
>
> Because the names oleic acid, octadecenoic acid, and tall oil fatty acid may have been used to represent the same substance on the Inventory, they are synonymous terms within the context of the Inventory. If one wishes to determine if a substance derived from monomer acid is on the Inventory, and he finds a similar derivative under any of these names, his product is on the Inventory. (See docket OPPTS–50040 for full text.)

2. *Discussion*. Tall oil is a source for natural fatty acids, commonly referred

to as Tall Oil Fatty Acids (''TOFA''). TOFA may be reacted with other substances to create TOFA derivatives. TOFA that is heated in the presence of an acid clay catalyst forms a ''dimer acid'' together with small amounts of ''trimer acid'' and higher oligomers. The ''dimer acid'' process also produces ''monomer acid'' as a co-product. The monomer acid is often used as an inexpensive fatty acid source to make monomer acid derivatives or other downstream products for use in lubricants, greases, hot melt adhesives, printing ink resins, ore flotation agents, corrosion inhibitors, etc.

It is clear that the TOFA dimerization process yields distinct chemical substances that may be separated by distillation: dimer acid, trimer acid, and monomer acid. Whereas the natural source-derived TOFA largely consists of linear C18-unsaturated carboxylic acids, principally oleic and linoleic acids, monomer acid contains relatively small amounts of oleic and linoleic acids, and instead contains significant amounts of branched, and some cyclic, C18 acids, both saturated and unsaturated, as well as elaidic acid. The more diverse and significantly branched composition of monomer acid results from the thermal catalytic processing carried out on TOFA or analogous feedstocks.

Further, the reaction of monomer acid with other chemical substances also yields unique, identifiable derivative substances which are chemically different from corresponding TOFA derivatives. Therefore, it is incorrect to equate monomer acid to TOFA, or a monomer acid derivative to a TOFA derivative.

Oleic acid and octadecenoic acid are also unique, identifiable substances that are distinguished from monomer acid because of their essentially linear, unsaturated acid composition. Thus, the derivatives of oleic and octadecenoic acid are also unique, identifiable, and different from monomer acid derivatives.

Through dialogue over the last 6 years, EPA and industry have worked toward a mutual understanding of the correct nomenclature for these chemical substances that previously were believed to be on the Inventory, and have mutually developed procedures to implement the nomenclature change. In 1994, the Pine Chemicals Association (PCA), then known as the Pulp Chemicals Association asked EPA to clarify the Agency's chemical nomenclature policy for dimer acids. At that time, several alternative listings for dimer acid were present in the Inventory. PCA and EPA agreed that one description, ''Fatty acids, C18–unsatd., dimers (CAS Registry Number 61788–89–4),'' would describe dimer acids irrespective of the fatty acid source (except for the crude form of dimer acid that is not made from oleic acid or linoleic acid, and is used directly as a crude chemical intermediate, which is instead named ''Fatty acids, C16–18 and C18–unsatd., dimerized (CAS Registry Number 71808–39–4)''). Subsequently, over 100 Inventory corrections were filed and the dimer acid issue successfully resolved. During this program it was also realized that a similar issue existed for a co-product, monomer acid, as there were at least two ways in which it was identified in the Inventory. As a consequence, different types of chemical names exist on the Inventory for derivatives and other downstream products based on monomer acids. EPA and PCA agreed that it would be necessary to correct the existing Inventory listings under a uniform nomenclature.

EPA also acknowledged that the August 2, 1985, Agency letter had erroneously equated monomer acid derivatives with TOFA derivatives and derivatives of oleic acid or octadecenoic acid, when in fact they are chemically distinct. Because the guidance found in the 1985 letter led the manufacturers to believe that the products they manufactured were already on the Inventory under a name based on TOFA, oleic acid, or octadecenoic acid, since 1985 a number of manufacturers of monomer acid products have not submitted PMNs required under section 5 of TSCA.

III. TSCA New Chemicals Program Policy for Monomer Acid Chemical Nomenclature

Today's nomenclature correction finalizes the **Federal Register** notice of October 31, 2000 (65 FR 64944), and constitutes official notice that EPA's August 2, 1985, letter was erroneous and that monomer acids are not equivalent to TOFA, oleic acid, or octadecenoic acid for Inventory purposes. Under this notice, PMNs are required for monomer acid derivatives that are not explicitly on the TSCA Inventory and which are manufactured on or after the effective date of this notice.

A. Discussion of the Public Comments on the Proposed Notice

The Agency reviewed and considered the two comments that were received on the October 31, 2000 **Federal Register** notice. A complete copy of the comments is available in the public docket for this action.

Comment. Both commenters agreed that monomer acid and its derivatives are not synonymous with tall oil fatty acid and its derivatives; however, they objected to the burdensome mechanism of PMN preparation and submission to correct the chemical nomenclature. One commenter suggested alternative methods, such as opening a TSCA 8(b) Inventory reporting period that would mirror the original compilation of the Inventory, or EPA working with the Chemical Abstract Services (CAS) to simply add the new CAS Registry Numbers to the Inventory as an Inventory correction. The commenter asserted that the latter alternative approach would be similar to what EPA proposed in its discussion with the Soap and Detergent Association (SDA) and fatty acid producers.

Response. As mentioned in the October 31, 2000 **Federal Register** notice, because these monomer acid derivatives were not manufactured during the Initial Inventory reporting period and were never reported for the Initial TSCA Inventory, under the Inventory correction guidelines (July 29, 1980; 45 FR 50544) they are not eligible for Inventory correction as an alternative to PMN submission. Furthermore, the circumstances of this monomer acid nomenclature are not similar to the project proposed by the SDA regarding certain multi-component fatty acids and their derivatives. Under the proposed SDA project, the objective is to simplify and consolidate multiple existing Inventory listings under one preferred name for those substances that are considered to be identical. All of the substances that would be considered under the proposed SDA project are currently listed on the Inventory. There are no chemicals to be added to the Inventory. EPA believes that the monomer acid situation is more like that for polymer salts under 40 CFR 710.4(d)(7) and 720.30(h)(7), in which certain chemicals that did not qualify for the reporting exclusions under 40 CFR 710.4(d)(7) and 720.30(h)(7) were never reported for the Inventory or reviewed by EPA under the PMN program due to a confusion in the regulatory language. In both the current case and the one involving the polymer salts, those chemicals in question that were reportable were manufactured after the close of the Inventory reporting period and PMNs would have been submitted had there not been any erroneous guidance from EPA. Therefore, the net PMN reporting burden should be no greater than if EPA had issued accurate guidance on

monomer acid and its derivatives in 1985.

Those who already reported monomer acid derivatives initially manufactured since August 2, 1985, will not need to do anything, while those who have not yet reported such substances must do so by the effective date of this notice. In this way, PMNs will finally have been submitted for all of the monomer acid derivatives initially manufactured for a non-exempt commercial purpose subsequent to the Agency's erroneous 1985 guidance (see exception for those monomer acid derivatives not currently being manufactured, under Unit III.F.). However, due to the confusion caused by EPA's 1985 erroneous guidance, the Agency wishes to minimize any inconvenience to the chemical industry by taking two specific steps to facilitate the PMN submission and review process: suspending EPA's policy of a limit of six chemical substances per consolidation notice and waiving PMN fees (see Unit III.C.).

B. What is the Basis for and Scope of this Nomenclature Correction?

EPA no longer considers as valid the nomenclature interpretation in the August 2, 1985 EPA letter which stated:

The co-product produced during the catalytic dimerization of tall oil fatty acids and generally known as 'monomer acid' or 'monomer fatty acid' is considered to be the same as tall oil fatty acids for TSCA Inventory purposes.

[and]

Because the names oleic acid, octadecenoic acid, and tall oil fatty acid may have been used to represent the same substance on the Inventory, they are synonymous terms within the context of the Inventory. If one wishes to determine if a substance derived from monomer acid is on the Inventory, and he finds a similar derivative under any of these names, his product is on the Inventory.

The nomenclature correction affects anyone who manufactures or imports, or who plans to manufacture or import, a monomer acid derivative or other ''downstream'' substance based on monomer acid for a non-exempt commercial purpose. Monomer acid is considered to be the combination of non-dimerized fatty acids formed and separated as a co-product from the manufacture of dimer acid containing 36 carbon atoms that is listed in the TSCA Inventory as ''Fatty acids, C18–unsatd., dimers'' (CAS Registry Number 61788–89–4). The correct nomenclature now required for monomer acid is ''Fatty acids, C16–18 and C18–unsatd., branched and linear'' (CAS Registry Number 68955–98–6). For TSCA Inventory purposes, derivatives and other downstream products made from monomer acid must be named consistently with this nomenclature for monomer acid.

C. What are the Key Dates and Special Provisions of this Nomenclature Correction?

The effective date for this new nomenclature interpretation, described in Unit III.A., will be June 27, 2002. Prior to this date, EPA will allow manufacturers to continue commercial production of existing monomer acid derivatives and downstream products under the old nomenclature. After the effective date, companies that manufacture monomer acid derivatives and downstream products under the old nomenclature will no longer be in compliance with TSCA section 5. Therefore, companies should submit PMNs at least 90 days before the effective date to ensure that Agency review is completed before this nomenclature correction takes effect. EPA encourages conversion to the new nomenclature immediately instead of delaying the correction to the effective date of this notice.

EPA is taking two additional steps to facilitate the Premanufacture Notice process for chemical substances currently using the incorrect nomenclature. For the purposes of this nomenclature correction only, EPA is (1) Suspending its TSCA New Chemicals Program policy of a limit of six chemical substances per consolidated PMN and (2) Waiving PMN fees for any PMN submissions required as a result of the nomenclature correction. However, in order to facilitate the review of these special PMN submissions, submitters should use the Chemical Abstracts Service (CAS) Inventory Expert Service to develop correct Chemical Abstracts (CA) names for all of their reported substances in accordance with Method 1 as described at 40 CFR 720.45(a)(3)(i).

D. What Special Information Should be Included When Filling Out the PMN Form?

On the first page of the PMN form, the PMN submitter or filing organization should insert the word ''WAIVER'' in the boxes reserved for the User Fee (''TS'') Numbers, because these PMNs are exempt from the user fee. On page 2 of the PMN form, submitters should check the box for the $2,500 user fee certification statement and also type the following statement: ''No fee required, per EPA's ''Correction to Chemical Nomenclature for Monomer Acid Derivatives for TSCA Inventory Purposes'' June 27, 2001. For item 3 on page 3 of the PMN form, submitters should list Prenotice Communication number ''PC 4078.'' ''PC 4078'' has been established for all pre-notice communication regarding this nomenclature correction, except that, if an individual company or group of companies submits a consolidated PMN covering more than one chemical substance, they will need to request a separate PC number for the consolidated notice. The individual manufacturers and importers of monomer acid derivatives will be the submitter of record for each PMN chemical substance. Other information, such as toxicity data on the PMN chemical substance that are in the possession or control of the PMN submitter, or known to or reasonably ascertainable by the PMN submitter, must also be submitted or described by each individual manufacturer or importer, as specified in 40 CFR 720.50.

E. What are the Consequences of Not Submitting a PMN and Completing PMN Review on a Monomer Acid Derivative Before the Effective Date of this Nomenclature Correction Notice?

On the effective date of this nomenclature correction notice, TOFA, oleic acid, or octadecenoic acid will no longer be considered equivalent to monomer acid. Starting on the effective date, anyone manufacturing a chemical substance based on monomer acid that is not specifically listed on the TSCA Inventory using the correct nomenclature for the monomer acid component of the chemical substance will be in violation of TSCA. A person may, of course, continue to manufacture TOFA derivatives and derivatives of oleic acid or octadecenoic acid that are listed on the Inventory without submitting a PMN.

F. Is a PMN Required for Everyone Who Did Not Submit One Since 1985 Because of the Incorrect EPA Guidance, Regardless of Whether this Person Still Manufactures the Substance Today?

A PMN must be submitted by those persons who intend to manufacture, on or after the effective date of this nomenclature correction notice, monomer acid derivatives and other downstream products based on monomer acid that are not on the TSCA Inventory. For example, if you initially manufactured such a monomer acid derivative in 1986 but are not currently manufacturing or intending to resume manufacture, you are not required to submit a PMN now.Note, however, that the substance will not appear on the TSCA Inventory by virtue of your previous manufacture of it. Moreover, if you plan to manufacture the monomer acid derivative on or after the effective

date of this nomenclature correction notice and the substance has not in the interim been placed on the Inventory due to another company's manufacture or import, you will need to submit a PMN at least 90 days before commencing manufacture.

G. Do the Special Procedures Announced in this Notice Apply to Monomer Acid Derivatives That Were Never Manufactured Between August 2, 1985, and the Date of this Notice, or for Which There Is No Corresponding TOFA Listing on the TSCA Inventory?

No. The special procedures described above in Unit III.C. (i.e.; waiver of user fee, allowing consolidated PMNs of more than 6 chemicals, and the PMN requirement becoming effective 1–year from publication of this notice) apply only to persons who manufactured, between August 2, 1985, and the date of this **Federal Register** notice, a monomer acid derivative that, in reliance on EPA's erroneous guidance, could be viewed as covered by a corresponding TOFA listing already on the TSCA Inventory. These procedures do not apply to monomer acid derivatives that either: (1) were never manufactured between August 2, 1985, and the date of this **Federal Register** notice, or (2) for which there is/was no corresponding TOFA listing on the TSCA Inventory. Manufacture of monomer acid derivatives that were never manufactured between August 2, 1985, and the date of this **Federal Register** notice, or for which there is no corresponding TOFA listing on the TSCA Inventory, requires compliance with all the regular PMN rules of TSCA section 5 and 40 CFR part 720.

H. Are There any Special Considerations for Consolidated PMNs Submitted as Part of an Organized Filing by Multiple Companies?

EPA expects that there will be both individual and consolidated PMNs submitted as a result of this nomenclature correction. It may be possible that only one consolidated PMN is necessary for each chemical class of product based on monomer acid. Notices can be submitted by individual companies or as part of an organized effort to submit consolidated PMNs. Where there is an organized filing of consolidated PMNs, PMN Standard Form pages 8 through 11 of each consolidated PMN may be filled out by the filing group of companies (this information is expected to be of a more general nature, applicable to a given class of monomer acid derivative). Pages 1 through 7, however, pertain to information that is specific to individual submitters, and will need to be filled out by the individual manufacturers and importers.

I. How will EPA Handle CBI in PMNs Involving Multiple Submitters?

Consistent with 40 CFR 720.40(e), multiple persons submitting information required in a specific PMN or consolidated PMN may make separate submissions to EPA so as not to disclose confidential business information (CBI) to one another. For example, a customer of a PMN submitter of record who also is a manufacturer of a monomer acid derivative may submit a letter of support, confidential from the supplier, directly to EPA for TSCA section 5 notification, giving complete chemical identity, health and safety, use, production volume, and/or process information, etc., for his or her substance. This enables the customer to disclose any specific CBI to EPA but not to the other parties in the PMN.

IV. Do Any of the Regulatory Assessment Requirements Apply to this Action?

A. General

No. This document is not a rule. It only makes a correction to TSCA Inventory nomenclature. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

Because this action is not economically significant as defined by section 3(f) of Executive Order 12866, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

This action will not result in environmental justice related issues and does not, therefore, require special consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

This action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, and is not subject to the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Nor does this action have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

In issuing this action, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order.

B. Paperwork Reduction Act (PRA)

This document does not contain any new information collection requirements that would require additional OMB review and approval. The information collection activities related to the submission of information pursuant to TSCA section 5 have been already approved by OMB under OMB control number 2070–00012 (EPA ICR No. 574). The annual respondent burden for this information collection activity is estimated to average 100 hours per respondent, including time for reading the regulations, processing, compiling and reviewing the requested data,

generating the request, storing, filing, and maintaining the data. The additional reporting requirement is estimated to be 100 additional PMNs over and above the current annual projections of PMN submissions. The ICR projects about 185,000 burden hours annually. An additional 100 PMNs at 100 hours each would be covered by this current estimate.

As defined by the PRA and 5 CFR 1320.3(b), ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1966, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Nevertheless, EPA has provided a courtesy copy of this action to each House of the Congress and the Comptroller General of the United States.

List of Subjects

Environmental protection, Chemical substances, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 18, 2001.

Stephen L. Johnson,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 01–16124 Filed 6–26–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 001792–005

Title: New Orleans/New Orleans Cold Storage TerminalAgreement

Parties:

The Board of Commissioners of the Port of New Orleans

New Orleans Cold Storage and Warehousing Company, Ltd.

Synopsis: The proposed amendment amends the demise of the property covered by the lease. The term of the lease still runs until April 30, 2005.

Agreement No.: 011502–003

Title: NYK/HUAL Space Charter and Cooperative Working Agreement

Parties:

HUAL A/S

Nippon Yusen Kaisha

Synopsis: The proposed modification changes HUAL's address, adds the trade from Japan and Korea to U.S. Atlantic, Gulf and Pacific ports, and limits the outbound scope to the trade from U.S. Atlantic and Gulf ports to Red Sea and Arabian Gulf ports.

By order of the Federal Maritime Commission.

Dated: June 22, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–16166 Filed 6–26–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

ARC Global Logistics, Inc., 7370 NW 36 Street, Suite 319K, Miami, FL 33166, Officers: Rafael Perez, Secretary(Qualifying Individual), Christian Vucens, President

ACD Global Services, Inc., 1521 Northwest 82 Avenue, Miami, FL 33126, Officer: Maria Flores, President (Qualifying Individual)

Farenco Development Co., Ltd., One World Trade Center, Suite 2207, New York, NY 10048, Officers: Hanguang (Bright) Wang, CEO(Qualifying Individual), Lena Yu, President

ANG Bilis Bilis Air Cargo, Inc., dba Abacus Freight Forwarders, 2161 Colorado Blvd., Suite #208, Los Angeles, CA 90041, Officers: Charity T. De Asis, Secretary (Qualifying Individual), Lenny Jose V. Gonzales, President

Unicorn Shipping Line, Inc., 14028 Tahiti Way, #409, Marina Del Ray, CA 90292, Officer: Jie Liu, President(Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Universe Freight Brokers, Inc., dba Seacarriers, 1620 NW. 82nd Avenue, Miami, FL 33126, Officer: Muricio Restrepo, President(Qualifying Individual)

TFS Freight International, Inc., 8901 S. LaCienega Blvd., Suite 207, Inglewood, CA 90301, Officers: Shally Liang, Secretary(Qualifying Individual), Victor Kuo, President

Worldwide Trade Logistics, Inc., 156–15 146 Avenue, Room 210, Jamaica, NY 11434, Officers: Raymond Fok, Vice President(Qualifying Individual), Lewis L. Liu, President

Braverman Enterprises, Inc., dba Customs Brokers International, 5777 W. Century Blvd., Ste. 535, Los Angeles, CA 90045, Officers: Carmen C. Braverman, President(Qualifying Individual), Robert A. Snyder, Vice President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant

Eagle Pacific, Corp., 182–16 149th Road, Rm. #288, Jamaica, NY 11413, Officers: Luyin (Grace) Zhang, President(Qualifying Individual)

Dated: June 22, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–16177 Filed 6–26–01; 8:45 am]

BILLING CODE 6730–01–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.

Comment 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. Evaluation of the Cash and Counseling Demonstration—0990–0223—Extension—Cash and Counseling is a consumer directed care model for individuals in need of personal assistance services. A demonstration project utilizing this model is being undertaken. The Office of the Assistant Secretary for Planning and Evaluation (ASPE), in partnership with the Robert Wood Johnson Foundation, is engaging in information collection for the purpose of evaluating this demonstration project. Controlled experimental design methodology is being used to test the effects of the experimental intervention: cash payments in lieu of arranged services for Medicaid covered beneficiaries. Respondents: Individuals or Households.

BURDEN INFORMATION FOR CLIENT INTERVIEWS (0990–0223)

Instrument	Annual number of respondents	Hours per response	Burden hours
Baseline Survey	560	.38	215
4/6 Month Survey	468	.33	156
9 Month Survey	933	.70	653
Participation Survey	completed		0
Total			1,024

Proposed Project 2: Cash and Counseling Demonstration—Additional Survey Instruments—0990–0232—Extension—This portion of theASPE/Robert Wood Johnson Foundation evaluation of the Cash and Counseling Demonstration consists of four non-client interviews. Respondents: Individuals or Households, For-profit, Non-profit Institutions.

BURDEN INFORMATION FOR NON-CLIENT INTERVIEWS (0990–0223)

Instrument	Annual number of respondents	Hours per response	Burden hours
Informal Caregiver	916	.38	351
Paid Worker	474	.5	237
Consultant Survey	50	.5	25
Ethnographic Study	25	1	25
Total			638

Please send comments to Cynthia Agens Bauer, OS Reports Clearance Office, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington DC 20201. Written comments should be received within 60 days of this notice.

Dated: June 19, 2001.

Kerry Weems,

Acting, Deputy Assistant Secretary, Budget.

[FR Doc. 01–16026 Filed 6–26–01; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Title X Grantees Family Planning Annual Report—0990–0221—Revision—The Office of Population Affairs collects annual data from Title X Grantees to assure compliance with legislative and regulatory requirements and identify areas where grantees may require assistance. Respondents: Title X Family Planning Program Grantees; Annual Number of Respondents: 85; Average Burden per Response: 22 hours; Annual Burden: 1,870 hours; Average Annual Cost per Respondent: $550; Annual Cost: $46,750.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance

Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503.

Comments may also be sent 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 30 days of this notice.

Dated: June 19, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–16027 Filed 6–26–01; 8:45 am]

BILLING CODE 4150–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) and the Assistant Secretary for Health have taken final action in the following case:

Kuie-Fu (Tom) Lin, D.V.M., Medical University of South Carolina (MUSC): Based on the report of an investigation conducted by MUSC and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Dr. Lin, a former graduate student, Department of Biochemistry and Molecular Biology at MUSC, engaged in scientific misconduct in research supported by the National Heart, Lung, and Blood Institute (NHLBI), National Institutes of Health (NIH), grants R01 HL29397, ''Regulation and Function of Renal Kallikrein,'' and R01 HL56686, ''Gene Therapy in Experimental Hypertension and Renal Diseases.''

Specifically, PHS finds that Dr. Lin engaged in scientific misconduct by:

A. Falsifying research on the expression and effect of the human atrial natriuretic peptide (ANP) gene in rats reported in Hypertension 26:847–853, 1995. Dr. Lin falsified data in the text on page 850 that described RT-PCR results shown in Figure 3 as obtained from multiple control and experimental rats, when only one rat was tested for each group.

B. Falsifying research on the expression and effect of the human adrenomelullin gene in rats reported in Hypertension Research 20:269–277, 1997. Dr. Lin falsified data in: (a) Figure 2 on page 272 by reusing Figure 2 of the Hypertension paper cited in ''A'' above, and falsely relabeling it as being a test of ADM levels in experimental rats; (b) Table 1 on page 273 by stating concentrations of human ADM in experimental rat tissues without accounting for the high levels of endogenous cross-reactive rat ADM; and (c) Table 1 on page 273 by claiming that the levels of human ADM seen in rat tissues were obtained from four animals when the values were actually obtained from four serial dilutions of one sample. The journal published an erratum at 22(3):229, 1999.

C. Falsifying research on the expression and effect of the human ANP gene in rats reported in Human Gene Therapy 9:1429–1438, 1998. Dr. Lin falsified data in: (a) Figure 3 on page 1431 by reusing Figure 2 of the Hypertension paper cited in ''A'' above, and falsely relabeling it as being based on the use of an adenovirus vector to deliver the ANP (gene rather than the use of ''naked DNA'' described in the earlier paper); (b) text on page 1433 that stated concentrations of human ANP in experimental rat tissues without accounting for the high levels of endogenous cross-reactive rat ANP; and (c) Table 2 by making an inappropriate calculation for the renal blood flow (RFB) of the ''AdCMV-LacZ'' group by altering data (from animals that should not have been included because their venous flow was greater than their arterial flow), to falsely produce an average RBF value that was significantly different from the group receiving the ANP vector.

All three of the questioned papers described gene therapy models in which the introduced gene lowered blood pressure in hypertensive or salt-sensitive rats. Dr. Lin's falsifications greatly enhanced the apparent expression and effects of the introduced ANP and ADM genes in the experimental rats.

Dr. Lin states that he made honest mistakes and deeply regrets his unintentional errors in data handling.

Dr. Lin has entered into a Voluntary Exclusion Agreement (Agreement) with PHS in which he has voluntarily agreed:

(1) To exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government as defined in 45 CFR part 76 (Debarment Regulations) for a period of three (3) years, beginning on June 12, 2001;

(2) to exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee for a period of three (3) years, beginning on June 12, 2001;

(3) within 30 days of the effective date of the Agreement to submit letters of correction or retraction to:

(A) Hypertension 26:847–853, 1995: Requesting correction of the statement on page 850 to indicate that results on RT–PCR of tissue extracts were obtained with only one control and one experimental rat, rather than the four animals for each group claimed in the paper;

(B) Hypertension Research 20:269–277, 1997: Requesting retraction of Table 1; the notice to the journal should state that the values for human ADM in Table 1 were incorrect because they did not account for the high level of endogenous ADM detected in control tissues by the RIA, and that only a single rat was tested rather than the four animals claimed; and

(C) Human Gene Therapy 9:1429–1438, 1998: Requesting retraction of Figure 2 and correction of Table 2 to indicate that the renal blood flow value for the ''Ad.CMV-LacZ (4% NaC1)'' rats was falsified. The notice to the journal should state that Figure 2 was falsified because it was in large part a duplicate of a previously published figure and was falsified both because logit values were deliberately altered and because the results were obtained from experimental rats that were treated differently from those described in the paper. This statement should also note that the first paragraph on page 1433 contained misleading concentrations of human ANP in experimental tissues because they failed to account for the high level of cross-reactive endogenous ANP observed by the RIA used in control tissues.

These correction and retraction requirements will remain on the ALERT System until Dr. Lin sends, and ORI receives, copies of these letters that are consistent with the above language.

FOR FURTHER INFORMATION CONTACT: Director, Division of Investigative Oversight, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443–5330.

Chris Pascal,

Director, Office of Research Integrity.

[FR Doc. 01–16022 Filed 6–26–01; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 01126]

Enhancement of State, County or Local Public Health Departments Participation in Brownfields Decisions and Actions; 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 Cooperative Agreement program for a pilot activity with a select number of local health departments to demonstrate effective public health actions around Brownfields properties. This program addresses the ''Healthy People 2010'' focus area(s) of Environmental Health.

Brownfields are abandoned, idled or under-utilized industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination. The National Brownfields Initiative was launched by the Environmental Protection Agency (EPA) to empower States, local governments, and other stakeholders in community redevelopment to work together to assess, clean up, and sustainably reuse Brownfields. ATSDR's role in the National Brownfields Initiative is to develop strategies and methods to protect the health and quality of life of people living around brownfields properties by focusing on public health issues related to previous environmental degradation.

The purpose of this program is to assist State, county or local public health departments (LHDs) with jurisdiction in Brownfields Showcase Communities to initiate or enhance their efforts to implement strategies which ensure that efforts to remediate and redevelop properties do not present environmental public health hazards to current and future community residents. It is expected that this program will stimulate LHDs to enlist the cooperation of local governing officials, community-based organizations, and State governments to work together in a timely manner to consider public health issues in the earliest phases of redevelopment of Brownfields properties.

A goal for ATSDR is to assist in empowering local community stakeholders by providing them with the tools to assess the health of community residents during Brownfield site assessment, clean up, and redevelopment activities. It is expected that by using this comprehensive public health approach to Brownfields redevelopment, the health and quality of life of persons working or living on or near Brownfields properties will be adequately protected. This program highlights the Brownfields Showcase Communities as examples of how public health activities can be implemented; the examples will serve as models which can be generalized to other communities throughout the nation.

ATSDR is fully committed to implementing the President's Executive Order 12898 on Environmental Justice to ensure the full representation and participation on all levels, of minority and low-income population groups.

B. Eligible Applicants

Applicants will be limited to the official county, city and other local public health agencies of local communities (with the exception of Rhode Island where the State Health Department is the eligible applicant) located in the twenty-eight (28) Brownfields Showcase Communities as designated by the Environmental Protection Agency (EPA) (62 FR 44274 and 65 FR 14273). The Brownfields Showcase Communities are:

1. Baltimore, Maryland
2. Chicago, Illinois
3. Dallas, Texas
4. Denver, Colorado
5. Des Moines, Iowa
6. East Palo Alto, California
7. Gila River Indian Community, Arizona
8. Glen Cove, New York
9. Houston, Texas
10. Jackson, Mississippi
11. Kansas City, Kansas and Missouri
12. Los Angeles, California
13. Lowell, Massachusetts
14. Metlakatla Indian Community, Alaska
15. Milwaukee, Wisconsin
16. Mystic Valley Development Commission (Malden, Medford, Everett), Massachusetts
17. New Bedford, Massachusetts
18. Niagara Region, New York
19. Cape Charles/Northampton County, Virginia
20. Portland, Oregon
21. State of Rhode Island
22. Saint Louis, Missouri/East St. Louis, Illinois
23. Saint Paul, Minnesota
24. Salt Lake City, Utah
25. Seattle/King County, Washington
26. Southeast Florida (Eastward Ho!), Florida
27. Stamford, Connecticut
28. Trenton, New Jersey

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 $60,000 is available in FY 2001 to fund approximately 2 awards. It is expected that the average award will be $30,000, ranging from $20,000 to $40,000. It is expected that the awards will begin on or about Sep. 30, 2001, and will be made for a 12-month budget period within a project period of 1 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 ATSDR 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. Equipment may be purchased with grant funds. The equipment proposed should be appropriate and reasonable for the activities to be conducted. The applicant, as part of the application process, should provide: (1) A justification for the need to acquire the equipment, (2) the description of the equipment, (3) the intended use of the equipment, and (4) the advantages/disadvantages of leasing versus purchase of the equipment. Equipment shall be returned to ATSDR at the end of the project period.

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 ATSDR will be responsible for the activities listed under 2. ATSDR Activities.

1. Recipient Activities

a. Utilize existing inventories of Brownfields in the area and evaluate each property for environmental public health issues in collaboration with ATSDR, other State health departments, and EPA.

b. Integrate public health concerns into the Brownfields Showcase decision-making related to assessment, clean up, and redevelopment.

c. Develop a plan discussing the strategies associated with implementing the needed public health actions at Brownfields properties. As much as possible, utilize previous public health lessons learned in plan development.

d. Involve all appropriate stakeholders at Brownfields properties in the planning and implementation of the needed public health actions.

e. Develop methods for evaluating the strategies used and a plan for sustainability once the funding period has ended.

2. ATSDR Activities

a. Assist and collaborate with the recipient in the assembly and utilization of existing environmental data, medical and other public health data and other relevant information as requested.

b. Evaluate recommendations as requested to further the objectives of this program.

c. Provide technical assistance and training to build capacity similar to the existing state cooperative program.

E. Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 20 double-spaced pages, printed on one side, with one inch margins, and unreduced font.

In a narrative format, the applicant should include discussion of areas listed under the EVALUATION CRITERIA section of this announcement as they relate to the proposed program. Because these criteria will serve as the basis for evaluation of the application, omissions or incomplete information may affect the rating of the application. Although this program does not require in-kind or matching funds, the applicant should describe any in-kind support in the formal application. For example, if the in-kind support includes personnel, the applicant should provide the qualifying experience of the personnel and clearly state the type of activity to be performed.

F. Submission and Deadline

Submit the original and two copies of CDC 0.1246. Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before August 15, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1 or 2 above will be returned to the applicant without review.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by ATSDR. The extent of the applicant's ability to address the following:

1. Proposed Program (60 percent)

a. The identification of relevant Brownfields properties in the community including, but not limited to, those identified in the Brownfields Showcase award.

b. Demonstrate how relevant environmental and public health data will be used in the evaluation of Brownfields properties.

c. Demonstrate how the listing of public health issues and appropriate public health actions, both needed and already undertaken, will be developed.

d. Demonstrate how the plan discussing the strategies associated with implementing the needed public health actions will be developed.

e. The identification of all local Brownfields-related stakeholders groups, and how these groups will be included in the planning and implementation of strategies.

f. Demonstrate how local support from affected residents will be solicited.

g. Describe how methods for evaluating these strategies and sustaining Brownfields-related public health activities will be developed.

2. Program Evaluation (20 percent)

The extent to which evaluation plan includes measures of program outcome (e.g., effect on participant's knowledge, attitudes, skills, and behaviors).

3. Applicant Capability (20 percent)

a. Applicant's basic knowledge/experience required to perform the applicant's responsibilities in the project;

b. Description of the adequacy and commitment of institutional resources to administer the program and the adequacy of the facilities.

4. Program Budget (not scored)

The extent to which the budget is reasonable, clearly justified, and consistent with the intended use of cooperative agreement funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC/ATSDR with original plus two copies of:

1. Annual progress reports;
2. Financial status report, no more than 90 days after the end of the budget period;
3. Summary report of all activities conducted during the project period, no more than 90 days after the end of the project period; and
4. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement in the application kit.

AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
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 sections 104(i)(4), (6), (7), (14), and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9604(i)(4), (6), (7), (14), and (15)). The Catalog of Federal Domestic Assistance Number is 93.161.

J. Where To Obtain Additional Information

This and other CDC/ATSDR announcements can be found on the CDC home page Internet address—http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements.'' To receive additional written

information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nelda Y. Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2722, email address: nag9@cdc.gov.

For program technical assistance, contact: Juan Reyes, Director, Office of Regional Operations, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd., NE, MS–E42, Atlanta, GA 30329, Telephone number: (404) 498–0537, email address: jur2@cdc.gov.

Dated: June 20, 2001.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–16042 Filed 6–26–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 01165]

Thimerosal Pharmacokinetics: Assessment of the Distribution, Metabolism and Excretion; 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 program for Thimerosal Studies as part of the applied research program. This program addresses the ''Healthy People 2010'' focus area(s) of Environmental Health.

The purpose of this program is to define and characterize the appropriate pharmacokinetics of both methyl mercury and thimerosal distribution, metabolism, and elimination that are needed to accurately characterize the comparative neurotoxicity of these substances and develop recommendations for future extrapolation of these results to possible human exposure scenarios.

B. Eligible Applicants

Applications may be submitted by official public health agencies of the States, or their bonafide agents. This includes the District of Columbia, American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Virgin Islands, the Federated States of Marshall Island, the Republic of Palau, federally-recognized Indian tribal governments, public and private non-profit universities and colleges.

C. Availability of Funds

Approximately $130,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of one year. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

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 ATSDR 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. Equipment may be purchased with grant funds. However, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Property may be acquired only when authorized in the grant. The grantee, as part of the application process, should provide a justification of need to acquire property, the description, and the cost of purchase versus lease. At the completion of the project, the equipment must be returned to ATSDR.

D. Program Requirements

The objectives of this program are to conduct research studies to achieve the following: (1) Animal Model and Dose Selection studies including literature search, determine appropriate in vitro tests, animal model and doses; (2) Thimerosal cleavage kinetics including investigating in vitro (serum or blood) reaction, determine the role of liver in metabolism of thimerosal; (3) Model dependent kinetic parameters including tissue partition coefficients of thimerosal and ethyl mercury, time course studies for levels of thimerosal and ethyl mercury in blood, brain, fat, liver and muscle; (4) Model development and analysis including development of a pharmacokinetic model for thimerosal; and (5) Develop recommendations for extrapolating these results to human exposure scenarios.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

1. Identification and description of specific parameters that are necessary to accurately characterize the distribution, metabolism, and elimination associated with methyl mercury toxicity;
2. Identification and characterization of the metabolic pathways and sequences associated with conversion of thimerosal to the toxic inorganic mercury species (Hg^{++});
3. Characterization of tissue levels and time-course for thimerosal, ethyl mercury, and Hg^{++} following parenteral exposure to thimerosal; and
4. Publish the findings and results as journal article(s).

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

F. Submission and Deadline

Submit the original and five copies of PHS 398 (OMB Number 0937–0189) on or before August 15, 2001. Submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date and received in time for submission to the independent 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 shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in 1. or 2. above are considered late applications, will not be considered, 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 ATSDR:

1. Proposed Research—50 percent

The extent to which the applicant's project addresses:

a. The scientific merit of the hypothesis of the proposed project, including the originality of the approach and the feasibility, adequacy, and rationale of the design (the design of the study should ensure statistical validity for comparison with other research projects)(25 percent);
b. The technical merit of the methods and procedures (analytic procedures should be state of the art), including the degree to which the project can be expected to yield results that meet the program objective as described in the purpose section of this announcement (15 percent);
c. The proposed project schedule, including clearly established obtainable project objectives for which progress toward attainment can and will be measured including plans for publishing research results in peer reviewed journals (10 percent); and

2. Program Personnel—45 percent

Because of the importance and potential impact of the outcome of this project on a number of public health programs:

a. The Principal Investigator must be a recognized expert on organic and inorganic mercury (20 percent); and
b. The Principal Investigator must have experience, validated by publication, in working with Thimerosal (10 percent); and
c. Commitment and ability of the Principal Investigator and his/her Associates to devote adequate time and effort to provide effective leadership (15 percent).

3. Institutional Resources and Commitment—5 percent

Description of the adequacy and commitment of the institutional resources to administer the program and the adequacy of the facilities as they impact on performance of the proposed study.

4. Program Budget—(NOT SCORED)

The extent to which the budget is reasonable, clearly justified, and consistent with intended use of grant funds.

5. Human Subjects—(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 original plus two copies of

1. annual progress reports;
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–3 Animal Subjects Requirements
AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobby Restrictions
AR–17 Peer and Technical Reviews of Final Reports of Health Studies—ATSDR
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized in Sections 104(i)(5)(A) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604(i)(5)(A) and (15)]; and section 106, subsection 118(e) of the Great Lakes Critical Programs Act of 1990 [33 U.S.C. 1268(e)]. The Catalog of Federal Domestic Assistance number is 93.161.

J. Where To Obtain Additional Information

This and other ATSDR announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Ms. Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone number: 770–488–2722, Email address: nag9@cdc.gov.

For program technical assistance, contact(s): Dr. Dennis Jones, Division of Toxicology, ATSDR, 1600 Clifton Road, N.E., Mail Stop E–29, Atlanta, Georgia 30333, Telephone number: 404–498–0160, Email address: dej2@cdc.gov or Dr. Moiz Mumtaz, Division of Toxicology, 1600 Clifton Road, N.E., Mail Stop E–29, Atlanta, Georgia 30333, Telephone number: 404–498–0727, Email address: mgm4@cdc.gov.

Dated: June 20, 2001.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–16043 Filed 6–26–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Public Meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in Association With the Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

Name: Public meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in association with the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Time and Date: 9 a.m.–4:30 p.m., July 25, 2001.

Place:: Tamastslikt Cultural Institute, 72789 Highway 331, Pendleton, OR. Telephone: (541) 276–2323.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: A Memorandum of Understanding (MOU), signed in October 1990 and renewed in September 2000, between ATSDR and DOE delineates the responsibilities and procedures for ATSDR's public health

activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Community Involvement is a critical part of ATSDR's and CDC's energy-related research and activities and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on American Indian health effects at the Hanford, Washington, site.

Purpose: The purpose of this meeting is to address issues that are unique to tribal involvement with the HHES, and agency updates.

Matters to be Discussed: Agenda items will include a dialogue on issues that are unique to tribal involvement with the HHES. This will include presentations and discussions on each tribal members respective environmental health activities, and agency updates. Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Dean Seneca, Executive Secretary, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–54 Atlanta, Georgia 30333, telephone 1–888–42–ATSDR (28737), fax 404/498–1744.

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 21, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–16092 Filed 6–26–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Times and Dates: 8:30 a.m.-5:30 p.m., July 26, 2001.8:30 a.m.—3:30 p.m., July 27, 2001.

Place: Tamastslikt Cultural Institute, 72789 Highway 331, Pendleton, OR 97801. Telephone: (541) 276–2323.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 150 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in September 2000 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to receive an update from the Inter-tribal Council on Hanford Health Projects; to review and approve the Minutes of the previous meeting; to receive updates from ATSDR, CDC/NCEH and NIOSH; to receive reports from the Outreach, Public Health Assessment, Public Health Activities, and the Studies Workgroups; and to address other issues and topics, as necessary.

Matters to be Discussed: Agenda items include a presentation and discussion on Combined Doses, discussion on recommendations from the national evaluation for the health effects subcommittees', Epidemiology 101 workshop, update on the Hanford Community Health Project, and agency updates. Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: French Bell, Executive Secretary HHES, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–54, Atlanta, Georgia 30333, telephone 1–888–42–ATSDR(28737), fax 404/498–1744.

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 21, 2001.

John Burckhardt.

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–16091 Filed 6–26–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Centers, Program Announcement 01101

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 meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Centers, Program Announcement 01101, meeting.

Times and Dates: 8:30 a.m.–9 a.m., July 10, 2001 (Open).9 a.m.–5 p.m., July 10, 2001 (Closed).8:30 a.m.–12 noon, July 11, 2001 (Closed).

Place: Crowne Plaza Airport Hotel, 1325 Virginia Ave, Atlanta, GA 30344.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of grant applications to fund two new Prevention Research Centers received in response to Program Announcement #01101.

Contact Person for More Information: John M. Davis, Public Health Analyst, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, 4770 Buford Highway, m/s K46, Atlanta, GA, 30341. Telephone 770/488–5659, email JMDAVIS@cdc.gov.

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 20, 2001.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, CDC.

[FR Doc. 01–16090 Filed 6–26–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Planning, Research and Evaluation; Grant to National Center for Appropriate Technology

AGENCY: Office of Planning, Research and Evaluation, ACF, DHHS.

ACTION: Award announcement.

SUMMARY: Notice is hereby given that a noncompetitive grant award is being made to National Center for Appropriate Technology to develop a series of brief, research-based papers on the impact of energy restructuring programs. As a Congressional setaside, this one-year project is being funded noncompetitively. National Center for Appropriate Technology has considerable experience in studying problems and issues relating to the provision of energy to low-income households. The cost of this one-year project is $175,000.

FOR FURTHER INFORMATION CONTACT: K.A. Jagannathan, Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW, Washington, DC 20447, Phone: 202–205–4829.

Dated: June 20, 2001.

Howard Rolston,

Director, Office of Planning, Research and Evaluation.

[FR Doc. 01–16028 Filed 6–26–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93612–2002]

Administration for Native Americans: Availability of Financial Assistance

AGENCY: Administration for Native Americans ACF, DHHS.

ACTION: Announcement of availability of competitive financial assistance for projects in competitive areas administered by the Administration for Native Americans for American Indians, Native Hawaiians, Alaska Natives and Native American Pacific Islanders.

SUMMARY: The Administration for Native Americans (ANA) announces the anticipated availability of fiscal year 2002 funds in three competitive areas:

Area (1)—Governance and Social and Economic Development; closing dates are October 26, 2001, February 28, 2002, and May 17, 2002.

Area (2)—Governance and Social and Economic Development for Alaska Native Entities; closing day May 10, 2002.

Area (3)—Environmental Regulatory Enhancement; closing day March 22, 2002.

Financial assistance provided by ANA in support of projects in these three areas is intended to promote the goal of self-sufficiency for Native Americans.

Application Kit: Application kits are approved by the Office of Management and Budget (OMB) under control number 0980–0204, which expires April 30, 2003. The application kit contains the necessary forms and instructions to apply for a grant under this program announcement.

Application kits may be obtained from ANA training and technical assistance providers. ANA employs contractors to provide short-term training and technical assistance (T/TA) to eligible applicants. T/TA is available under these contracts for a wide range of needs, however, the contractors are not authorized to write applications. The T/TA is provided at no cost. To obtain an application kit and/or, training and technical assistance, applicants are encouraged to contact the appropriate T/TA provider within the appropriate service area. If you do not know the identity of the contractor currently serving the region you are located in, you may identify the contractor by calling: Administration for Native Americans, Applicant Help Desk, toll free at 1–877–922–9262; or visit ANA's web site listing of current providers at: http://www.acf.dhhs.gov/programs/ana/. The ANA providers serve six areas divided as follows:

Area 1, Eastern serves federally recognized Tribes in AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI and WV.

Area 2, Central federally recognized Tribes in AZ, CO, IA, KS, ND, NE, NM, NV, MO, MT, OK, SD, UT, WY, NV, ID and TX.

Area 3, Western serves federally recognized Tribes in CA, OR and WA.

Area 4, Alaska serves all eligible applicants in AK.

Area 5, Pacific serves all eligible applicants in Hawaii (HI) and the Pacific Islands of AS (American Samoa), GU (Guam), MP (Northern Mariana Islands) and PW (Palau).

Area 6, National serves all eligible applicants on the mainland United States not served by providers for areas

1 through 5. This includes non-federally recognized Tribes, Urban Indians, off-reservation rural Indian communities, Native Americans served through non-federally recognized urban and consortia arrangements and Organizations serving Native Hawaiians and Pacific Island Natives on the Mainland.

Copies of this program announcement and many of the required forms may be obtained electronically at the ANA World Wide Web Page: http://www.acf.dhhs.gov/programs/ana/.

The printed **Federal Register** notice is the only official program announcement. Although all reasonable efforts are taken to assure that the files on the ANA World Wide Web Page containing electronic copies of this Program Announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

SUPPLEMENTARY INFORMATION:

Introduction and Purpose

The purpose of this program announcement is to announce the anticipated availability of fiscal year 2002 funds, authorized under the Native American Programs Act of 1974 (Act), as amended, to promote the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and Native American Pacific Islanders in three competitive areas. Funding authorization is provided under sections 803(a), and 803(d) of the Native American Programs Act of 1974, as amended (Pub. L. 93–644, 88 Stat. 2324, 42 U.S.C. 2991b). The Indian Environmental Regulatory Enhancement Act of 1990 (Pub. L. 101–408) authorizes financial assistance for projects to address environmental regulatory concerns (section 803(d) of the Native American Programs Act of 1974, as amended).

The Administration for Native Americans assists eligible applicants for the three competitive areas to undertake 12 to 36 month development projects that are part of long-range comprehensive plans to move toward governance, social, and/or economic self-sufficiency.

In order to streamline the application process for eligible applicants under three competitive areas, ANA is issuing a single program announcement for fiscal year 2002 funds. Information regarding ANA's mission, policy, goals, application requirements, review criteria and closing dates for all three competitive areas are included in this announcement.

The Administration for Native Americans promotes the goal of self-sufficiency in Native American communities primarily through Social and Economic Development Strategies (SEDS) projects. The Native American Programs Act also authorizes ANA to establish an additional program for environmental regulatory enhancement.

This program announcement is being issued in anticipation of the appropriation of funds for fiscal year 2002 and the availability of funds for the three competitive areas is contingent upon sufficient final appropriations. Proposed projects will be reviewed on a competitive basis against the specific evaluation criteria presented under each competitive area in this announcement.

ANA continues a variety of requirements directed towards enforcing its policy that an eligible grant recipient may only have one active ANA grant awarded from a competitive area at any time. Therefore, while eligible applicants may compete for a grant in each of the three competitive areas, an applicant may only submit one application per competitive area and no applicant may receive more than one grant in each competitive area, including any existing ANA grant. Also, an Alaska Native entity may not submit an application under both Competitive Areas 1 and 2 for the May closing date. Alaska Native entities may receive a grant under either competitive area 1 or 2, but not under both. All applicants are strongly encouraged to demonstrate a plan for an employee fringe benefit package that includes an employee retirement plan benefit, and new grantee recipients must fund travel for key personnel (such as the Financial Officer or Project Director) to attend post-award grant management and administration training sponsored by ANA. This travel funding is optional for grantees that have had ANA grants in the past.

Before receiving a grant, every successful applicant will be encouraged to commit in writing to, and budget for an employee retirement fringe benefit that meets the standards found in the budget evaluation criteria within this announcement.

Continuing for fiscal year 2002, to foster goals under the Executive Order on tribally controlled colleges and universities (TCUs), TCUs may now independently apply for an ANA grant without impacting eligibility of the Tribe to apply. Previously, only one application was accepted, either from the Tribe or the TCU. Now both the Tribe and TCU may compete for and receive ANA grants at the same time, in the same program(s).

Ongoing for fiscal year 2002, are two White House Initiatives relating to Hawaiians and Pacific Islanders and People with Disabilities. In accordance with the Executive Order on Asian American and Pacific Islanders, ANA encourages greater participation from Hawaiian and Pacific Islander communities. The Executive Order on People with Disabilities encourages all communities to address the needs of people with disabilities in all programs in accordance with the Americans with Disabilities Act (ADA). ANA encourages all Native communities to address the needs of People with Disabilities in all aspects of their programs. ANA also encourages greater participation from Native organizations serving People with Disabilities.

In FY2002, a special emphasis is announced for incorporating a capacity for tribes who are operating or plan to operate Tribal Child Support Enforcement programs either solely or in conjunction with a tribal TANF program. As a part of a tribal social development project, capacity building can include cooperative agreements with States to deliver critical elements of a comprehensive child support program or such capacity of tribal governments to run solely tribal programs with no cooperative agreement with a state.

This program announcement consists of three parts.

Part I. ANA Policy and Goals

Provides general information about ANA's policies and goals for the three competitive areas. This section contains information pertaining to all applicants.

Part II. ANA Competitive Areas

Describes the three competitive areas under which ANA is requesting applications:

Area 1: Governance, Social and Economic Development(SEDS);

Area 2: Governance, Social and Economic Development(SEDS) for Alaska Native Entities;

Area 3: Environmental Regulatory Enhancement.

Each competitive area includes the following sections which provide information to be used to develop an application:

A. Purpose and Availability of Funds
B. Background
C. Proposed Projects To Be Funded
D. Eligible Applicants
E. Grantee Share of the Project
F. Review Criteria
G. Application Due Date(s)
H. Contact Information

Part III. General Application Information and Guidance

Provides important information and guidance that applies to all three competitive areas and that must be taken into account in developing an application for any of the three areas.

A. Definitions
B. Activities That Cannot Be Funded
C. Multi-Year Projects
D. Intergovernmental Review of Federal Programs
E. The Application Process
F. The Review Process
G. General Guidance to Applicants
H. Paperwork Reduction Act of 1995
I. Receipt of Applications

Part I—ANA Policy and Goals

The mission of the Administration for Native Americans (ANA) is to promote the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders.

The Administration for Native Americans believes that a Native American community is self-sufficient when it can generate and control the resources necessary to meet its social and economic goals, and the needs of its members.

The Administration for Native Americans also believes that the responsibility for achieving self-sufficiency resides with the governing bodies of Indian tribes, Alaska Native villages, and in the leadership of Native American groups. A community's progress toward self-sufficiency is based on its efforts to plan, organize, and direct resources in a comprehensive manner which is consistent with its established long-range goals.

The Administration for Native Americans' policy is based on three interrelated goals:

1. *Governance:* To assist tribal and Alaska Native village governments, Native American institutions, and local leadership to exercise local control and decision-making over their resources.

2. *Economic Development:* To foster the development of stable, diversified local economies and economic activities which will provide jobs and promote economic well being.

3. *Social Development:* To support local access to, control of, and coordination of services and programs which safeguard the health, well-being and culture of people, provide support services and training so people can work, and which are essential to a thriving and self-sufficient community in the spirit of respect for indigenous peoples' cultural and intellectual property rights.

Applicants must comply with certain of the following administrative policies:

- Current grantees whose grant project period extends beyond September 30, 2001, or who have requested an extension of the grant project beyond that date, are not eligible to apply for a grant under the same program area. Current SEDS or Alaska-specific SEDS grantees with project periods beyond September 30, 2002, may not compete for additional SEDS or Alaska-specific SEDS grants. Current Indian Environmental Regulatory Enhancement grantees with project periods beyond September 30, 2002, may not compete for additional Indian Environmental Regulatory Enhancement grants.
- Applicants for any competitive area may propose 12 to 36 month projects.
- Applicants must describe a locally determined strategy to carry out a proposed project with fundable objectives and activities.
- Local long-range planning must consider the maximum use of all available resources, how the resources will be directed to development opportunities, and present a strategy for overcoming the local issues that hinder movement toward self-sufficiency in the community.
- An application from a federally recognized Tribe, Alaska Native Village or Native American organization must be from the governing body of the Tribe or organization.
- ANA will not accept applications from tribal components which are tribally-authorized divisions of a larger tribe, unless the application includes a Tribal resolution which clearly demonstrates the Tribe's support of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.
- If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period, should the application be funded.
- An applicant may submit a separate application under any of the competitive areas, as long as the applicant meets the eligibility requirements. However, for the May closing, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both.
- Under each competitive area, ANA will only accept one application, which serves or impacts a reservation, Tribe, or Native American community.
- Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.
- If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Alaska, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community, applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served.
- Organizations incorporating in American Samoa are cautioned that the Samoan government relies exclusively upon IRS determinations of non-profit status; therefore, articles of incorporation approved by the Samoan government do not establish non-profit status for these organizations for the purpose of eligibility for ANA funds.
- Grantees must provide at least 20 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefor, a project requesting $100,000 in Federal funds

(based on an award of $125,000 per budget period) must provide a match of at least $25,000 (20% total approved project cost). Grantees will be held accountable for commitments of non-Federal resources even if over the amount of the required match. Failure to provide the amount will result in disallowance of Federal match.

As per 45 CFR Part 74.2, In-Kind contributions are defined as the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

In addition it may include other Federal funding sources where legislation or regulations authorize using specific types of funds for match and provided the source relates to the ANA project; examples follow:

- Indian Child Welfare funds, through the Department of Interior;
- Indian Self-Determination and Education Assistance funds, through the Department of Interior and the Department of Health and Human Services; and
- Community Development Block Grant funds, through the Department of Housing and Urban Development.

An itemized budget detailing the applicant's non-Federal share, and its source(s), must be included in an application.

- If an applicant plans to charge or otherwise seek credit for indirect costs in its ANA application, a current copy of its Indirect Cost Agreement must be included in the application.
- A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b)(3) of the Native American Program Regulations.
- Applications originating from American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands are covered under section 501(d) of Public Law 95–134, as amended (48 U.S.C. 1469a) under which HHS waives any requirement for matching funds under $200,000 (including in-kind contributions). Therefore, for the ANA grants under these announced programs, no match is required for grants to these insular areas.

Part II—ANA Competitive Areas

The three competitive areas under this Part describe ANA's funding authorities, priorities, special initiatives, special application requirements, and review criteria. The standard requirements necessary for each application, as well as standard ANA program guidance and technical guidance are described in Part III of this announcement.

ANA Competitive Area 1: Social and Economic Development Strategies(SEDS) Projects

A. Purpose and Availability of Funds

This competitive area promotes the goal of social and economic self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and Native American Pacific Islanders through locally developed social and economic development strategies (SEDS).

Approximately $20 million of financial assistance is anticipated to be available under this priority area for governance, social and economic development projects. ANA anticipates awarding approximately 150 competitive grants ranging from $50,000 to $1,000,000.

B. Background

ANA assists tribal and village governments, and Native American organizations, in their efforts to develop and implement community-based, long-term governance, social and economic development strategies (SEDS). These strategies must promote the goal of self-sufficiency in local communities.

The SEDS approach is based on ANA's program goals and incorporates two fundamental principles:

1. The local community and its leadership are responsible for determining goals, setting priorities, and planning and implementing programs aimed at achieving those goals. The local community is in the best position to apply its own cultural, political, and socio-economic values to its long-term strategies and programs.

2. Governance and social and economic development are interrelated. In order to move toward self-sufficiency, development in one area should be balanced with development in the others. Consequently, comprehensive development strategies should address all aspects of the governmental, economic, and social infrastructures needed to promote self-sufficient communities.

ANA's SEDS policy uses the following definitions:

- Governmental infrastructure includes the constitutional, legal, and administrative development requisite for independent governance.
- Economic infrastructure includes the physical, commercial, technological, industrial and/or agricultural components necessary for a functioning local economy which supports the life-style embraced by the Native American community.
- Social infrastructure includes those components through which health, economic well being and culture are maintained within the community and that support governance and economic goals.

These definitions should be kept in mind as a local social and economic development strategy is developed as part of a grant application.

A community's movement toward self-sufficiency could be jeopardized if a careful balance between governmental, economic and social development is not maintained. For example, expansion of social services, without providing opportunities for employment and economic development, could lead to dependency on social services.

Conversely, inadequate support services and training could seriously impede productivity and local economic development. Additionally, the necessary infrastructures must be developed or expanded at the community level to support social and economic development and growth. In designing their social and economic development strategies, ANA encourages an applicant to use or leverage all available human, natural, financial, and physical resources.

ANA encourages the development and maintenance of comprehensive strategic plans, which are an integral part of attaining and supporting the balance necessary for successful activities that lead to self-sufficiency.

C. Proposed Projects To Be Funded

This section provides descriptions of activities, which are consistent with the SEDS philosophy. Proposed activities should be tailored to reflect the governance, social and economic development needs of the local community and should be consistent and supportive of the proposed project objectives. The types of projects which ANA may fund include, but are not limited to, the following:

Governance

- Improvements in the governmental, judicial and/or administrative infrastructures of tribal and village governments (such as strengthening or streamlining management procedures or the development of tribal court systems);
- Increasing the ability of tribes, villages, and Native American groups and organizations to plan, develop, and administer a comprehensive program to support community social and

economic self-sufficiency (including strategic planning);

• Increasing awareness of and exercising the legal rights and benefits to which Native Americans are entitled, either by virtue of treaties, the Federal trust relationship, legislative authority, executive orders, administrative and court decisions, or as citizens of a particular state, territory, of the United States;

• Status clarification activities for Native groups seeking Federal or State tribal recognition, such as performing research or any other function necessary to submit a petition for Federal acknowledgment or in response to any obvious deficiencies cited by the Bureau of Acknowledgment and Research (BAR), Department of Interior, in a petition from a Native group seeking Federal recognition; and

• Development of and/or amendments to tribal constitutions, court procedures and functions, by-laws or codes, and council or executive branch duties and functions.

Economic Development

• Development of a community economic infrastructure that will result in businesses, jobs, and an economic support structure;

• Establishment or expansion of businesses and jobs in areas such as tourism, specialty agriculture, energy development, light and/or heavy manufacturing, technology and Internet activities, fabrication and construction companies, housing and fisheries or aqua-culture

• Stabilizing and diversifying a Native community's economic base through business development and enterprise zone ventures.

Social Development

• Enhancing tribal capabilities to design or administer programs aimed at strengthening the social environment desired by the local community;

• Developing local and intertribal models related to comprehensive planning and delivery of services;

• Developing programs or activities to preserve and enhance tribal heritage and culture; and

• Establishing programs, which involve extended families or tribal societies in activities that strengthen cultural identity and promote community development or self-esteem.

Other SEDS Relationships. ANA encourages projects designed to use the SEDS approach to help achieve current priorities of the Administration for Children and Families which are to:

• Address welfare reform initiatives such as moving families to work.

• Help ensure child support from both parents.

• Create access to affordable child care for low income working families.

• Reach children earlier to promote full development, including links to Head Start, Early Head Start and Child Care.

• Help enroll children in quality Head Start and prepare them to be ready to learn.

• Provide safety, permanency and well-being for children and double the number of adoptions from the public child welfare system.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

• Federally recognized Indian Tribes;

• Consortia of Indian Tribes;

• Incorporated non-federally recognized Tribes;

• Incorporated nonprofit multi-purpose community-based Indian organizations;

• Urban Indian Centers;

• National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives;

• Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;

• Incorporated nonprofit Alaska Native multi-purpose community-based organizations;

• Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects;

• Nonprofit Native organizations in Alaska with village specific projects;

• Public and nonprofit private agencies serving Native Hawaiians (The populations served may be located on these islands or on the continental United States);

• Public and nonprofit private agencies serving native peoples from Guam, American Samoa, the Republic of Palau, or the Commonwealth of the Northern Mariana Islands. (The populations served may be located on these islands or in the United States); and

• Tribally controlled community colleges, Tribally controlled cost-secondary vocational institutions, and colleges and universities located in Hawaii, Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands which serve Native American Pacific Islanders.

• Non-profit Alaska Native community entities or tribal governing bodies (Indian Reorganization Act or traditional Councils) as recognized by the Bureau of Indian Affairs.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA SEDS grantees whose grant project period ends on or before September 30, 2001 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2002.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Alaska Natives, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community except that a tribally controlled college or university (TCU) may apply in addition to the Tribe. Tribally controlled colleges need only to submit a resolution from their Board of Directors or similar. If a federally recognized Tribe or Alaska Native village chooses not to apply, it

may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the purposes of ANA's SEDS policy and program goals described in the Background section of this competitive area; include a social and economic development strategy which reflects the needs and specific circumstances of the local community; and address the specific developmental steps that the tribe or Native American community is undertaking toward self-sufficiency.

The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application.

Points are awarded only to applications, which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific social, governance and economic long-range community goals relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The relationship between the long-range goals and the applicant's comprehensive community social and economic development plan. (Inclusion of the community's entire development plan is not necessary); and
- A clearly delineated social and economic development strategy (SEDS).
- In discussing their community-based, long-range goals, and the objectives for the proposed projects, non-Federally recognized and off-reservation groups must include a description of what constitutes their specific community.

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project except for those communities such as Hawaii and the Pacific Islands, where the systems of governance make such involvement inappropriate. The type of community you serve and nature of the proposal being made will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

A tribal organization may submit resolutions supporting the project proposal from each of its member tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should define their membership and describe how the organization operates.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described.

Letters of commitment should document these resources, not merely letters of support. Letters of commitment are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. Letters of support merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. Statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources and therefore carry less significance.

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (10 Points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Objective Work Plan and in the proposed budget. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes and/or proposed position descriptions demonstrate that the proposed staff are or will be qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (45 Points)

The application proposes specific project Objective Work Plan(s) with activities related to each specific objective.

The Objective Work Plan(s) in the application includes project objectives and activities for each budget period

proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's social and economic development strategy;
- Clearly relates to the community's long-range goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected (20 Points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 Points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. Applicants from American Samoa, Guam, and the Northern Mariana Islands are not required to provide a 20% match for the non-Federal share since the level of funding available for the planned ANA grants would not invoke a required match for grants to these insular areas. Therefore, applicants from these insular areas may not have points reduced for the lack of matching funds. They are, however, expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of allowable costs and the relevance of these costs to the proposed project; and
- Requests funds which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives, for example; the chief financial officer or project director, from the applicant organization to travel to one post-award grant training and technical assistance conference. This expenditure is mandatory for new grant recipients and optional for grantees that have had ANA grants in the past. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- Where implemented, includes an employee fringe benefit budget that provides grant-funded employees with a retirement plan in addition to Social Security. The applicant is strongly encouraged to provide a retirement plan fringe benefit for grant-funded employees' salaries up to five (5) percent. Grantees selecting the retirement benefit option will have these costs funded by ANA above and beyond the applicants project funding level.
- ANA supports a retirement plan as a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum recommended standards for an acceptable retirement fringe benefit plan are:
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc.

G. Application Due Date(s)

The closing dates for submission of applications under this Competitive Area 1 are: October 26, 2001, February 28, 2002 and May 17, 2002.

H. Contact Information

Contact the ANA Applicant Help Desk toll free at 1–877–922–9262 for assistance.

Competitive Area 2: Alaska-Specific Social and Economic Development Strategies (SEDS) Projects

A. Purpose and Availability of Funds

This competitive area funds Alaska Native social and economic development projects. Approximately $2.0 million amounts of financial assistance is anticipated to be available for Alaska Native governance, social and economic development projects.

ANA plans to award approximately 10–15 grants under this competitive area. For individual village projects, the funding level for a budget period of 12 months will be up to $125,000; for regional nonprofit and village consortia, the funding level for a budget period of 12 months will be up to $175,000, commensurate with approved multi-village objectives.

B. Background

Based on the three ANA goals described in Part I, ANA implemented a special Alaska social and economic development initiative in fiscal year 1984. This special effort was designed to provide financial assistance at the village level or for village-specific projects aimed at improving a village's governance capabilities and for social and economic development.

This competitive area continues to implement this special initiative. ANA believes both the nonprofit and for-profit corporations in Alaska can play an important supportive role in assisting individual villages to develop and implement their own locally determined strategies which capitalize on opportunities afforded to Alaska Natives under the Alaska Native Claims Settlement Act (ANCSA), Public Law 92–203.

While the Administration for Native Americans does not fund objectives or activities for the core administration of an organization. ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place.

C. Proposed Projects To Be Funded

Examples of the types of projects that ANA may fund include, but are not limited to, projects that will:

Governance

- Initiate demonstration programs at the regional level to allow Native people to become involved in developing strategies to maintain and develop their economic subsistence base;
- Assist villages in developing land use capabilities and skills in the areas of land and natural resource management and protection, resource assessment and conducting environmental impact studies;
- Assist village consortia in the development of tribal constitutions, ordinances, codes and tribal court systems;

• Develop agreements between the State and villages that transfer programs jurisdictions, and/or control to Native entities;

• Strengthen village government control of land management, including land protection, through coordination of land use planning with village corporations and cities, if appropriate;

• Assist in status clarification activities;

• Initiate village level mergers between village councils, village corporations and others to coordinate programs and services which safeguard the health, well being and culture of a community and its people;

• Strengthen local governance capabilities through the development of village consortia and regional IRAs (Indian Reorganization Act councils organized under the Indian Reorganization Act, 25 U.S.C. 473a);

• Assist villages in preparing and coordinating plans for the development and/or improvement of water and sewer systems within the village boundaries;

• Assist villages in establishing initiatives through which youth may participate in the governance of the community and be trained to assume leadership roles in village governments; and

• Consider strategies and plans to protect against, monitor, and assist when catastrophic events occur, such as oil spills or earthquakes.

Economic Development

• Assist villages in developing businesses and industries which: (1) Use local materials; (2) create jobs for Alaska Natives; (3) are capable of high productivity at a small scale of operation; and (4) complement traditional and necessary seasonal activities;

• Substantially increase and strengthen efforts to establish and improve the village and regional business infrastructure and the capabilities to develop and manage resources in a highly competitive cash-economy system;

• Assist villages, or consortia of villages, in developing subsistence compatible industries that will retain local dollars in villages;

• Assist in the establishment or expansion of native-businesses; and

• Assist villages in labor export; i.e., people leaving the local communities for seasonal work and returning to their communities.

Social Development

• Assist in developing training and education programs for local jobs in education, government, and health-related fields; and work with these agencies to encourage job replacement of non-Natives by trained Natives;

• Develop local models related to comprehensive planning and delivery of social services;

• Develop new service programs, initially established with ANA funds, which will be funded by local communities or the private sector for continued operation after the ANA grant expires.

• Develop or coordinate with State-funded projects, activities designed to decrease the incidence of child abuse and neglect, fetal alcohol syndrome, and/or suicides;

• Assist in obtaining licenses to provide housing or related services from State or local governments; and

• Develop businesses to provide relief for caretakers needing respite from human service-related care work.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

• Federally recognized Indian Tribes in Alaska;

• Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;

• Incorporated nonprofit Alaska Native multi-purpose community-based organizations;

• Nonprofit Alaska Native Regional Corporations/Associations in Alaska with village specific projects; and

• Nonprofit Native organizations in Alaska with village specific projects.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA SEDS grantees in Alaska whose project period ends on or before September 30, 2002 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the Financial Assistance Award document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2002.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Alaska Natives, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application which serves or impacts a reservation, Tribe, or Native American community except that a tribally controlled college or university (TCU) may apply in addition to the Tribe. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution, which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that, the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

Although for-profit regional corporations established under ANCSA are not eligible applicants, individual villages and Indian communities are encouraged to use for-profit regional corporations as subcontractors and to collaborate with them in joint-venture projects for promoting social and economic self-sufficiency. ANA encourages the for-profit corporations to assist the villages in developing applications and to participate as subcontractors in a project.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the purposes of ANA's SEDS policy and goals (described in the Background section of this competitive area and in the Background section of Competitive Area 1), include a social and economic development strategy which reflects the needs and specific circumstances of the local community, and address the specific developmental steps that the tribe or Native American community is undertaking toward self-sufficiency.

The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications, which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific social, governance and economic long-range community goals relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The relationship between the long-range goals and the applicant's comprehensive community social and economic development plan. (Inclusion of the community's entire development plan is not necessary); and
- A clearly delineated social and economic development strategy (SEDS).

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project except in those communities such as Hawaii and the Pacific Islands where systems of governance make such strategies inappropriate. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

A tribal organization may submit resolutions supporting the project proposal from each of its members tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

Applications from National Indian and Native organizations must clearly demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project. National Indian and Native organizations should describe their membership and define how the organization operates.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described. Letters of commitment of should document these resources, not merely letters of support. Letters of commitment are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. Letters of support merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. (Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.)

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (10 Points)

(a) The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (45 Points)

The application proposes specific project objective work plans with activities related to each specific objective. The objective work plan(s) in the application includes project objectives and activities for each budget period proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's social and economic development strategy;
- Clearly relates to the community's long-range goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected (20 Points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 Points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. All applicants are expected to coordinate and organize any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of allowable costs and the relevance of these costs to the proposed project; and
- Requests funds, which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- Where implemented, includes an employee fringe benefit budget that provides grant-funded employees with a retirement plan in addition to Social Security. The applicant is strongly encouraged to provide a retirement plan fringe benefit up to five (5) percent of grant-funded employees' salaries. ANA will solely fund these costs above and beyond the applicant project funding level. ANA supports a retirement plan as a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- An alternate proposal may be submitted for review and approval during grant award negotiations. Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc.

G. Application Due Date

The closing date for submission of applications under this competitive area is: May 10, 2002. Applicants are reminded that for this May closing, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both.

H. Contact Information

Contact the ANA Applicant Help Desk toll free at 1–877–922–9262 for assistance.

Competitive Area 3: Indian Environmental Regulatory Enhancement Projects

A. Purpose and Availability of Funds

This competitive area funds environmental regulatory enhancement projects. Approximately $3 million of financial assistance is anticipated to be available for environmental regulatory enhancement projects. ANA expects to award approximately 35 grants under this competitive area. The funding level for a budget period of 12 months will be up to $250,000. An applicant may propose project periods of between 12 and 36 months.

B. Background

Despite an increasing environmental responsibility and growing awareness of environmental issues on Indian lands, there has been a lack of resources available to tribes to develop tribal environmental programs that are responsive to tribal needs. In many cases, this lack of resources has resulted in a delay in action on the part of the tribes.

Some of the critical issues identified by tribes before congressional committees include:

- The need for assistance to train professional staff to monitor and enforce tribal environmental programs;
- The lack of adequate data for tribes to develop environmental statutes and establish environmental quality standards; and
- The lack of resources to conduct studies to identify sources of pollution and the ability to determine the impact on existing environmental quality. As a result, Congress enacted the Indian Environmental Regulatory Enhancement Act of 1990 (Pub. L. 101–408) to strengthen tribal governments through building capacity within the tribes in order to identify, plan, develop, and implement environmental programs in a manner that is consistent with tribal culture. ANA is to support these activities on a government-to-government basis in a way that recognizes tribal sovereignty and is consistent with tribal culture.

The Administration for Native Americans believes that responsibility for achieving environmental regulatory enhancement rests with the governing bodies of Indian tribes, Alaska Native villages, and with the leadership of Native American groups. Environmental regulatory enhancement includes (but is not limited to) the planning, development, and application of laws, training, monitoring, and enforcement procedures, tribal courts, environmental laboratories and other facilities, and associated regulatory activities to strengthen the tribal government's capacity to enhance the quality of reservation life as measured by the reduction of pollutants in the air, water, soil, food and materials encountered by inhabitants of tribes and villages.

Progress toward the goal of environmental regulatory enhancement would include the strengthening of tribal environmental laws, providing for the training and education of those employees responsible for ensuring compliance with and enforcement of these laws, and the development of programs to conduct compliance and enforcement functions.

Other functions leading toward enhancing local regulatory capacity include, but are not limited to:

- Environmental assessments;
- Development and use of environmental laboratories; and
- Developments of court systems for enforcement of tribal and Federal environmental laws.

Ultimate success in this program will be realized when the applicant's desired level of environmental quality is acquired and maintained.

C. Proposed Projects To Be Funded

Financial assistance provided by ANA is available for developmental projects designed to assist tribes in advancing their capacity and capability to plan for and:

- Develop or enhance the tribal environmental regulatory infrastructure required to support a tribal environmental program, and to regulate and enforce environmental activities on

Indian lands pursuant to Federal and Indian law;

- Develop regulations, ordinances and laws to protect the environment;
- Develop the technical and program capacity to carry out a comprehensive tribal environmental program and perform essential environmental program functions;
- Promote environmental training and education of tribal employees;
- Develop technical and program capability to meet tribal and Federal regulatory requirements;
- Develop technical and program capability to monitor compliance and enforcement of tribal environmental regulations, ordinances, and laws; and
- Ensure that tribal court system enforcement requirements are developed in concert with and support the tribe's comprehensive environmental program.

D. Eligible Applicants

The following organizations are eligible to apply under this competitive area:

- Federally recognized Indian tribes;
- Incorporated non-federally and State recognized Indian tribes;
- Alaska Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Nonprofit Alaska Native Regional Corporations/Associations with village specific projects; and
- Other tribal or village organizations or consortia of Indian tribes.
- Tribal governing bodies (IRA or traditional councils) as recognized by the Bureau of Indian Affairs.

The following organizations are not eligible to apply based on the determination that they do not own or manage resources for which environmental regulatory projects are directed and therefore are not empowered to perform such projects:

- Urban Indian Centers;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Public and nonprofit private agencies serving: Native Hawaiians, peoples from Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the Republic of Palau;
- Incorporated nonprofit Alaska Native multi-purpose community based organizations; and
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives.

Further information on eligibility requirements is presented in Part I, ANA Policy and Goals. Some important policies found in Part I are highlighted as follows:

Current ANA Indian Environmental Regulatory Enhancement project grantees whose grant project period ends on or before September 30, 2002 are eligible to apply for a grant award under this program announcement. The Project Period is noted in Block 9 of the ''Financial Assistance Award'' document. Applicants for new grants may not have a pending request to extend their existing grant beyond September 30, 2001.

Any non-profit organization submitting an application must submit proof of its non-profit status in the application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax exempt organizations described in section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

If the applicant, other than a tribe or an Alaska Native Village government, is proposing a project benefiting Native Americans or Native Alaskans, or both, it must provide assurance that its duly elected or appointed board of directors is representative of the community, to be served. To establish compliance with the requirement in the regulations for a Board representative of the community applicants should provide information establishing that at least ninety (90) percent of the individuals serving on a non-profit applicant's board fall into one or more of the following categories: (1) A current or past member of the community to be served; (2) a prospective participant or beneficiary of the project to be funded; or (3) have a cultural relationship with the community to be served. A list of board members with this information including Tribal or Village affiliation, is one of the most suitable approaches for demonstrating compliance with this requirement.

Under each competitive area, ANA will only accept one application, which serves or impacts a reservation, Tribe, or Native American community. If a federally recognized Tribe or Alaska Native village chooses not to apply, it may support another applicant's project (e.g., a tribal organization) which serves or impacts their reservation. In this case, the applicant must include a Tribal resolution which clearly demonstrates the Tribe's approval of the project and the Tribe's understanding that the other applicant's project supplants the Tribe's authority to submit an application under that specific competitive area both for the current competition and for the duration of the approved grant period.

E. Grantee Share of the Project

Grantees must provide at least 20 percent of the total approved cost of the project; i.e. the sum of the Federal share and the non-Federal share. Further information on this requirement is presented in Part I, ANA Policy and Goals.

F. Review Criteria

A proposed project should reflect the environmental regulatory purposes stated and described in the Background section of this competitive area. The evaluation criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. Points are awarded only to applications, which are responsive to this competitive area and these criteria. Proposed projects will be reviewed on a competitive basis using the following evaluation criteria:

(1) Long-Range Goals and Available Resources (15 Points)

(a) The application describes the long-range goals and strategy, including:

- How specific environmental regulatory enhancement long-range goal(s) relate to the proposed project and strategy;
- How the community intends to achieve these goals;
- The applicant's specific environmental regulatory needs; and
- A clearly delineated strategy to improve the capability of the governing body of a tribe to regulate environmental quality through enhancing local capacity to perform necessary regulatory functions.

The application identifies and documents pre-existing and planned involvement and support of the community in the planning process and implementation of the proposed project. The type of community you serve and nature of the proposal being made, will influence the type of documentation necessary. For example, a Tribe may choose to address this requirement by submitting a resolution stating that community involvement has occurred in the project planning or may determine that additional community support work is necessary.

Similarly, a tribal organization may submit resolutions supporting the project proposal from each of its member tribes, as well as a resolution from the applicant organization. Other

examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers.

(b) Available resources (other than ANA and the non-Federal share) which will assist, and be coordinated with the project are described.

Letters of commitment of should document these resources, not merely letters of support. Letters of commitment are binding when they specifically state the nature, the amount, and conditions under which another agency or organization will support a project funded with ANA funds. Letters of support merely express another organization's endorsement of a proposed project. Support letters are not binding commitment letters or do not factually establish the authenticity of other resources and do not offer or bind specific resources to the project.

For example, a letter from another Federal agency or foundation pledging a commitment of $200,000 in construction funding to complement proposed ANA funded pre-construction activity is evidence of a firm funding commitment. These resources may be human, natural or financial, and may include other Federal and non-Federal resources. (Applicant statements that additional funding will be sought from other specific sources are not considered a binding commitment of outside resources.)

Non-ANA resources should be leveraged to strengthen and broaden the impact of the proposed project in the community. Project designs should explain how those parts of projects which ANA does not fund will be financed through other sources. For example, ANA does not fund construction. Applicants must show the relationship of non-ANA funded activities to those objectives and activities that are funded with ANA grant funds.

(2) Organizational Capabilities and Qualifications (15 Points)

(a) The management and administrative structure of the applicant is described and explained. Evidence of the applicant's ability to manage a project of the scope proposed is well documented. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage or consult on the project. The tribe itself may not have experience to meet this requirement but the proposed staff and consultants should have the required qualifications and experience. The application should clearly describe any previous or current activities of the applicant organization or proposed staff and/or consultants in support of environmental regulatory enhancement.

(b) Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe each position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes indicate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes contain the qualifications and/or specialized skills necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

Note: Applicants are strongly encouraged to give preference to Native Americans in hiring staff and subcontracting services under an approved ANA grant.

(3) Project Objectives, Approach and Activities (40 Points)

The application proposes specific project objective work plans with activities that are related to each specific objective. The objective work plan(s) in the application includes project objectives and activities for each budget period proposed and demonstrates that each of the objectives and its activities:

- Is measurable and/or quantifiable in terms of results or outcomes;
- Supports the community's strategy for environmental regulatory enhancement;
- Clearly relates to the community's long-range environmental goals;
- Can be accomplished with the available or expected resources during the proposed project period;
- Indicates when the objective, and major activities under each objective, will be accomplished;
- Specifies who will conduct the activities under each objective; and
- Supports a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) Results or Benefits Expected (20 points)

Completion of the proposed objectives will result in specific, measurable results. The application shows how the expected results will help the community meet its long-range environmental goals. The specific information provided in the narrative and objective work plans on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of each budget year.

(5) Budget (10 points)

A detailed and fully explained budget is provided for each budget period requested which:

- Justifies each line item, with a well-written justification, in the budget categories in Section B of the Budget Information of the application, including the applicant's non-Federal share and its source. All applicants are expected to coordinate and organize the delivery of any non-ANA resources they propose for the project, as are all ANA applicants.
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of allowable costs and the relevance of these costs to the proposed project; and
- Requests funds, which are appropriate and necessary for the scope of the proposed project.
- Includes sufficient funds for principal representatives from the applicant organization to travel to one post-award grant training and technical assistance conference. This travel and training should occur as soon as practical.
- For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable operating income and return within a future specified time frame.
- Where implemented, includes an employee fringe benefit budget that provides grant-funded employees with a retirement plan in addition to Social Security. The applicant is strongly encouraged to provide a retirement plan fringe benefit of up to five (5) percent of grant funded employees-salaries. ANA will solely fund these costs above and beyond the applicant project funding level. ANA supports a retirement plan as a necessary, reasonable and allowable cost in accordance with OMB rules. Minimum standards for an acceptable retirement fringe benefit plan are:
- The plan exists for the exclusive benefit of the participants; funds are to be used for retirement and certain other pre-retirement needs, not for the organization's needs.
- The plan must have a vesting schedule that does not exceed the initial budget period of the ANA grant.
- An alternate proposal may be submitted for review and approval during grant award negotiations.

Alternate proposals may include the use of Individual Retirement Accounts, Money Purchase Pension Plans, Defined Benefit Pension Plans, Combination Plans, etc.

G. Application Due Date

The closing date for submission of applications under this competitive area is March 22, 2002.

H. Contact Information

Contact the ANA Applicant Help Desk at 202–690–7776 for assistance.

Part III—General Application Information and Guidance

A. Definitions

Funding areas in this program announcement are based on the following definitions:

A multi-purpose community-based Native American organization is an association and/or corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several different areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, and the delivery of human services such as health care, day care, counseling, education, and training.

• *A multi-year project* is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.

• *Budget Period* is the interval of time (usually 12 months) into which the project period is divided for budgetary and funding purposes.

• *Core administration* is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project.

• *Environmental regulatory enhancement* includes (but is not limited to) the planning, development, and application of laws, training, monitoring, and enforcement procedures, tribal courts, environmental laboratories and other facilities, and associated regulatory activities to strengthen the tribal government's capacity to enhance the quality of reservation life as measured by the reduction of pollutants in the air, water, soil, food and materials encountered by inhabitants of tribes and villages.

• *Real Property* means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

• *Construction* is the term, which specifies a project supported through a discretionary grant or a cooperative agreement, to support the initial building of a facility.

• *Core administration* is funding for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project. Under Competitive Area 2, ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place. However, functions and activities that are clearly project related are eligible for grant funding. For example, the management and administrative functions necessary to carry out an ANA approved project are not considered core administration and are, therefore, eligible costs. Additionally, ANA will fund the salaries of approved staff for time actually and reasonably spent to implement a funded ANA project.

B. Activities That Cannot Be Funded

The Administration for Native Americans does not fund:

• Projects that operate indefinitely or require ANA funding on a recurring basis.

• Projects in which a grantee would provide training and/or technical assistance (T/TA) to other tribes or Native American organizations which are otherwise eligible to apply to ANA (third party T/TA). However, the purchase of T/TA by a grantee for its own use or for its members' use (as in the case of a consortium), where T/TA is necessary to carry out project objectives, is acceptable. In addition, T/TA is an allowable activity for environmental regulatory enhancement projects submitted under Competitive Area 3.

• The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.

• ANA will not fund the purchase of real property.

• ANA will not fund construction.

• Objectives or activities for the support of core administration of an organization.

• Costs of fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable under a grant award. However, even though these costs are unallowable for purposes of computing charges to Federal awards, they must be treated as direct costs for purposes of determining indirect cost rates and be allocated their share of the organization's indirect costs if they represent activities which (1) include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs.

Projects or activities that generally will not meet the purposes of this announcement are discussed further in Part III, Section G, General Guidance to Applicants, below.

C. Multi-Year Projects

A multi-year project is a project on a single theme that requires more than 12 months to complete and affords the applicant an opportunity to develop and address more complex and in-depth strategies than can be completed in one year. Applicants are encouraged to develop multi-year projects. A multi-year project cannot be a series of unrelated objectives with activities presented in chronological order over a two or three year period.

Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for up to three years. Applications for continuation grants funded under these awards beyond the one-year budget period, but within a two-to-three year project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the Government. Therefore, this program announcement does not apply to current ANA grantees with multi-year projects that apply for continuation funding for their second or third year budget periods.

D. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372 or 45 CFR part 100.

E. The Application Process

1. Application Submission by Mail

One signed original, and two copies, of the grant application, including all

attachments, must be mailed on or before the specific closing date of each ANA competitive area to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant Promenade, SW., Mail Stop HHH 326–F, Washington, DC 20447–0002, Attention: Lois B. Hodge, ANA No. 93612–2002.

2. Application Submission by Courier

Hand delivered applications are accepted between the hours of 8 a.m. to 4:30 p.m., Monday through Friday, if they are either received on or before the deadline date or postmarked on or before the established closing date at: Administration for Children and Families, ACYF/Office of Grants Management, ACF Mail Room, Second Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024, Attention: Lois B. Hodge, ANA No. 93612–2002.

3. Application Consideration

The ANA Commissioner determines the final action to be taken on each grant application received under this program announcement.

All applicants should take the following points into consideration:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review.
- ANA will notify applicants in writing of any such determination.
- An incomplete application is one that is:
- Missing Form SF 424
- Does not have a signature on Form SF 424
- Does not include proof of non-profit status, if applicable
- The application (Form 424) must be signed by an individual authorized (1) to act for the applicant tribe or organization, and (2) to assume the applicant's obligations under the terms and conditions of the grant award, including Native American Program statutory and regulatory requirements.
- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation process (discussed in section G below). Independent review panels consisting of reviewers familiar with American Indian Tribes and Native American communities and organizations, and environmental issues, as appropriate, evaluate each application using the published criteria in each funding competitive area. As a result of the review, a normalized numerical score will be assigned to each application. A normalized score reflects the average score from the reviewers, adjusted to reflect the average score from the panels.
- The Commissioner's funding decision is based on the review panel's analysis of the application, recommendation and comments of ANA staff, State and Federal agencies having contract and grant performance related information, and other parties.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.
- Successful applicants are notified through an official Financial Assistance Award (FAA) document. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-ACF matching share requirement.
- Each tribe, Native American organization, or other eligible applicant may compete for a grant award in each of the three competitive areas. However, no applicant may receive more than one SEDS grant. The Administration for Native Americans will accept only one application per competitive area from any one applicant. Alaska Native entities may receive a grant under either competitive area 1 or 2, but not under both. Therefore, applications for SEDS grants from Alaska Native entities may be submitted under either Competitive Area 1 or Competitive Area 2, but not both at the same time.
- If an eligible applicant sends in two applications for the same competitive area, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

F. The Review Process

1. Initial Application Review

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine that:

- The applicant is eligible in accordance with the Eligible Applicants Section of this announcement; and
- The application is signed and submitted by the deadline explained in section G, Application Due Date, in each competitive area of this announcement.
- The application narrative, forms and materials submitted are adequate to allow the review panel to undertake an in depth evaluation and the project described is an allowable type. (All required materials and forms are listed in the Grant Application Checklist in the Application Kit).
- Applications subjected to the pre-review described above which fail to satisfy one or more of the listed requirements will be ineligible or otherwise excluded from competitive evaluation.

2. Competitive Review of Accepted Applications

Applications which pass the pre-review will be evaluated and rated by an independent review panel on the basis of the specific evaluation criteria listed in Part II. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success.

ANA staff cannot respond to requests for information regarding funding decisions prior to the official notification to the applicants.

After the Commissioner has made decisions on all applications, unsuccessful applicants are notified in writing within 30 days. The notification will be accompanied by a critique including recommendations for improving the application.

3. Appeal of Ineligibility

Applicants who are initially excluded from competitive evaluation because of ineligibility, may appeal an ANA decision of applicant ineligibility. Likewise, applicants may also appeal an ANA decision that an applicant's proposed activities are ineligible for funding consideration. The appeals process is stated in the final rule published in the **Federal Register** on August 19, 1996 (61 FR 42817).

G. General Guidance to Applicants

The following information is provided to assist applicants in developing a competitive application.

1. Program Guidance

- The Administration for Native Americans funds projects that demonstrate the strongest prospects for addressing the stated purposes of this program announcement.
- Projects will not be ranked on the basis of general financial need.
- In discussing the goals, strategy, and problems being addressed in the application, include sufficient background and/or history of the community concerning these issues and/or progress to date, as well as the size of the population to be served. This material will assist the reviewers in determining the appropriateness and potential benefits of the proposed project.

• In the discussion of community-based, long-range goals, non-Federally recognized and off-reservation groups are encouraged to include a description of what constitutes their specific community. Applicants must document the community's support for the proposed project and explain the role of the community in the planning process and implementation of the proposed project. For tribes, a current signed resolution from the governing body of the tribe supporting the project proposal stating that there has been community involvement in the planning of this project will suffice as evidence of community support/involvement. For all other eligible applicants, the type of community you serve will determine the type of documentation necessary. For example, a tribal organization may submit resolutions supporting the project proposal from each of its member's tribes, as well as a resolution from the applicant organization. Other examples of documentation include: community surveys; minutes of community meetings; questionnaires; tribal presentations; and/or discussion/position papers that make specific reference to the proposed project submitted for funding.

• Applications from National Indian and Native American organizations must demonstrate a need for the project, explain how the project was originated, state who the intended beneficiaries will be, and describe how the recipients will actually benefit from the project.

• An application should describe a clear relationship between the proposed project, the social and economic development strategy, or environmental or language goals, as appropriate, and the community's long-range goals or plan.

• The project application, including the Objective Work Plans, must clearly identify in measurable terms the expected results, benefits or outcomes of the proposed project, and the positive or continuing impact that the project will have on the community.

• Supporting documentation, including letters of support, if available, or other specific testimonies from concerned interests other than the applicant should be included to demonstrate support for the feasibility of the project and the commitment of other resources to the proposed project.

• In the ANA Project Narrative, Section A of the application package, ''Resources Available to the Proposed Project,'' the applicant should describe any specific financial circumstances which may impact on the project, such as any monetary or land settlements made to the applicant, and any restrictions on the use of those settlements. When the applicant appears to have other resources to support the proposed project and chooses not to use them, the applicant should explain why it is seeking ANA funds and not utilizing these resources for the project.

• Applicants proposing an Economic Development project should address the project's feasibility. A business plan describing the project's feasibility and approach for the implementation and marketing of the business is recommended. ANA has included sample business plans in the application kit. It is strongly recommended that an applicant use these materials as guides in developing a proposal for an economic development project or business that is part of the application.

• Applications, which were not funded under a previous closing date and revised for resubmission, should make reference to the changes, or reasons for not making changes, in their current application.

2. Technical Guidance

• It is strongly suggested that the applicant follow the Supplemental Guide included in the ANA application kit to develop an application. The Guide provides practical information and helpful suggestions, and is an aid to help applicants prepare ANA applications.

• Applicants are encouraged to have someone other than the author apply the evaluation criteria in the program announcement and score the application prior to its submission, in order to gain a better sense of the application's quality and potential competitiveness in the ANA review process.

• For purposes of developing an application, applicants should plan for a project start date approximately 120 days after the closing date under which the application is submitted.

• The Administration for Native Americans will not fund essentially identical projects serving the same constituency.

• If other Federal funding sources could support a project, the applicant should fully explain its reasons for not pursuing other Federal funds for the project.

• For purposes of this announcement, ANA is using the Bureau of Indian Affairs' list of Federally recognized Indian tribes which includes nonprofit Alaska Native community entities or tribal governing bodies (IRA or traditional councils). Other Federally recognized Indian tribes, which are not included on this list (e.g., those Tribes that have been recently recognized or restored by the United States Congress), are also eligible to apply for ANA funds.

• The Objective Work Plan proposed should be of sufficient detail to become monthly staffs guide for project responsibilities if the applicant is funded.

• If a profit-making venture is being proposed, profits must be reinvested in the business in order to decrease or eliminate ANA's future participation. Such revenue must be reported as general program income. A decision will be made at the time of grant award regarding appropriate use of program income. (See 45 CFR part 74 and part 92.)

• Applicants proposing multi-year projects must fully describe each year's project objectives and activities. Separate Objective Work Plans (OWPs) must be presented for each project year and a separate itemized budget of the Federal and non-Federal costs of the project for each budget period must be included.

• Applicants for multi-year projects must justify the entire time-frame of the project (i.e., why the project needs funding for more than one year) and clearly describe the results to be achieved for each objective by the end of each budget period of the total project period.

• The Administration for Native Americans will critically evaluate applications in which the acquisition of equipment is a major component of the Federal share of the budget. ''Equipment is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. During negotiation, ANA may delete such expenditures from the budget of an otherwise approved application, if not fully justified by the applicant and deemed not appropriate to the needs of the project.

• Applicants are encouraged to request a legibly dated receipt from a commercial carrier or U.S. Postal Service as proof of timely mailing.

3. Grant Administrative Guidance

• The application's Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.

• The Administration for Native Americans recommends that the pages of the application be numbered sequentially and that a table of contents is provided. Simple tabbing of the sections of the application is also helpful.

• An application with an original signature and two additional copies are required.

• The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.

• The applicant should specify the entire project period length on the first page of the Form 424, Block 13, not the length of the first budget period. Should the application propose one length of project period and the Form 424 specify a conflicting length of project period, ANA will consider the project period specified on the Form 424 as the request. ANA may negotiate a reduction of the project period. The approved project period is shown on block 9 of a Financial Assistance Award.

• Line 15a of the Form 424 must specify the Federal funds requested for the first Budget Period, not the entire project period.

• Applicants may propose a 17-month budget and project period. However, the budget period for the first year of a multi-year project may only be 12 months.

4. Projects or Activities That Generally Will Not Meet the Purposes of This Announcement

• Projects that request funds for feasibility studies, business plans, marketing plans or written materials, such as manuals, that are not an essential part of the applicant's long-range development plan. As an objective of a larger project, business plans are allowable. However, ANA is not interested in funding ''wish lists'' of business possibilities. ANA expects written evidence of the solid investment of time and consideration on the part of the applicant with regard to the development of business plans. Business plans should be developed based on market analysis and feasibility studies regarding the potential success to the business prior to the submission of the application.

• Core administration functions, or other activities, which essentially support only the applicant's on-going administrative functions. However, under Competitive Area 2, ANA will consider funding core administrative capacity building projects at the village government level if the village does not have governing systems in place.

• Project goals, which are not responsive to one or more of the funding competitive areas.

• Proposals from consortia of tribes that are not specific with regard to support from, and roles of, member tribes. ANA expects an application from a consortium to have goals and objectives that will create positive impacts and outcomes in the communities of its members.

• Proposals from consortia of tribes should have individual objectives, which are related to the larger goal of the proposed project. Project objectives may be tailored to each consortia member, but within the context of a common goal for the consortia. In situations where both a consortia of tribes and the tribes who belong to the consortia receive ANA funding, ANA expects that consortia groups will not seek funding that duplicates activities being conducted by their member tribes.

• Projects that will not be completed, self-sustaining, or supported by other than ANA funds, at the end of the project period.

All projects funded by ANA must be completed, or self-sustaining or supported with other than ANA funds at the end of the project period. Completed means that the project ANA funded is finished, and the desired result(s) have been attained. Self-sustaining means that a project will continue without outside resources. Supported by other than ANA funds means that the project will continue beyond the ANA project period, but will be supported by funds other than ANA's.

• Once a tribe has been denied federal recognition through the BIA Federal Acknowledgment Process, ANA will not fund objectives relating to the attainment of federal recognition, unless the objectives deal specifically and exclusively with the formal appeal of a denial.

• ANA will not fund investment capital for purchase or takeover of an existing business, for purchase or acquisition of a franchise, or for purchase of stock or other similar investment instruments.

• Renovation or alteration unless it is essential for the project. Renovation or alteration costs may not exceed the lesser of $150,000 or 25 percent of the total direct costs approved for the entire budget period. The work required to change the interior arrangements or other physical characteristics of an existing facility or installed equipment so that it may be more effectively used for the project. Alteration and renovation may include work referred to as improvements, conversion, rehabilitation, remodeling, or modernization, but is distinguished from construction and large scale permanent improvements.

• Projects originated and designed by consultants whom provide a major role for themselves in the proposed project and are not members of the applicant organization, tribe or village.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Pub. L. 104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record keeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements beyond those approved for ANA grant applications under the Program Narrative Statement by OMB.

I. Receipt of Applications

Applications must either be hand delivered or mailed to the address in Section E, The Application Process. The Administration for Native Americans cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ANA electronically will not be accepted regardless of date or time of submission and time of receipt. Videotapes and cassette tapes may not be included as part of a grant application for panel review.

Applications and related materials postmarked after the closing date will be classified as late.

1. Deadlines

• Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant, SW., Mail Stop HHH 326–F, Washington, DC 20447–0002 Attention: Lois B. Hodge ANA No. 93612–2002.

• Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications hand carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date or postmarked on or before the deadline date, Monday through Friday (excluding Federal holidays), between the hours of 8 am and 4:30 p.m. at: U.S. Department of Health and Human Service, ACF in

time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, 370 L'Enfant, SW., Mail Stop HHH 326–F, Washington, DC 20447–0002 Attention: Lois B. Hodge ANA No. 93612–2002.

• Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications hand carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date or postmarked on or before the deadline date, Monday through Friday (excluding Federal holidays), between the hours of 8 am and 4:30 p.m. at: U.S. Department of Health and Human Services, Administration for Children and Families, ACYF/Office of Grants Management, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

• ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

• No additional material will be accepted, or added to an application, unless it is postmarked by the deadline date.

2. Late Applications

Applications, which do not meet the criteria above, are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

3. Extension of Deadlines

The Administration for Children and Families may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is a widespread disruption of the mails. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

(Catalog of Federal Domestic Assistance Program Numbers: 93.612 Native American Programs; and 93.581 Improving the Capability of Indian Tribal Governments to Regulate Environmental Quality)

Dated: June 20, 2001.

Larry Guerrero,

Acting Commissioner, Administration for Native Americans.

[FR Doc. 01–16146 Filed 6–26–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–148]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection*: Limitation on Provider-Related Donations and Health Care-Related Taxes; Limitations on Payments to Disproportionate Share Hospitals; Medicaid and Supporting Regulations in 42 CFR 433.68, 433.74, 447.74 and 447.272; *Form No.:* HCFA–R–148 (OMB# 0938–0618); *Use:* These information collection requirements specify limitations on the amount of Federal financial participation available for medical assistance expenditures in a fiscal year. States receive donated funds from providers and revenues are generated by health care related taxes. These donations and revenues are used to fund medical assistance programs.; *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 50; *Total Annual Responses:* 40; Total Annual Hours: 2,880.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Attn.: HCFA–R–148, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 18, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services,Information Technology Investment Management Group,Division of HCFA Enterprise Standards.

[FR Doc. 01–16139 Filed 6–26–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–102/105]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* CLIA Budget Workload Reports and Supporting Regulations in 42 CFR 493.1–.2001; *Form No.:* HCFA–102/105 (OMB#0938–0599); *Use:* This information will be used by HCFA to determine the amount of Federal reimbursement for compliance surveys. In addition, the HCFA 102/105 is used for program evaluation, budget formulation and budget approval.; *Frequency:* Quarterly and Annually; *Affected Public:* State, local or tribal government; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 4,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address:HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards,Attention: Julie Brown, HCFA–102/105,Room N2–14–26,7500 Security BoulevardBaltimore, Maryland 21244–1850.

Dated: June 18, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services,Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–16140 Filed 6–26–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–10035]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Collection of Data on Quality Indicators for Congestive Heart Failure Submitted by Medicare+Choice Organizations Requesting Extra Payments in CY2002 and CY2003 and Supporting Regulations in 42 CFR, 422.152(b)(2);

Form No.: HCFA–10035 (OMB# 0938–NEW);

Use: HCFA requires Congestive Heart Failure (CHF) quality indicator performance data from qualifying Medicare+Choice organizations opting to receive extra payments for CY2002 and CY2003. This collection will collect the necessary data to assess the need for extra payments.;

Frequency: Annually;

Affected Public: Business or other for-profit, and Not-for-profit institutions;

Number of Respondents: 125;

Total Annual Responses: 125;

Total Annual Hours: 11.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 5, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–16138 Filed 6–26–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3072–PN]

Medicare Program; Application by the American Diabetes Association (ADA) for Recognition as a National Accreditation Program for Accrediting Entities to Furnish Outpatient Diabetes Self-Management Training

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: In this proposed notice, we announce the receipt of an application from the American Diabetes Association (ADA) for recognition as a national accreditation program for accrediting entities that wish to furnish outpatient diabetes self-management training to Medicare beneficiaries. Section 1865(b)(3) of the Social Security Act requires that the Secretary publish a notice identifying the national accreditation body making the request, describing the nature of the request, and providing at least a 30-day public comment period.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on July 27, 2001.

ADDRESSES: In commenting, please refer to file code HCFA–3072–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. Mail written comments (one original and three copies) to the following address ONLY: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–3072–PN, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and three copies) to one of the following addresses: Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Comments mailed to the above addresses may be delayed and received too later for us to consider them.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Joan A. Brooks, (410) 786–5526.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Health Care Financing Administration, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786–7195 or (410) 786–5241.

I. Background

Under the Medicare program, eligible beneficiaries may receive outpatient diabetes self-management training when ordered by the physician (or qualified nonphysician practitioner) treating the beneficiary's diabetes, provided certain requirements are met. We sometimes use national accrediting organizations to determine whether an entity meets some or all of the requirements that are necessary to provide a service for which Medicare payment can be made. Accreditation is authorized by section 1865 of the Social Security Act (the Act) and our regulations in 42 CFR part 410, subpart H.

Under section 1865(b)(1) of the Act, a national accreditation organization must have an agreement in effect with the Secretary and meet the standards and requirements specified by the Secretary in part 410, subpart H. The regulations pertaining to application procedures for national accreditation organizations for diabetes self-management training services are at § 410.142 (HCFA process for approving national accreditation organizations). A national accreditation organization applying for deeming authority must provide us with reasonable assurance that the accrediting organization requires accredited entities to meet requirements that are at least as stringent as HCFA's. We may approve and recognize a nonprofit or not-for-profit organization with demonstrated experience in representing the interests of individuals with diabetes to accredit entities to furnish training. The accreditation organization, after being approved and recognized by HCFA, may accredit an entity to meet one of the sets of quality standards in § 410.144 (Quality standards for deemed entities).

Section 1865(b)(1) of the Act, provides that if the Secretary finds that accreditation of an entity by a national accreditation body demonstrates that all of the applicable conditions and requirements are met or exceeded, the Secretary shall deem those entities as meeting the applicable Medicare requirements. Section 1865(b)(2) of the Act further requires that the Secretary's findings consider the applying accreditation organization's requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and its ability to supply information for use in enforcement activities, its monitoring procedures for entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation. The Secretary then examines the national accreditation organization's accreditation requirements to determine if they meet or exceed the Medicare conditions as we would have applied them. Section 1865(b)(3)(A) of the Act requires that the Secretary publish within 60 days of receipt of a completed application, a notice identifying the national accreditation body making the request, describing the nature of the request, and providing at least a 30-day public comment period. In addition, the Secretary has 210 days from receipt of the request to publish a finding of approval or denial of the application. If the Secretary recognizes an accreditation organization in this manner, any entity accredited by the national accreditation body's HCFA-approved program for that service will be ''deemed'' to meet the Medicare conditions of coverage.

II. Purpose

The purpose of this notice is to notify the public of the American Diabetes Association's (ADA's) request for the Secretary's approval of its accreditation program for outpatient diabetes self-management training services. This notice also solicits public comments on the ability of the ADA to develop and apply its standards to entities furnishing outpatient diabetes self-management training services that meet or exceed the Medicare conditions for coverage.

III. Outpatient Diabetes Self-Management Training Services

Conditions for Coverage and Requirements

The regulations specifying the Medicare conditions for coverage for outpatient diabetes self-management training services are located in 42 CFR part 410, subpart H. These conditions implement section 1861(qq) of the Act, which provides for Medicare Part B coverage of outpatient diabetes self-management training services specified by the Secretary.

Under section 1865(b)(2) of the Act and our regulations at §§ 410.142 (HCFA process for approving national accreditation organizations) and 410.143 (Requirements for approved accreditation organizations), we review and evaluate a national accreditation organization based on (but not necessarily limited to) the criteria set forth in § 410.142(b).

We may visit the prospective organization's offices to verify information in the organization's application, including, but not limited to, review of documents, and interviews with the organization's staff. We may conduct onsite inspection of a national accreditation organization's operations and office to verify information and assess the organization's compliance with its own policies and procedures. The onsite inspection may include, but is not limited to, reviewing documents, auditing documentation of meetings concerning the accreditation process, evaluating accreditation results or the accreditation status decisionmaking process, and interviewing the organization's staff.

IV. Notice Upon Completion of Evaluation

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a notice in the **Federal Register** announcing the result of our evaluation.

V. Responses to Public Comments

Because of the large number of comments we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this notice and will respond to them in a forthcoming rulemaking document.

In accordance with the provisions of Executive Order 12866, the Office of Management and Budget did not review this notice.

Authority: Section 1865 of the Social Security Act (42 U.S.C. 1395bb).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare-Hospital Insurance Program; and No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: June 17, 2001.

Thomas A. Scully, Administrator,

Health Care Financing Administration.

[FR Doc. 01–16025 Filed 6–26–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of a Cooperative Agreement to Develop and Manage a Program for Faculty Leadership in Interdisciplinary Education to Promote Patient Safety (FLIEPPS)

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for a Cooperative Agreement for fiscal year (FY) 2001 to Develop and Manage a Program for Faculty Leadership in Interdisciplinary Education to Promote Patient Safety (FLIEPPS).

The purpose of this Cooperative Agreement is to develop a ''train the trainers'' program to create nurse and physician faculty leaders in interdisciplinary education specifically directed toward enhancing patient safety. Graduates of the program could then lead in the training of other faculty in curricula and techniques in interdisciplinary education to promote patient safety. The ultimate goal of this program is to bridge the separate cultures of practice in medicine and nursing by expanding numbers of professionals who are trained to work together in teams to improve systems for safe patient care and to prevent errors.

Authorizing Legislation

This Cooperative Agreement is solicited under the following authorities of titles VII and VIII of the Public Health Service (PHS) Act: (1) Section 747, as amended, which authorizes grants for training of physicians who plan to teach in training programs for primary care medicine (family medicine, general internal medicine, general pediatrics, and/or geriatrics); and (2) section 811, as amended, which authorizes grants to strengthen programs that enhance advanced nurse education and practice.

The Federal role in the conduct of this Cooperative Agreement is substantial and will be maintained by the Bureau of Health Professions (BHPr) staff through technical assistance and guidance to the awardee considerably beyond the normal stewardship responsibilities in the administration of grant awards. This Federal role may include any or all of the following:

(a) Technical assistance and participation in the planning, development, and implementation of all phases of the program, including consultation about contracts and agreements developed during the implementation of the program, all curricula developed for the program, content and staffing of training workshops, and the development of an evaluation plan for the project which would be initiated at its inception;

(b) Assistance with identification of Federal and other organizations with whom collaboration is essential in order to further the Cooperative Agreement mission and to develop specific strategies to support the work of these related activities;

(c) Participation in the development of funding projections;

(d) Participation in the development of data collection systems and procedures;

(e) Participation in appropriate meetings, committees, subcommittees, and working groups related to the Cooperative Agreement and its projects as well as site visits.

The successful applicants will be included in the overall program activities of the Department of Health and Human Services (HHS) in patient safety and will participate in the programs and support services that will be offered by the Patient Safety Research Coordinating Center supported under a contract from the Agency for Healthcare Research and Quality (AHRQ). The Cooperative Agreements are part of an overall HHS funding effort to improve patient safety research, demonstration and education through a series of RFAs and Cooperative Agreements (related RFAs are listed at *www.ahrq.gov,* particularly the AHRQ Patient Safety Research Dissemination and Education RFA that was published on April 23, 2001).

Availability of Funds

Up to $400,000 will be available in FY 2001 to fund one award for the first year. Funding may be continued to complete a 3-year total project period. It is expected that the award will be made on or before September 30, 2001. Support beyond the first year of the project period will be based on the achievement of satisfactory progress and the availability of funds.

Background

In September 2000, shortly after the Institute of Medicine (IOM) published its widely discussed report: ''To Err is Human: Building a Safer Health System'' (Kohn, Corrigan and Donaldson, National Academy Press, Washington, DC, 2000), the Council on Graduate Medical Education (COGME) and the National Advisory Council on Nurse Education and Practice (NACNEP) jointly focused on nurse-physician collaboration in a report entitled, ''Collaborative Education Models to Ensure Patient Safety.'' COGME–NACNEP joint recommendations stressed the need for changing the norms of professional education and practice so that physicians and nurses would function as part of collaborative teams to improve patient safety and the overall quality of care. COGME and NACNEP are charged with advising and reporting to the Secretary of HHS and the Congress on workforce, education, and practice improvement policies.

These joint Advisory Council recommendations highlighted the critical importance of developing educational leaders in interdisciplinary education to promote patient safety to effect positive changes toward developing systems of care that stress professional collaboration and teamwork.

This Cooperative Agreement requests the planning, development, and implementation of interdisciplinary educational and training programs for the education of physicians and nurses directed toward improving patient safety. This will involve the development of formal curricula in interdisciplinary leadership and training in interdisciplinary teamwork focused on building safer systems of patient care. Curricula must include both didactic and experiential learning (in both simulations and practice settings) with each team being supported by a mentor. In particular, safety issues must target those areas of care which require physician-nurse communication, especially recognition and elimination of situations which create discontinuities in communication and apparent responsibilities that may increase the likelihood of errors. Curricula must contain elements that emphasize cultural competency, to broaden physicians' and nurses' understanding of how differences in race, ethnicity, language, gender, and sexual orientation may affect communication between physicians, nurses, and patients, interpretations of patients' histories and responses to recommendations and, thereby, affect patient safety.

Educational efforts will be directed at teams of faculty sponsored by health care organizations (universities, teaching hospitals, ambulatory centers or consortia involved in training). Each team to be trained must include at least

several allopathic or osteopathic physicians and nurses, but must include at least one allopathic or osteopathic physician and one nurse. Inclusion of trained medical educators must be encouraged.

Programs may be directed toward developing faculty leaders for undergraduate, graduate, and/or continuing professional education for those who provide clinical care. Faculty leadership development programs must address: (1) The development of curricular design for collaborative education of physicians and nurses, and improvement in leadership and interdisciplinary teaching skills; (2) the development of interdisciplinary collaborative curricula designed to promote patient safety. The emphasis must be on improving communications and teamwork, and identifying and reducing discontinuities in patient care routines and systems, which will eliminate common sources of errors. At the completion of the specified educational and training program, the trainees must be certified by the awardee through a mechanism determined during the initial planning phase as competent faculty to develop and lead collaborative programs in interdisciplinary education to enhance patient safety in their own organizations. The awardee will be expected to perform a comprehensive outcome evaluation of all efforts delivered through this Cooperative Agreement. Evaluations of the individual projects supported by this Cooperative Agreement must be reported along with the evaluation of the overall faculty leadership development program as proposed and implemented through the overall plan.

Applicants must show experience in professional faculty development, physician-nurse collaborative interdisciplinary education, and/or addressing practical patient safety issues, or be able to demonstrate their expertise in these areas.

Eligible Applicants

Eligible applicants are accredited schools of nursing, schools of medicine and osteopathic medicine, academic health centers, public and nonprofit private hospitals, and other public or private nonprofit entities which provide educational programs for undergraduate, graduate, or graduate medical and nursing education.

Applicants should have a demonstrable track record in (1) The design and implementation of training or educational programs for physicians and nurses; (2) inter-disciplinary education and/or training for physicians and nurses; and (3) experience and/or expertise in education to improve patient safety.

Funding Preference

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of applications. The following preferences are available under this Cooperative Agreement:

As provided in section 791(a) of the PHS Act, preference will be given to any qualified applicant that: (a) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities, or (b) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings; or (c) qualifies for the funding preference by meeting the criteria for a new program.

Definition of High Rate: At least 20 percent of graduates from academic years 1998, 1999, and 2000 devote at least 50 percent of their time working in clinical practice in medically underserved community (MCH) settings.

Definition of Significant Increase: During the past two years (1999 and 2000), the rate of placing graduates in MUC settings has increased at least 50 percent (with a minimum of 2 graduates) and at least 15 percent from the last year are working in MUC settings.

Established clinical sites identified under the ''medically underserved community'' definition are used as proxies for rural and underserved populations.

The term ''medically underserved community (MUC)'' means an urban or rural area or population that:

(a) Is eligible for designation under section 332 as a Health Professional Shortage Area (HPSA);

(b) Is eligible to be served by a Migrant Health Center under section 330 of the PHS Act, a Community Health Center under section 330 of the Act, a grantee under section 330 of the Act (relating to homeless individuals), or a grantee under section 330 of the Act (relating to residents of public housing);

(c) Is eligible for certification under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics); or

(d) Is designated by a State Governor (in consultation with the medical community) as a shortage area or MUC. (Section 799B(6) of the PHS Act.)

In reference to section 332 (HPSA) listed above, the following instructions apply:

(a) To determine if any applicant fits the standards for eligibility when they are not so designated, the applicant must demonstrate that an application has been submitted for such designation and include proof of acceptance of that application from the designating authority.

(b) The MUC preference will not be applied without proof of approval of that application.

For new programs (those having graduated three or fewer classes), applicant proposals will be evaluated by the criteria in the Act used to define a ''new program'' and a preference will be given to those new programs that meet at least four of the following seven criteria:

(1) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

(2) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

(3) Substantial clinical training experience is required under the program in MUCs.

(4) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in MUCs.

(5) The entire program, or a substantial portion of the program, is physically located in a MUC.

(6) Student assistance, which is linked to service in MUC's following graduation, is available to the students in the program.

(7) The program provides a placement mechanism for deploying graduates to MUCs.

As provided in section 805 of the PHS Act, a funding preference will be applied to approved applications that will substantially benefit rural OR underserved populations, OR help meet public health nursing needs in State or local health departments.

These statutory general preferences will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration

A special consideration is the enhancement of priority scores by individual merit reviewers of approved applications which address special areas of concern.

Section 747(c)(3) provides for a special consideration to be given to projects that prepare practitioners to care for underserved populations and other high risk groups such as the

elderly, individuals with HIV/AIDS, substance abusers, homeless, and victims of domestic violence.

Section 811(f)(3) provides for a special consideration to eligible entities that agree to expend the award to train advanced education nurses who will practice in HPSAs designated under section 332.

Review Criteria

The specific review criteria used to review and rank applications are included in the application guidance that will be provided to each potential applicant. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which applications will be judged by the reviewers.

The following generic review criteria are also applicable to this Cooperative Agreement:

(a) That the estimated cost to the Government of the project is reasonable considering the level and complexity of activity and the anticipated results.

(b) That project personnel are well qualified by training and/or experience for the support sought, and the applicant organization or the organization to provide training has adequate facilities and manpower.

(c) That insofar as practical, the proposed activities, if well executed, are capable of attaining project objectives.

(d) That the project objectives are capable of achieving the specific program objectives defined in the program announcement and the proposed results are measurable.

(e) That the method for evaluating proposed results includes criteria for determining the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program.

(f) That, insofar as practical, the proposed activities, when accomplished, are replicable, national in scope, and include plans for broad dissemination.

Letters of Intent and Deadline Date

Applicants are encouraged to submit a letter of intent to apply for this request for applications for a Cooperative Agreement. The letter is requested to assist staff in planning for the review based on anticipated number of applications. The letter of intent is due by July 11, 2001. Simultaneously mail or e-mail one copy of the letter to each of the following representatives from the Division of Medicine and Dentistry and the Division of Nursing within the Bureau:

Dr. Richard D. Diamond, Medical Officer, Policy and Special Projects Branch, Division of Medicine and Dentistry, Bureau of Health Professions, HRSA, Room 9A–27, ParklawnBuilding, 5600 Fishers Lane, Rockville, MD 20867; or e-mail address at *rdiamond@hrsa.gov.* Dr. Diamond's telephone number is (301) 443–1082.

Dr. Madeleine Hess, Deputy Chief, Nursing Special Initiatives and Program Systems Branch,Division of Nursing, Bureau of Health Professions, HRSA, Room 9–35, ParklawnBuilding, 5600 Fishers Lane, Rockville, MD 20867; or e-mail address at *mhess@hrsa.gov.* Dr. Hess' telephone number is (301) 443–6336.

Application Requests, Dates and Address

Federal Register notices and the application form and guidance for this Cooperative Agreement are available on the HRSA web site address at *http://bhpr.hrsa.gov/grants2001/.* Applicants may also request a hard copy of these materials from the HRSA Grants ApplicationCenter (GAC) at 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209; telephone number 1–877–477–2123. The GAC e-mail address is: *hrsagac@hrsa.gov.*

In order to be considered for competition, applications for this Cooperative Agreement must be received by mail or delivered to the GAC no later than July 27, 2001.

Completed applications must be submitted to the GAC at the above address. Applications received after the deadline date or sent to any address other than the Arlington, Virginia address above will be returned to the applicant and not reviewed.

National Health Objectives for the Year 2010

The PHS urges applicants to submit their work plans that address specific objectives of Healthy People 2010, which potential applicants may obtain through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone: (202) 783–3238). Particular attention should focus on Healthy People 2010 Workforce Objectives, such as Objectives 1–8 (achieving minority representation in the health professions) and 23–8 (incorporating specific competencies into the public health workforce).

Smoke-Free Workplace

The PHS strongly encourages all grant recipients to provide a smoke-free workplace; to promote the non-use of all tobacco products; and to promote Pub. L. 103–227, the Pro-Children Act of 1994, which prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Additional Information

Questions concerning programmatic aspects of the Cooperative Agreement may be directed to the same representatives of the Division of Medicine and Dentistry and the Division of Nursing listed above in the Letters of Intent section of this notice.

Paperwork Reduction Act

The standard application form HRSA–6025–1, the HRSA Competing Training Grant Application, has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0060. If the methods for developing the proposed comprehensive outcome evaluation of all efforts delivered through thisCooperative Agreement (as described in the Background section of this notice) falls under the purview of the Paperwork Reduction Act, awardees will assist HRSA in seeking OMB clearance for proposed data collection activities.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is also not subject to the Public Health Systems Reporting Requirements.

Dated: June 19, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–16023 Filed 6–26–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Cooperative Agreements to Develop, Implement and Evaluate Safe Practices at the Patient Care Delivery Level Through Collaborative, Interdisciplinary Education To Prepare Physicians and Advanced Practice Nurses

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for Cooperative Agreements for fiscal year (FY) 2001 to Develop, Implement and Evaluate Safe Practices at the Patient

Care Delivery Level through Collaborative, Interdisciplinary Education to Prepare Physicians and Advanced Practice Nurses.

The purpose of these Cooperative Agreements is to improve patient safety in hospitals and in communities through collaborative, interdisciplinary activities focusing on the planning, development, and implementation of patient safety curricula/activities, including simulations and informatics. These Cooperative Agreements build on the recommendations of the Institute of Medicine (IOM), the reports by the Quality Interagency Coordinating Task Force (QuiC), and a report by the National Advisory Council on Nurse Education and Practice (NACNEP) and the Council on Graduate Medical Education (COGME). The Councils are charged with advising and reporting to the Secretary of Health and Human Services (HHS) and the Congress on workforce, education, and practice improvement policies.

The purpose of these Cooperative Agreements is to support the development of educational activities that will focus on interdisciplinary education of physicians and advanced practice nurses to promote patient safety and prevent errors in health care delivery.

Authorizing Legislation

These Cooperative Agreements are solicited under the following authorities of titles VII and VIII of the Public Health Service (PHS) Act: (1) Section 747 as amended, which authorizes grants for training of physicians who plan to teach in training programs for primary care medicine (family medicine, general internal medicine, general pediatrics, and/or geriatrics); and (2) section 811, as amended, which authorizes grants to strengthen programs that enhance advanced nurse education and practice.

The Federal role in the conduct of these Cooperative Agreements is substantial and will be maintained by the Bureau of Health Professions (BHPr) staff through technical assistance and guidance to the awardees considerably beyond the normal stewardship responsibilities in the administration of grant awards. Such aspects regarding these Cooperative Agreements include:

(a) Consultation regarding contracts and agreements developed during the implementation of the program;

(b) Participation in the development of an evaluation plan for the project at its inception and to all phases of the program.

(c) Assistance in the identification of Federal and other organizations with whom collaboration is essential in order to further each Cooperative Agreement's mission and to develop specific strategies to support the work of these related activities; and

(d) Authorization of the awardees to progress from the development of the project curriculum/activity to the implementation phase.

The BHPr's Division of Medicine and Dentistry and the Division of Nursing will manage each Cooperative Agreement through a two-member team with one representative from each division.

The successful applicants will be included in the overall program activities of the Department of Health and Human Services (HHS) in patient safety and will participate in the programs and support services that will be offered by the Patient Safety Research Coordinating Center supported under a contract from the Agency for Healthcare Research and Quality (AHRQ). The Cooperative Agreements are part of an overall HHS funding effort to improve patient safety research, demonstration and education through a series of RFAs and Cooperative Agreements (related RFAs are listed at *www.ahrq.gov,* particularly the AHRQ Patient Safety Research Dissemination and Education RFA that was published on April 23, 2001).

Availability of Funds

Up to $400,000 will be available in FY 2001 to fund 3 or 4 awards. It is expected that the awards will be made on or before September 30, 2001. Funding will be made available for 12 months with a 3-year project period. Support beyond the first year of the project period will be based on the achievement of satisfactory progress and the availability of funds.

Background

In September 2000, shortly after IOM published its widely discussed report: ''To Err is Human: Building a Safer Health System'' (Kohn, Corrigan and Donaldson, National Academy Press, Washington, DC, 2000), COGME and NACNEP jointly focused on nurse-physician collaboration in a report entitled, ''Collaborative Education Models to Ensure Patient Safety.''COGME–NACNEP joint recommendations stressed the need for interdisciplinary education methods to improve patient safety and the need for reforms in the education of physicians and nurses and in the delivery of health care.

Applications for these Cooperative Agreements should address the following elements:Interdisciplinary collaboration to improve patient safety should be characterized by:

(1) Teaching of problem-based content to prepare physicians and advanced practice nurses in clinical settings, linking usual performance evaluation and content evaluation to collaboration between medicine and nursing and improved patient safety;

(2) Improving systems to enhance patient safety educational activities, including interdisciplinary training simulations using teamwork, conflict resolution, or practical informatics (application of computerized systems) to promote patient safety;

(3) Developing specialty initiatives in doctoral programs to prepare teachers of medicine and nursing to work collaboratively using interdisciplinary educational methods; and

(4) Establishing programs or activities to identify and eliminate barriers that prevent faculty from participating in interdisciplinary practice and educational programs.

These Cooperative Agreements will support the planning, development, and implementation of interdisciplinary training projects to improve patient safety through collaborative activities specifically directed toward enhancing patient safety. Recipients of this training, working in interdisciplinary teams, could become models of best practices for patient safety at the patient care delivery level throughout the awardee's region. The ultimate goal of this program is to bridge the separate practice cultures of medicine and nursing by expanding the numbers of professionals in both disciplines who are trained to work together in teams to improve patient care systems and prevent errors while delivering patient care in hospitals and/or in communities.

Eligible Applicants

Eligible applicants are accredited schools of medicine and osteopathic medicine and schools of nursing, academic health centers, public and nonprofit private hospitals, and other public or private nonprofit entities which provide educational programs for undergraduate, graduate, or graduate medical and nursing education.

Applicants should have a demonstrable track record in: (1) The design and implementation of training or educational programs for physicians and advanced practice nurses;(2) experience in identifying and reducing patient error and/or enhancing patient safety at the care delivery level; and (3) the capacity to provide regional collaborative, interdisciplinary training.

Funding Preference

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of applications. The following preferences are available under these Cooperative Agreements:

As provided in section 791(a) of the PHS Act, preference will be given to any qualified applicant that: (a) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities or (b) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

Definition of High Rate: At least 20 percent of graduates from academic years 1998, 1999, and 2000 devote at least 50 percent of their time working in clinical practice in medically underserved community (MUC) settings.

Definition of Significant Increase: During the past two years (1999 and 2000), the rate of placing graduates in MUC settings has increased at least 50 percent (with a minimum of 2 graduates) and at least 15 percent from the last year are working in MUC settings.

Established clinical sites identified under the ''medically underserved community'' definition are used as proxies for rural and underserved populations.

The term ''medically underserved community (MUC)'' means an urban or rural area or population that:

(a) Is eligible for designation under section 332 as a Health Professional Shortage Area (HPSA);

(b) Is eligible to be served by a Migrant Health Center under section 330 of the PHS Act, a Community Health Center under section 330 of the Act, a grantee under section 330 of the Act (relating to homeless individuals), or a grantee under section 330 of the Act (relating to residents of public housing);

(c) Is eligible for certification under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics); or

(d) Is designated by a State Governor (in consultation with the medical community) as a shortage area of MUC. (Section 799B)(6) of the PHS Act.)

In reference to section 332 (HPSA) listed above, the following instructions apply:

(a) To determine if any applicant fits the standards for eligibility when they are not so designated, the applicant must demonstrate that an application has been submitted for such designation and include proof of acceptance of that application from the designating authority.

(b) The MUC preference will not be applied without proof of approval of that application.

For new programs (those having graduated three or fewer classes), applicant proposals will be evaluated by the criteria in the Act used to define a ''new program'' and a preference will be given to those new programs that meet at least four of the following seven criteria:

(1) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professions to serve underserved populations.

(2) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

(3) Substantial clinical training experience is required under the program in MUCs.

(4) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in MUCs.

(5) The entire program, or a substantial portion of the program, is physically located in an MUC.

(6) Student assistance, which is linked to service in MUCs following graduation, is available to the students in the program.

(7) The program provides a placement mechanism for deploying graduates to MUCs.

As provided in section 805 of the PHS Act, a funding preference will be applied to approved applications that will substantially benefit rural or underserved populations, OR help meet public health nursing needs in State or local health departments.

These statutory general preferences will only be applied to applications that rank above the 20th percentile of applications recommended for approval by the peer review group.

Special Consideration

A special consideration is the enhancement of priority scores by individual merit reviewers of approved applications which address special areas of concern.

Section 747(c)(3) provides for a special consideration to be given to projects that prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, homeless, and victims of domestic violence.

Section 811(f)(3) provides for a special consideration to eligible entities that agree to expend the award to train advanced education nurses who will practice in HPSAs designated under section 332.

Review Criteria

The specific review criteria used to review and rank applications are included in the application guidance that will be provided to each potential applicant. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which applications will be judged by the reviewers.

The following generic review criteria are also applicable to these Cooperative Agreements:

(a) That the estimated cost to the Government of the project is reasonable considering the level and complexity of activity and the anticipated results.

(b) That project personnel are well qualified by training and/or experience for the support sought, and the applicant organization or the organization to provide training has adequate facilities and manpower.

(c) That insofar as practical, the proposed activities, if well executed, are capable of attaining project objectives.

(d) That the project objectives are capable of achieving the specific program objectives defined in the program announcement and the proposed results are measurable.

(e) That the method for evaluating proposed results includes criteria for determining the extent to which the program has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the program.

(f) That, insofar as practical, the proposed activities, when accomplished, are replicable, national in scope and include plans for broad dissemination.

Letters of Intent and Deadline Date

Applicants are encouraged to submit letters of intent to apply for this request for applications for these Cooperative Agreements. The letter is requested to assist staff in planning for the review based on the anticipated number of applications. The letter of intent is due by July 11, 2001. Simultaneously mail or e-mail one copy of the letter to each of the following representatives from the Division of Medicine and Dentistry (DMD) and the Division of Nursing (DN) within the Bureau of Health Professions (BHPr):

Dr. Richard Diamond, Medical Officer, Policy and Special Projects Branch, Division of Medicine and Dentistry, Bureau of Health Professions, HRSA, Room 9A–27, Parklawn Building,

5600 Fishers Lane, Rockville, MD 20857; or e-mail at *rdiamond@hrsa.gov.* Dr. Diamond's telephone number is 301–443–1082.

Dr. Madeleine Hess, Deputy Branch Chief, Nursing Special Initiatives and Program Systems Branch, Division of Nursing, Bureau of Health Professions, HRSA, Room 9–35, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; or e-mail at *mhess@hrsa.gov.* Dr. Hess' telephone number is 301–443–6336.

Application Requests, Dates and Address

Federal Register notices and the application form and guidance for these Cooperative Agreements are available on the HRSA website address at *http://bhpr.hrsa.gov/grans2001/.* Applicants may also request a hard copy of these materials from the HRSA Grants Application Center (GAC) at 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209; telephone number 1–877–477–2123. The GAC e-mail address is: *hrsagac@hrsa.gov.*

In order to be considered for competition, applications for these Cooperative Agreements must be received by mail or delivered to the GAC no later than July 27, 2001. Geographic area and uniform national and/or regional distribution will be considered in final funding decisions.

Completed applications must be submitted to the GAC at the above address. Applications received after the deadline date or sent to any address other than the Arlington, Virginia address above will be returned to the applicant and not reviewed.

National Health Objectives for the Year 2010

The PHS urges applicants to submit their work plans that address specific objectives of Healthy People 2010, which potential applicants may obtain through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone: (202) 783–3238). Particular attention should focus on Healthy People 2010 Workforce Objectives, such as Objectives 1–8 (achieving minority representation in the health professions) and 23–8 (incorporating specific competencies into the public health workforce).

Smoke-Free Workplace

The PHS strongly encourages all grant recipients to provide a smoke-free workplace; to promote the non-use of all tobacco products; and to promote Pub. L. 103–227, the Pro-Children Act of 1994, which prohibits smoking in certain facilities that receive Federal funds in which education library, day care, health care, and early childhood development services are provided to children.

Additional Information

Questions concerning programmatic aspects of these Cooperative Agreements may be directed to the same representatives for the Division of Medicine and Dentistry and the Division of Nursing listed above in the Letters of Intent section of this notice.

Paperwork Reduction Act

The standard application form HRSA–6025–1, the HRSA Competing Training Grant Application, has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0060. If the methods for developing the proposed comprehensive outcome evaluation of all efforts delivered through these Cooperative Agreements (as described in the Background section of this notice) falls under the purview of the Paperwork Reduction Act, awardees will assist HRSA in seeking OMB clearance for proposed data collection activities.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is also not subject to the Public Health Systems Reporting Requirements.

Dated: June 19, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–16024 Filed 6–26–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (60 FR 56605 as amended November 6, 1995, as last amended at (66 FR 8414–5 dated January 31, 2001).

I. Under Part R, HRSA, delete the ''HRSA Field Clusters in its entirety.

II. In the Office of Field Operations, establish the Field Offices to read as follows:

Section RF–00 Mission

The Office of Field Operations, through its Headquarters and ten Field Offices, works in partnership with HRSA Bureaus and Offices to serve as the focal point for HRSA programs and activities in the field. Organized into State teams to provide improved customer service and feedback, the HRSA Field Offices provide program oversight and assistance for major HRSA programs including: Health Centers; National Health Service Corps; Maternal and Child Health grant programs; Ryan White Title II State grants; Ryan White Title III (b) community planning grants; and health facilities construction under the Hill-Burton Program.

The Office of Field Operations, through its Headquarters and ten Field Offices, directly contributes to the Department's mission of improving the health of the Nation's population by assuring a coordinated agency effort in support of national and State health goals/priorities and a responsive approach in meeting the needs of people and communities. Working with other Departmental/Federal agencies, State and local governments, community-based organizations and others involved in the planning or provision of general health services, the Office of Field Operations assists in the development, support and coordination of high quality health services, including preventive services, for underserved and vulnerable populations.

Section RF–10 Organization

The Office of Field Operations is comprised of Headquarters staff and staff assigned to the ten HRSA Field Offices. The Associate Administrator who reports directly to the Administrator of HRSA heads the Office of Field Operations. The Associate Administrator and immediate staff are located in Headquarters. A Field Director who reports to the Associate Administrator heads each of the ten HRSA Field Offices. The Office of Field Operations is organized as follows:

A. Headquarters (RE)

B. Field Offices (RF)

1. Boston Field Office (RF12) serves Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
   a. Office of the Field Director (RF123)
   b. State Team Division (RF121)
2. New York Field Office (RF13) serves New Jersey, New York, Puerto Rico and U.S. Virgin Islands.
   a. Immediate Office of the Field Director (RF133)
   b. State Team Division I (RF131)
   c. State Team Division II (RF132)

3. Philadelphia Field Office (RF11) serves Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.
a. Immediate Office of the Field Director (RF111)
b. State Team Division (RF112)
4. Atlanta Field Office (RF21) serves Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.
a. Immediate Office of the Field Director (RF211)
b. State Team Division I (RF212)
c. State Team Division II (RF213)
d. Data and Analysis Division (RF214)
5. Chicago Field Office (RF31) serves Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.
a. Immediate Office of the Field Director (RF311)
b. State Team Division I (RF312)
c. State Team Division II (RF313)
6. Dallas Field Office (RF41) serves Arkansas, Louisiana, New Mexico, Oklahoma and Texas.
a. Immediate Office of the Field Director (RF411)
b. State Team Division I (RF412)
c. State Team Division II (RF413)
7. Kansas City Field Office (RF32) serves Iowa, Missouri, Nebraska and Kansas.
a. Immediate Office of the Field Director (RF323)
b. State Team Division (RF321)
8. Denver Field Office (RF42) serves Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.
a. Immediate Office of the Field Director (RF423)
b. State Team Division (RF421)
9. San Francisco Field Office (RF51) serves Arizona, California, Hawaii, Nevada and Pacific Islands.
a. Immediate Office of the Field Director (RF511)
b. State Team Division I (RF512)
c. State Team Division II (RF513)
10. Seattle Field Office (RF52) serves Alaska, Idaho, Oregon and Washington.
a. Immediate Office of the Field Director (RF523)
b. State Team Division (RF521)

Section RF–20 Function

The Office of Field Operations, through its Headquarters and ten Field Offices, works in partnership with HRSA Bureaus and Offices to serve as the focal point for HRSA programs and activities in the field. Specifically: (1) Serves as field liaison for the Administrator and HRSA Bureaus and Offices with other Departmental/Federal agencies, State and local governments, community-based organizations and others involved in the planning or provision of general health services; (2) assists in the development, implementation and coordination of HRSA programs and activities in the field; (3) provides program oversight and assistance for major HRSA programs including: Health Centers; National Health Service Corps; Maternal and Child Health grant programs; Ryan White Title II State grants; Ryan White Title III (b) community planning grants; and health facilities construction under the Hill-Burton Program; (4) develops and establishes Field Office and cluster/multi-Field Office areas of expertise (e.g., clinical; oral health; health care financing; financial analysis; data; etc.) to assist in the development, support and coordination of high quality health services, including preventive services, for underserved and vulnerable populations; (5) coordinates the field development and implementation of special program initiatives which involve one or more HRSA Field Offices and/or multiple HRSA/Departmental programs; (6) gathers input from local, State and regional perspectives to assist in the formulation, development, analysis and evaluation of HRSA programs and initiatives; (7) develops and implements activities in the field designed to improve customer service and relationships; (8) advises the Administrator on appropriate resource allocation for field activities; (9) provides administrative and financial support services to HRSA field components; and (10) exercises line management authority related to general administrative and management functions.

The OFO Headquarters provides overall leadership/management direction for each of the ten HRSA Field Offices—exercising line management authority, determining appropriate budget/resource allocations, and assuring appropriate Field Office oversight, coordination and accountability. The ten (10) HRSA Field Offices, Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle, function as follows:

1. Immediate Office of the Field Director: (1) Serves as HRSA's senior public health official in the field, providing liaison with Federal, State and local health officials as well as private and professional organizations; (2) exercises line management authority as delegated from the Associate Administrator for general administrative and management functions within the field structure; (3) provides for the development, implementation and monitoring of the annual Field Office work plan, aligning Field Office goals/objectives with national and State health goals/priorities as well as community and population needs, and assigns the Field Office resources required to attain these goals/objectives; (4) coordinates the field development and implementation of special program initiatives as well as areas of expertise which involve one or more Field Offices and/or HRSA/Departmental programs; and (5) represents HRSA in working with other Departmental/Federal agencies, State and local governments, community-based organizations and others involved in the planning or provision of general health services.

2. State Team Division I & II: (1) Assists in the development, implementation and coordination of HRSA programs and activities in the field; (2) provides program oversight and assistance, in partnership with HRSA Bureaus and Offices, for major HRSA programs including: Health Centers; National Health Service Corps; Maternal and Child Health grant programs; Ryan White Title II State grants; Ryan White Title III (b) community planning grants; and health facilities construction under the Hill-Burton Program) to assure compliance with applicable laws, regulations, policies and performance standards, alerting HRSA program officials of potential issues and identifying opportunities for improving performance; (3) establishes effective relationships with other Departmental/Federal agencies, State and local governments, community-based organizations and others involved in the planning or provision of general health services; (4) gathers input from local, State and regional perspectives to assist in the formulation, development, analysis and evaluation of HRSA programs and initiatives; and (5) serves as a source of information and expertise on health resources and services development/operations, maternal and child health, primary health care, HIV/AIDS, rural health, health professions, and other HRSA/health programs and activities, including identified Field Office and cluster/multi-Field Office areas of expertise (e.g., clinical; oral health; health care financing; financial analysis; data; etc.).

3. Division of Data and Analysis: (1) Serves as primary focal point for conducting and disseminating, as appropriate, analyses of financial data, health indicators, and service data to identify emerging trends among HRSA programs and health service catchment areas; (2) provides technical assistance and training to HRSA programs, communities, States as well as Field

Office staff related to the analysis and interpretation of data, evaluations and data systems; (3) develops statistical profiles of HRSA programs; (4) performs State/community-level analyses using Geographic Information Systems profiles and other profiles developed by Federal, state and local agencies; and (5) maintains databases and reports for assigned Field Offices.

Section RF–30 Delegation of Authority

All delegations of authority which where in effect immediately prior to the effective date hereof have been continued in effect in them or their successors pending further redelegation. I hereby ratify and affirm all actions taken by any DHHS official which involved the exercise of these authorities prior to the effective date of this delegation.

This reorganization is effective upon the date of signature.

Dated: June 19, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–16105 Filed 6–27–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Applicant: Exotic Endangered Cats of the World, Gibsonton, FL. PRT–798412.

The applicant requests a permit to re-export and re-import captive born leopard (*Panthera pardus*), black leopard (*Panthera pardus delacouri*), Amur leopard (*Panthera pardus orientalis*), snow leopard (*Uncia uncia*), tiger (*Panthera tigris*), Bengal tiger (*Panthera tigris tigris*), Siberian tiger (*Panthera tigris altaica*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education.

This notification covers activities conducted by the applicant over a three year period.

Applicant: Hawthorne Corporation, Grays Lake, IL. PRT–835641.

The applicant requests a permit to re-export and re-import captive born tiger (*Panthera tigris*) and progeny of the animals currently held by the applicant and any animals acquired in the United states by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Applicant: Wildlife Conservation Society/Field Veterinary Program, Bronx, NY, PRT–033594.

The applicant requests a permit to import multiple shipments of biological samples from wild, captive-held, or captive born endangered species for the purpose of scientific research. No animals can be intentionally killed for the purpose of collecting specimens. Any invasively collected samples can only be collected by trained personnel. This notification covers activities conducted by the applicant over a period of 5 years.

Applicant: The Zoological Society of San Diego, San Diego, CA, PRT–778487.

The applicant requests reissuance of their permit for scientific research with three captive-born giant pandas (*Ailuropoda melanoleuca*) currently held under loan agreement with the Government of China under the provisions of the USFWS Panda Policy. The proposed research will cover aspects of behavior, reproductive physiology, genetics, and animal health. This notification covers activities conducted by the applicant over a period of 5 years.

Applicant: Chicago Zoological Park (Bookfield Zoo), Brookfield, IL, PRT–770279.

The applicant requests a permit to import biological samples from wild, captive-held, or captive born black-handed spider monkey (*Ateles geoffroyi frontatus* and *Ateles geoffroyi panamensis*) from Mexico and Central America, for the purpose of scientific research. This notification covers activities conducted by the applicant over a period of 5 years.

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applicants should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Ronald J. Jameson, USGS, Biological Resources Division, Corvallis, OR, PRT–777239.

Permit Type: Take for scientific research.

Name and Number of Animals: Sea otter (*Enhydra lutirs*), 30 over 2 years.

Summary of Activity to be Authorized: The applicant has requested an amendment to his permit to take liver biopsy samples at time of surgical implant of TDR transmitter packages by scalpel or biopsy punch for biomarker assays, contaminant residue analysis and histopathology.

Source of Marine Mammals: Washington State coastal waters.

Period of Activity: Up to 2 years, if issued.

Concurrent with the publication of this notice in the **Federal Register,** the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

The U.S. Fish and Wildlife Service has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703/358–2104); Fax: (703/358–2281).

Dated: June 18, 2001.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–16175 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On April 26, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 81, page 21007, that an application had been filed with the Fish and Wildlife Service by John M. Saba, Jr. for permit (PRT–041359) to import one polar bear (*Ursus maritimus*) trophy taken from the Northern Beaufort Sea population, Canada for personal use.

Notice is hereby given that on June 8, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On April 3, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 64, Page 17729, that an application had been filed with the Fish and Wildlife Service by Virgil Lair for a permit (PRT–040411) to import one polar bear (*Ursus maritimus*) trophy taken from the Northern Beaufort Sea population, Canada for personal use.

Notice is hereby given that on June 5, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 8, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 27, Page 9592, that an application had been filed with the Fish and Wildlife Service by Frank Crooker, Jr. for a permit (PRT–038284) to import one polar bear (*Ursus maritimus*) trophy taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on May 31, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On February 8, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 27, Page 9592, that an application had been filed with the Fish and Wildlife Service by Frank Crooker, Jr. for a permit (PRT–038291) to import one polar bear (*Ursus maritimus*) trophy taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on June 4, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On March 16, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 52, Page 15273, that an application had been filed with the Fish and Wildlife Service by Kenneth E. Behring for a permit (PRT–038572) to import one polar bear (*Ursus maritimus*) trophy taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on May 16, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: June 18, 2001.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–16176 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

North American Wetlands Conservation Council (Council) Meeting Announcement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Council will meet to select North American Wetlands Conservation Act (NAWCA) proposals for recommendation to the Migratory Bird Conservation Commission. The meeting is open to the public.

DATES: The date and time of the meeting is July 10, 2001 at 1 p.m.

ADDRESSES: The meeting will be held at the Park City Marriott, 1895 Sidewinder Drive, Park City, UT, 84060. The Council Coordinator is located at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia, 22203.

FOR FURTHER INFORMATION CONTACT: David A. Smith, Council Coordinator, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission. Proposals require a minimum of 50 percent non-Federal matching funds.

Dated: June 15, 2001.

K. Adams,

Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 01–16041 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Santa Clara Pueblo Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice publishes the Santa Clara Pueblo Liquor Code. The Code regulates the control, possession, and sale of liquor on the Santa Clara Pueblo trust lands, in conformity with the laws of the State of New Mexico, where applicable and necessary. Although the Code was adopted on May 8, 2001, it does not become effective until published in the **Federal Register** because the failure to comply with the Code may result in criminal charges.

DATES: This Code is effective on July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, Division of Tribal Government Services, Branch of Tribal Relations, 1849 C Street NW., MS 4631–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1954, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Santa Clara Pueblo Liquor Code, Resolution No. 01–15, was duly adopted by the Tribal Council of the Santa Clara Pueblo on May 8, 2001. The Santa Clara Pueblo, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members within

the reservation of the Santa Clara Pueblo.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that by Resolution No. 01–15, the Santa Clara Pueblo Liquor Code was duly adopted by the Tribal Council on May 8, 2001.

Dated: June 13, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

The Santa Clara Pueblo Liquor Code, Resolution No. 01–15, reads as follows:

Liquor Code of the Santa Clara Pueblo Indians

Subchapter 1—General Provisions

Section 101. Findings

The Tribal Council finds as follows:

A. The introduction, possession and sale of alcoholic beverages into Santa Clara Indian Lands has long been regarded as a matter of special concern to the Pueblo, that bears directly on the health, welfare and security of the Pueblo and its members.

B. Under federal law and New Mexico state law, and as a matter of inherent tribal sovereignty, the question of to what extent and under what circumstances alcoholic beverages may be introduced into and sold or consumed within Santa Clara Indian Lands is to be decided by the governing body of the tribe.

C. It is desirable that the Tribal Council legislate comprehensively on the subject of the sale and possession of alcoholic beverages within Santa Clara Indian Lands, both to establish a consistent and reasonable tribal policy on this important subject, as well as to facilitate economic development projects within Santa Clara Indian Lands that may involve outlets for the sale and consumption of alcoholic beverages.

D. It is the policy of the Tribal Council that the introduction, sale and consumption of alcoholic beverages within Santa Clara Indian Lands be carefully regulated so as to protect the public health, safety and welfare, and that licensees be made fully accountable for violations of conditions of their licenses and the consequences thereof.

Section 102. Definitions

As used in this chapter, the following words shall have the following meanings:

A. *Pueblo or Tribe.* Pueblo or Tribe means the Pueblo of Santa Clara.

B. *Tribal Council.* Tribal Council or Council means the Tribal Council of the Pueblo of Santa Clara.

C. *Governor.* Governor means the Governor of the Pueblo of Santa Clara.

D. *Administrator.* Administrator means the Tax Administrator of the Pueblo of Santa Clara.

E. *Person.* Person means any natural person, partnership, corporation, joint venture, association, or other legal entity.

F. *Sale.* Sale or sell means any exchange, barter, or other transfer of goods from one person to another for commercial purposes, whether with or without consideration.

G. *Liquor.* Liquor or alcoholic beverage includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquors or combinations thereof, mixed liquor, any part of which is fermented, spirituous, vinous, or malt liquor, or any otherwise intoxicating liquid, including every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer and intended for oral consumption.

H. *Licensee.* Licensee means a person who has been issued a license to sell alcoholic beverages on the licensed premises under the provisions of this Liquor Code.

I. *Licensed Premises.* Licensed Premises means the location within Santa Clara Indian Lands at which a licensee is permitted to sell and allow the consumption of alcoholic beverages, and may, if requested by the applicant and approved by the Tribal Council, include any related or associated areas or facilities under the control of the licensee, or within which the licensee is otherwise authorized to conduct business (but subject to any conditions or limitations as to sales within such area that may be imposed by the Governor in issuance of the license).

J. *Santa Clara Indian Lands.* Santa Clara Indian Lands means all lands within the exterior boundaries of the Santa Clara Indian Reservation, all lands within the exterior boundaries of the Santa Clara Pueblo Grant, and all other lands owned by the Pueblo subject to federal law restrictions on alienation or held by the United States for the use and benefit of the Pueblo.

K. *Special Event.* Special Event means a bona fide special occasion such as a fair, fiesta, show, tournament, contest, meeting, picnic or similar event held on Santa Clara Indian Lands that is sponsored by an established business or non-governmental organization, lasting no more than 3 days. A special event may be open to the public or to a designated group, and it may be a one-time event or periodic, provided, however, that such events held more than four times a year by the same business or organization shall not be deemed special events for purposes of this Liquor Code.

L. *Server.* Server means an individual who sells, serves or dispenses alcoholic beverages for consumption on or off licensed premises, and including persons who manage, direct or control the sale or service of such beverages.

M. *Liquor Code.* Liquor Code means the Santa Clara Pueblo Liquor Code, this chapter.

Section 103. Sovereign Immunity Preserved

Nothing in the Liquor Code shall be construed as a waiver or limitation of the sovereign immunity of the Pueblo.

Section 104. Initial Compliance

No person shall be disqualified from being issued a license under the provisions of this Liquor Code, or shall be found to have violated any provision of this Liquor Code, solely because such person, having been duly authorized to engage in the sale of alcoholic beverages within Santa Clara Indian Lands under the law as it existed prior to enactment of this Liquor Code, continues to engage in such business without a license issued under the provisions of this Liquor Code after the effective date hereof, so long as such person complies with the provisions of this section. Within 90 days after the effective date of this Liquor Code (or within 30 days after receiving written notice from the Pueblo of the enactment of the Liquor Code, whichever is later) any person who is licensed to sell alcoholic beverages within Santa Clara Pueblo Indian Lands under the law as it existed prior to the enactment of this Liquor Code shall submit an application for a license under the provisions of this Liquor Code. Upon the issuance of a license under the provisions of this Liquor Code to such person, or upon the rejection of an application for such license by such person, no license issued by the State of New Mexico or issued under the provisions of any prior law of the Pueblo that is held by such person, or that purports to authorize the possession, sale or consumption of alcoholic beverages on premises covered by a license issued (or a license application rejected) under the provisions of this Liquor Code, shall have any further validity or effect within Santa Clara Indian Lands.

Section 105. Severability

In the event any provision of this Liquor Code is held invalid or unenforceable by any court of competent jurisdiction, the remainder of the Code shall continue in full force and effect, notwithstanding the invalidity or unenforceability of such provision, to the fullest extent practicable.

Section 106. Issuance of Regulations

The Administrator shall have the authority to issue such regulations, consistent with the provisions of this Liquor Code, as may be helpful to the effective administration of the Liquor Code, provided that such regulations shall be provided to the Tribal Council no less than 90 days prior to their effective date. If the Council votes to reject the regulations, or any particular provisions thereof, within such 90-day time period, the regulations, or such provisions as were rejected, shall not take effect.

Subchapter 2—Sale, Possession and Consumption of Alcoholic Beverages

Section 121. Prohibition

The sale, introduction for sale, purchase, or other commercial dealing in alcoholic beverages, except as is specifically authorized by the Liquor Code, is prohibited within Santa Clara Indian Lands.

Section 122. Possession for Personal Use

Possession of alcoholic beverages for personal use shall be lawful within Santa Clara Indian Lands only if such alcoholic beverages were lawfully purchased from an establishment duly licensed to sell such beverages, whether on or off Santa Clara Indian Lands, and are possessed by a person or persons 21 years of age or older. Such possession is otherwise prohibited.

Section 123. Transportation Through Reservation Not Affected

Nothing herein shall pertain to the otherwise lawful transportation of alcoholic beverages through Santa Clara Indian Lands by persons remaining upon public highways (or other paved public facilities for motor vehicles) and where such beverages are not delivered, sold or offered for sale to anyone within Santa Clara Indian Lands.

Section 124. Requirement of Pueblo License

No person shall sell any alcoholic beverage within Santa Clara Indian Lands, or offer any such beverage for sale, unless such person holds a license issued by the Pueblo under the provisions of this chapter that is in effect, or unless such person holds a license authorizing such sales issued by the State of New Mexico that is in effect, and such person has not received notice of the enactment of this Liquor Code under the provisions of section 104 of this chapter.

Section 125. All Sales for Personal Use

No person licensed to sell alcoholic beverages within Santa Clara Indian Lands shall sell any such beverage for resale, but all such sales shall be for the personal use of the purchaser. Nothing herein shall prohibit a duly licensed wholesale dealer in alcoholic beverages from selling and delivering such beverages to properly licensed retailers within Santa Clara Indian Lands, so long as such sales and deliveries are otherwise in conformity with the laws of the State of New Mexico and this Liquor Code, and so long as such wholesale dealer registers with the Administrator and pays any taxes due on such sales.

Section 126. Package Sales and Sales of Liquor by the Drink Permitted

Sales of alcoholic beverages on Santa Clara Indian Lands may be in package form or for consumption on the premises, or both, so long as the seller is properly licensed by the Pueblo to make sales of that type. No seller of alcoholic beverages shall permit any person to consume, on premises where liquor by the drink is authorized to be sold, any alcoholic beverages purchased elsewhere by the consumer.

Section 127. No Sales to Minors

No alcoholic beverages may be sold within Santa Clara Indian Lands to any person under the age of 21 years.

Section 128. Hours and Days of Sale

A. Alcoholic beverages may be sold, offered for sale, delivered or consumed on licensed premises within Santa Clara Indian Lands, other than at gaming establishments, only during the following days and hours:

(1) On Mondays through Fridays between the hours of 10:00 a.m. and 12:00 midnight;

(2) On Saturdays, from 12:01 a.m. until 2:00 a.m., and from 10:00 a.m. until 12:00 midnight; and

(3) On Sundays, from 12:01 a.m. until 2:00 a.m., and from 2:00 p.m. until midnight; provided, however, that between midnight and 10:00 a.m. such sales shall only be for consumption on the premises, regardless of what type of license is held by the gaming establishment.

B. At any gaming establishment licensed as such by Santa Clara Gaming Commission, that is also a licensed premises within the meaning of this Liquor Code, alcoholic beverages may be sold, offered for sale, delivered or consumed on Mondays through Saturdays from 10:00 a.m. until 2:00 a.m. of the following morning (provided, however, that after midnight such sales shall only be for consumption on the premises, regardless of what type of license is held by the gaming establishment), and on Sundays from 12:00 noon until midnight (except that the Tribal Council may authorize such sales for consumption on the premises from 12:01 a.m. until 2:00 a.m. on a Monday following a Sunday that is a recognized holiday).

Section 129. Sales on Election Day

No sales of alcoholic beverages shall be permitted to any person within Santa Clara Indian Lands on any tribal, State or Federal election day, from closing time the night before until 1 hour after the polls are closed.

Section 130. Other Prohibitions on Sales

The Tribal Council may, by duly enacted resolution, establish other days on which or times at which sales or consumption of alcoholic beverages are not permitted within Santa Clara Indian Lands, or specified portions thereof. The Council shall give notice of any such enactment promptly to all licensees within Santa Clara Indian Lands. In addition, the Governor of the Pueblo may, in the event of a bona fide emergency, and by written order, prohibit the sale of any alcoholic beverages within Santa Clara Indian Lands, or any specified portions thereof, for a period of time not to exceed 48 hours. The Governor shall give prompt notice of such emergency order to all licensees within Santa Clara Indian Lands. No such emergency order may extend beyond 48 hours, unless during that time the Tribal Council meets and determines by resolution that the emergency requires a further extension of such order.

Section 131. Location of Sales

No person licensed to sell alcoholic beverages within Santa Clara Indian Lands shall make such sales except at the licensed premises specifically designated in such license. No person holding only a premises license shall permit alcoholic beverages purchased from such licensee for consumption on the premises to be consumed off of the licensed premises.

Section 132. Sales To Be Made by Adults

No person shall take any order, make any delivery, or accept payment for any sale of alcoholic beverages within Santa Clara Indian Lands, or otherwise have any direct involvement in any such sale, who is less than 21 years of age.

Section 133. All Sales Cash

No licensee shall make any sale of any alcoholic beverages within Santa Clara Indian Lands without receiving payment therefor by cash, check or credit card at or about the time the sale is made; provided, that nothing herein shall preclude a licensee from receiving a delivery of alcoholic beverages from a duly authorized wholesaler where arrangements have been made to pay for such delivery at a different time; and provided further that nothing herein shall preclude a licensee from allowing a customer to purchase more than one alcoholic beverage in sequence, and to pay for all such purchases at the conclusion thereof, so long as payment is made in full before the customer has left the licensed premises; and provided further that nothing herein shall prevent a licensee from distributing alcoholic beverages to customers without charge, so long as such distribution is not otherwise in violation of any provision of this Liquor Code.

Section 134. Nuisances Prohibited

No licensee shall knowingly conduct its business in such a location, or in such a manner, or at such times of day or night, as to amount to a nuisance, in that such activity is injurious to public health, safety or morals, or interferes with the exercise and enjoyment of public rights, including the right to use public property.

Subchapter 3—Licensing and Regulation

Section 151. Requirement of License

Any person proposing to sell, offer for sale, store or possess, for commercial purposes, any alcoholic beverages, or to maintain commercial premises for the consumption of alcoholic beverages, within Santa Clara Indian Lands, who is not licensed to engage in such business under the laws of the State of New Mexico and has not received notice of the enactment of this Liquor Code under the provisions of section 104 of this chapter, must be duly licensed under the provisions of this Liquor Code.

Section 152. Classes of Licenses

The following types or classes of licenses for the sale or distribution of alcoholic beverages within Santa Clara Indian Lands shall be permitted:

A. Package license, which shall authorize the licensee to store, possess, sell and offer for sale alcoholic beverages in sealed containers, for consumption only off of the licensed premises.

B. Premises license, which shall authorize the licensee to store, possess and sell alcoholic beverages in open containers, for consumption on the licensed premises only, and to permit such consumption on the licensed premises only.

C. Special event license, which shall authorize the licensee to possess, distribute, sell and offer for sale alcoholic beverages for consumption only on the licensed premises, and to permit such consumption on the licensed premises only, but only for a bona fide special event, and only during the period or periods specified in such license, which period or periods shall be limited to the periods during which the special event is occurring and from beginning to end shall not exceed 72 hours.

Section 153. Prohibited Zone

Notwithstanding any other provision of this chapter, no license shall be issued under the provisions of this Liquor Code for any location as the proposed licensed premises that is within the geographical area encompassed by sections 9, 10, 15 and 16, Township 20 North, Range 8 East, New Mexico Principal Meridian, and the area located south of said sections 15 and 16, bounded on the east by the Rio Grande and on the west by the right-of-way line for NM Rte. 30, to the south boundary of the Santa Clara Pueblo Grant. The area described herein from which licenses are excluded is hereinafter referred to as the Prohibited Zone.

Section 154. Qualifications for License

A. No person shall be entitled to be issued a license under the provisions of this Liquor Code who has previously been the subject of any proceeding resulting in the revocation of any license for the sale of alcoholic beverages issued by the Pueblo or by any state or other jurisdiction, or who has been convicted of any felony in any jurisdiction involving theft, dishonesty, corruption, embezzlement or violation of laws regulating the sale, possession and use of alcoholic beverages, or who (if a natural person) has not at the time the application for license is submitted attained the age of 25 years, or who is otherwise determined by the Pueblo to be unfit to be licensed to sell alcoholic beverages, or (if a natural person) whose spouse is a person not qualified to hold a license under the provisions of this section.

B. No partnership, corporation or other legal entity shall be entitled to be issued a license under the provisions of this Liquor Code if any individual occupying any management or supervisory position within such entity, or who sits on the management committee or board of directors or trustees thereof, or who holds or controls a financial interest of 10 percent or more in such entity, is a person who would not be entitled to be issued a license under the provisions of this section.

C. No person shall be entitled to be issued a package or premises license hereunder unless such person owns, or has an approved lease or other valid interest in, land within Santa Clara Indian Lands, is lawfully entitled to engage in a business on such land with which such license would be compatible, and can demonstrate that such person is otherwise capable of complying with all of the requirements imposed on licensees by this Liquor Code.

D. An applicant for a package or premises license hereunder, including, if the applicant is not a natural person, each principal in the applicant entity who will have any direct involvement in the proposed business, must have successfully completed within the 3 years preceding the date of the application an alcohol server education program and examination that is approved by the director of the New Mexico Alcohol and Gaming Division.

E. Notwithstanding anything in this section to the contrary, the Pueblo and its wholly owned commercial entities shall be entitled to be issued licenses hereunder upon application therefor to the Administrator, provided that all other provisions of this Liquor Code are complied with.

Section 155. Package and Premises License Application, Procedure, Fees

A. Every person seeking a package or premises license under the provisions of this Liquor Code (other than the Pueblo or any of its wholly owned commercial entities) shall submit to the Administrator a written application, under oath, in the form prescribed by and containing the information required by this section.

B. If the applicant is a natural person, the application shall contain, at a minimum, all of the following information:

(1) The full legal name of the applicant, plus any other names under

which the applicant has been known or done business during the previous 20 years, and the applicant's date and place of birth, as shown by a certified copy of the applicant's birth certificate;

(2) The applicant's current legal residence address and business address, if any, and every residence address that the applicant has maintained during the previous 10 years, with the dates during which each such address was current;

(3) The trade name, business address and description of every business in which the applicant has engaged or had any interest (other than stock ownership or partnership interest amounting to less than 5 percent of total capital) during the previous 10 years, and the dates during which the applicant engaged in or held an interest in any such business;

(4) A listing of every other jurisdiction in which the applicant has ever applied for a license to sell or distribute alcoholic beverages, the date on which each such application was filed, the name of the regulatory agency with which the application was filed, the action taken on each such application, and if any such license was issued, the dates during which it remained in effect, and as to each such license a statement whether any action was ever taken by the regulatory body to suspend or revoke such license, with full dates and details of any such incident;

(5) A listing of every crime with which the applicant has ever been charged, other than routine traffic offenses (but including any charge of driving while intoxicated or the like), giving as to each the date on which the charge was made, the location, the jurisdiction, the court in which the matter was heard, and the outcome or ultimate disposition thereof;

(6) The name and address of every person or entity holding any security interest in any of the assets of the business to be conducted by the applicant, or in any of the proceeds of such business;

(7) A detailed plat of the applicant's business premises within Santa Clara Indian Lands including the floor plans of any structure and the details of any exterior areas intended to be part of the licensed premises, together with evidence of the applicant's right to conduct business on such premises;

(8) A detailed description of the business conducted or intended to be conducted on the licensed premises, and including (but not limited to) hours of operation and number of employees; and

(9) The type(s) of license(s) requested.

C. If the applicant is a corporation, the corporation, each officer of the corporation and every person holding 10 percent or more of the outstanding stock in the corporation shall submit an application complying with the provisions of paragraph B of this section, and in addition, the applicant shall also submit the following:

(1) A certified copy of its Articles of Incorporation and Bylaws;

(2) The names and addresses of all officers and directors and those stockholders owning 5 percent or more of the voting stock of the corporation, and the amount of stock held by each such stockholder;

(3) The name of the resident agent of the corporation who would be authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted on the licensed premises; and

(4) Such additional information regarding the corporation as the Administrator may require to assure a full disclosure of the corporation's structure and financial responsibility.

D. If the applicant is a partnership, the partnership, the managing partner and every partner having an interest amounting to 10 percent or more of the total equity interest in the partnership shall submit an application complying with the provisions of paragraph B of this section, and in addition, the applicant shall submit the following:

(1) A certified copy of the Partnership Agreement;

(2) The names and addresses of all general partners and of all limited partners contributing 10 percent or more of the total value of contributions made to the limited partnership or who are entitled to 10 percent or more of any distributions of the limited partnership;

(3) The name and address of the partner, or other agent of the partnership, authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted in the licensed premises; and

(4) Such additional information regarding the partnership as the Administrator may require to assure a full disclosure of the partnership's structure and financial responsibility.

E. Every applicant who is a natural person, and every person required by paragraphs C or D of this section to comply with the provisions of paragraph B, shall also submit with the application a complete set of fingerprints, taken under the supervision of and certified to by an officer of an authorized law enforcement agency located within the State of New Mexico.

F. The applicant shall also submit proof that applicant, if a natural person, and every person who will be directly involved in the sale or service of alcoholic beverages as part of the applicant's business, has successfully completed, within the 3 years next preceding the date of the application, an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division.

G. Every applicant for either a package license or a premises license shall submit with the completed license application a non-refundable license processing fee, in the amount set forth below:

Package license—$5,000.00
Premises license—$1,000.00

In addition, each such applicant shall pay a fee to cover the cost of a background investigation, in an amount to be set by the Administrator from time to time, but which shall not exceed the sum of $1000.00.

H. Upon receiving a completed license application together with the required fees, the Administrator shall cause a background investigation to be performed of the applicant, to determine whether the applicant is qualified to be licensed under the provisions of this Liquor Code. Upon the written recommendation of the Administrator (if requested by the applicant), the Tribal Council may, in its discretion, approve the issuance of a preliminary license to the applicant effective for a period of no more than 90 days, but which shall be renewable for one additional period of 90 days in the event the background investigation cannot be completed within the first 90-day period; provided, however, that in no event shall the issuance of a preliminary license, or the renewal of such license for an additional 90-day period, entitle the applicant to favorable consideration with respect to the application for a package or premises license.

I. The Pueblo or any of its wholly owned commercial entities may apply for a package or premises license by submitting an application to the Administrator identifying the applicant, describing in detail the purpose of the license, including a detailed description of the proposed licensed premises, and including the appropriate fee as set forth in Paragraph G of this section.

Section 156. Action on Application

A. Upon making a determination that an applicant for a package or premises license satisfies the requirements of this chapter, the Administrator shall prepare a written recommendation for the

issuance of such license, setting forth sufficient information about the applicant, the proposed business, and any other matters deemed relevant by the Administrator, to enable the Tribal Council to evaluate the merits of the license, together with any and all supporting data deemed suitable by the Administrator. The recommendation shall include a detailed description of the proposed leased premises, and any limitations or conditions the Administrator recommends be included in the license. The Administrator shall deliver the recommendation to the Governor, who shall place the matter on the agenda for the Tribal Council's next regular meeting that is at least 15 days after the recommendation was received by the Governor, and shall give written notice thereof to the Administrator and the applicant, and to the public. The Governor shall provide a complete copy of the Administrator's recommendation, with all supporting documentation, to each member of the Tribal Council, by no later than 10 days before the meeting at which the matter is to be heard.

B. The Tribal Council shall take up the Administrator's recommendation at its next regular meeting. The Administrator shall explain the application and the basis for his or her recommendation, and the applicant shall be permitted to speak in favor of the application. Any interested member of the public may also be heard on the matter. The Tribal Council shall vote either to approve or deny the application, and if it votes to approve the license, it shall specify whether the Administrator's recommendations as to the description of the licensed premises and any limitations or conditions on the license are accepted, rejected, or modified, and may add any additional limitations or conditions it deems appropriate.

C. If the Administrator concludes that the applicant is not qualified for a license under the provisions of section 154 of this chapter, or that the application is otherwise not allowable under the provisions of this chapter, he or she shall give written notice to the applicant that the license is rejected, by certified mail, return receipt requested. The applicant may appeal that decision to the Tribal Council, by delivering written notice of such appeal to the office of the Governor, with a copy to the Administrator, within 30 days of the date the notice of rejection was received. Upon receipt of the notice of appeal, the Governor shall set the matter for hearing before the Tribal Council at a regular meeting that is no less than 30 days, but no more than 45 days, from the date of receipt of the notice. The Governor shall send written notice to the applicant and the Administrator of the date and time the appeal is to be heard, and shall give such notice to the public.

D. By no less than 15 days before the hearing, the Administrator shall prepare and submit to the Governor a report explaining in detail the basis for his or her decision to reject the application, to which shall be attached the complete application submitted by the applicant and any additional information concerning the application obtained by the Administrator. By the same deadline, the applicant may submit to the Governor its argument in support of the application, together with such documents as the applicant deems relevant. The Governor shall provide each member of the Council with complete copies of both submissions by no less than 10 days before the date of the hearing.

E. At the hearing on the applicant's appeal, the applicant or its representative shall present argument in favor of the application, and the Administrator or his or her representative shall present argument in favor of the Administrator's decision. The Council may permit members of the public to speak. The Council shall vote either to uphold or reverse the Administrator's decision on the application. If the Council votes to reverse the decision, and to approve the application, it shall further determine whether any limitations or conditions should be attached to the license.

F. In the event the Council approves the issuance of a license, the Administrator shall issue the license forthwith, incorporating therein any limitations or conditions thereon approved by the Tribal Council.

Section 157. Term, Renewal, Fee

A. Each package or premises license issued hereunder shall have a term of 1 year from the date of issuance, provided that such license shall be renewable for additional periods of 1 year each by any licensee who has complied fully with the terms and provisions of the license and of this Liquor Code during the term of the license, and who remains fully qualified to be licensed under the provisions of section 154 of this chapter. A licensee who is eligible for renewal of his or her license shall submit to the Administrator an application for renewal on a form specified by the Administrator, together with proof that the licensee and each person employed by the licensee as a server has successfully completed, within the past 5 years, an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division, and a license renewal fee in the amount of $500.00, no less than 30 days prior to the expiration date of the license.

B. The failure to submit a timely renewal application, with the required fee, may subject the licensee to a late charge of $500.00. If the renewal application is not submitted prior to expiration of the license, the Administrator may treat the license as having expired, and may require the licensee to file a new application in compliance with section 155 of this chapter.

C. The Administrator may, in his or her discretion, conduct an update on the applicant's background investigation prior to acting on any renewal application, and the Administrator shall update such investigation prior to issuing a third renewal of a license since the last such investigation was performed, or if the Administrator has acquired information indicating that the applicant is not qualified for a license under the provisions of section 154 of this chapter. Whenever any such investigation is performed, the Administrator shall require the applicant to pay an additional fee to cover the costs of such investigation, in an amount to be determined by the Administrator but in no event in excess of the sum of $1000.00.

D. The Administrator may refuse to approve a renewal of a license in the event a background investigation reveals facts that would disqualify the applicant from being licensed under this Liquor Code, or if the Administrator determines that the licensee has operated in a manner violative of the provisions of this chapter. In that event, the applicant shall have the right to appeal the Administrator's decision to the Tribal Council, which appeal shall be governed by and conducted in accordance with the same requirements and procedures that apply an appeal of a denial of an original application, as set forth in section 156(C), (D), and (E) of this chapter.

Section 158. Conditions of License

No licensee shall have any property interest in any license issued under the provisions of this Liquor Code, and every such license shall be deemed to confer a non-transferable privilege, revocable by the Pueblo in accordance with the provisions of this chapter. The continued validity of every package and premises license issued hereunder shall be dependent upon the following conditions:

A. Every representation made by the licensee and any of its officers,

directors, shareholders, partners or other persons required to submit information in support of the application, shall have been true at the time such information was submitted, and shall continue to be true, except to the extent the licensee advises the Administrator in writing of any change in any such information, and notwithstanding any such change, the licensee shall continue to be qualified to be licensed under the provisions of this Liquor Code.

B. The licensee shall at all times conduct its business on Santa Clara Indian Lands in full compliance with the provisions of this Liquor Code and with the other laws of the Pueblo.

C. The licensee shall maintain in force, public liability insurance covering the licensed premises, insuring the licensee and the Pueblo against any claims, losses or liability whatsoever for any acts or omissions of the licensee or of any business invitee on the licensed premises resulting in injury, loss or damage to any other party, with coverage limits of at least $1 million per injured person, and the Administrator shall at all times have written evidence of the continued existence of such policy of insurance.

D. The licensee shall be lawfully entitled to engage in business within Santa Clara Indian Lands, and shall have paid all required rentals, assessments, taxes, or other payments due the Pueblo.

E. The business conducted on the licensed premises shall be conducted by the licensee or its employees directly, and shall not be conducted by any lessee, sublessee, assignee or other transferee, nor shall any license issued hereunder or any interest therein be sold, assigned, leased or otherwise transferred to any other person.

F. All alcoholic beverages sold on the licensed premises shall have been obtained from a New Mexico licensed wholesaler, that is registered with the Administrator as provided in section 125 of the Liquor Code.

G. No person shall be employed by the licensee as a server who has not, within the past 5 years, successfully completed an alcohol server education program and examination approved by the director of the New Mexico Alcohol and Gaming Division.

H. No licensee shall sell, serve or deliver any alcoholic beverage to a customer through a drive-up window, or otherwise to a customer who at the time of the transaction is in a motor vehicle.

I. By having applied for and obtained a license hereunder, the licensee shall be deemed to have submitted to the jurisdiction of the Tribal Court of the Pueblo with respect to any action brought by the Pueblo or any of its agencies or offices to enforce the provisions of this Liquor Code or any other provision of tribal law, or by any person claiming to have suffered loss or damage due to any act or omission of the licensee in the course of the conduct of its business on Santa Clara Indian Lands.

Section 159. Sanctions for Violation of License

A. Upon determining that any person licensed by the Pueblo to sell alcoholic beverages under the provisions of the Liquor Code is for any reason no longer qualified to hold such license under the provisions of section 154 of the Liquor Code, or has violated any of the conditions set forth in section 158, the Administrator shall immediately serve written notice upon such licensee directing that he show cause within 10 calendar days why his license should not be suspended or revoked, or a fine imposed, or both. The notice shall specify the precise grounds relied upon and the action proposed.

B. If the licensee fails to respond to such notice within 10 calendar days of service of such notice, the Administrator shall issue an order suspending the license for such period as the Administrator deems appropriate, or revoking the license, effective immediately, or imposing a fine, in such amount as the Administrator deems reasonable. The licensee may request a hearing on such notice, by filing a written response and a request for hearing, within the 10-day period, with the Administrator and with the Clerk of the Santa Clara Tribal Court. The hearing shall be held before the Tribal Court, no later than 30 calendar days after receipt of such request, unless the Court for good cause extends such time period.

C. At the hearing, the Administrator shall have the burden to prove facts supporting the contentions set forth in the notice, and justifying the sanctions proposed in the notice. The licensee shall have the right to present its evidence in response.

D. The Court after considering all of the evidence and arguments shall issue a written decision, within 15 days after the hearing concludes, either upholding the proposed action of the Administrator, modifying such action by imposing some lesser penalty, or ruling in favor of the licensee, and such decision shall be final and conclusive.

Section 160. Special Event License

A. Any established business or any non-governmental organization that includes any member of the Pueblo, that has authority to conduct any activities within Santa Clara Indian Lands and that is not a licensee hereunder, may apply to the Administrator for a special event license, which shall entitle the applicant to distribute alcoholic beverages, whether or not for consideration, in connection with a bona fide special event to be held by the applicant within Santa Clara Indian Lands. Any such application must be filed in writing, in a form prescribed by the Administrator, no later than 45 calendar days prior to the event, must be accompanied by a fee in the amount of $50.00, and must contain at least the following information:

(1) The nature and purpose of the event, the identity of the applicant and its relationship to the event, and a description of the persons who are invited to participate in the event, including their ages;

(2) The precise location within Santa Clara Indian Lands where the event will occur, and where alcoholic beverages will be distributed, no part of which shall be within the Prohibited Zone;

(3) The exact days and times during which the event will occur (provided, that in no event shall any license be in effect for a period exceeding 72 hours, from the beginning of the first day of the event until the end of the last day);

(4) The nature of any food and beverages to be distributed, and the manner in which such distribution shall occur;

(5) Details of all provisions made by the applicant for sanitation, security and other measures to protect the health and welfare of participants at the event;

(6) Certification that the event will be covered by a policy of public liability insurance as described in section 158(C) of this Liquor Code, that includes the Pueblo as a co-insured; and

(7) Any other information required by the Administrator relative to the event.

B. The Administrator shall review the application, and shall prepare a written recommendation as to whether the application should be approved or denied, and whether it should be conditioned or limited in any respect, by no later than 10 days following receipt of the complete application, which recommendation, together with any supporting documents, shall be delivered to the office of the Governor.

C. The Governor shall place the application on the agenda of the next regular Tribal Council meeting that is at least 15 days after the Administrator's recommendation is received, and shall give written notice of the date and time of such meeting to the applicant and the Administrator. The Governor shall

provide complete copies of the Administrator's recommendation to each member of the Council by no later than 10 days before the meeting. The Tribal Council shall hear presentations from the applicant and the administrator on the application, and shall vote to approve or reject the application. If the Council votes to approve the application, it shall also decide whether the license should be conditioned or limited in any fashion. If the application is approved, the Administrator shall issue the license, including any conditions or limitations approved by the Council, and specifying the hours during which and the premises within which sales, distribution and consumption of alcoholic beverages may occur.

D. Alcoholic beverages may be sold or distributed pursuant to a special event license only at the location and during the hours specified in such license, in connection with the special event, only to participants in such special event, and only for consumption on the premises described in the license. Such sales or distribution must comply with any conditions imposed by the license, and with all other applicable provisions of this Liquor Code. All such alcoholic beverages must have been obtained from a New Mexico licensed wholesaler or retailer.

Section 161. Display of License

Every person licensed by the Pueblo to sell alcoholic beverages within Santa Clara Indian Lands shall prominently display the license on the licensed premises during hours of operation.

Section 162. Alcoholism Treatment Tax

There is hereby imposed a tax, that is in addition to any other applicable tax, in the amount of 2 percent of the gross receipts of each licensee from sales of alcoholic beverages, which shall be paid monthly by each licensee to the Administrator. The proceeds of this tax shall be maintained by the Administrator in a special fund, which shall be utilized solely to fund programs for the prevention and treatment of alcoholism and related problems, as determined from time-to-time by the Tribal Council. The Administrator may, by the issuance of appropriate regulations, establish procedures for the enforcement of this section.

Subchapter 4—Offenses

Section 181. Purchase From or Sale to Unauthorized Persons

Within Santa Clara Indian Lands, no person shall purchase any alcoholic beverage at retail except from a person licensed by the Pueblo under the provisions of this title; no person except a person licensed by the Pueblo under the provisions of this title shall sell any alcoholic beverage at retail; nor shall any person sell any alcoholic beverage for resale within Santa Clara Indian Lands to any person other than a person properly licensed by the Pueblo under the provisions of this chapter.

Section 182. Sale to Minors

A. No person shall sell or provide any alcoholic beverage to any person under the age of 21 years.

B. It shall be a defense to an alleged violation of this section that the purchaser presented to the seller an apparently valid identification document showing the purchaser's age to be 21 years or older, and that the seller had no actual or constructive knowledge of the falsity of the identification document and relied in good faith on its apparent validity.

Section 183. Purchase by Minor

No person under the age of 21 years shall purchase, attempt to purchase or possess any alcoholic beverage.

Section 184. Sale to Person Under the Influence of Alcohol

No person shall sell any alcoholic beverage to a person who the seller has reason to believe is under the influence of alcohol or who the seller has reason to believe intends to provide such alcoholic beverage to a person under the influence of alcohol.

Section 185. Purchase by Person Under the Influence of Alcohol

No person under the influence of alcohol shall purchase any alcoholic beverage.

Section 186. Bringing Liquor Onto Licensed Premises

No person shall bring any alcoholic beverage for personal consumption onto any premises within Santa Clara Indian Lands where liquor is authorized to be sold by the drink, unless such beverage was purchased on such premises, or unless the possession or distribution of such beverages on such premises is otherwise licensed under the provisions of this Liquor Code.

Section 187. Use of False or Altered Identification

No person shall purchase or attempt to purchase any alcoholic beverage by the use of any false or altered identification document that falsely purports to show the individual to be 21 years of age or older.

Section 188. Penalties

A. Any person convicted of committing any violation of this chapter shall be subject to punishment of up to 1 year imprisonment or a fine not to exceed $5,000.00, or to both such imprisonment and fine.

B. Any person not a member of a federally recognized Indian tribe, upon committing any violation of any provision of this chapter, may be subject to a civil action for trespass, and upon having been determined by the court to have committed the alleged violation, shall be found to have trespassed upon the Lands of the Pueblo, and shall be assessed such damages as the court deems appropriate in the circumstances.

C. Any person suspected of having violated any provision of this chapter shall, in addition to any other penalty imposed hereunder, be required to surrender any alcoholic beverages in such person's possession to the officer making the arrest or issuing the complaint.

Section 189. Jurisdiction

Any and all actions, whether civil or criminal, pertaining to alleged violations of this title, or seeking any relief against the Pueblo or any officer or employee of the Pueblo with respect to any matter addressed by this Liquor Code, shall be brought in the Tribal Court of the Pueblo, which court shall have exclusive jurisdiction thereof.

[FR Doc. 01–16106 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG), and Glen Canyon Technical Work Group (TWG); Cancellation of Meetings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meetings; cancellation.

SUMMARY: The Bureau of Reclamation is canceling the Adaptive Management Work Group Meeting Scheduled for July 17–18, 2001, in Phoenix, Arizona, in order to complete work on the Strategic Plan and other assignments. The meeting will be rescheduled for early October 2001 and will be noticed in the **Federal Register** when arrangements have been made.

Dates and Location: The Glen Canyon Technical Work Group will conduct the following public meeting.

Flagstaff, Arizona—August 7, 2001

The meeting will begin at 9:30 a.m. and conclude at 5:00 p.m. The meeting will be held at the Residence Inn, 3440 N. Country Club Drive, Flagstaff, Arizona.

Agenda: The purpose of the meeting will be to discuss the Strategic Plan, and other administrative and resource issues pertaining to the AMP.

Agenda items may be revised prior to any of the meetings. Final agendas will be posted 15 days in advance of each meeting and can be found on the Bureau of Reclamation website under Environmental Programs at: *http://www.uc.usbr.gov.* Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings.

ADDRESSES: To allow full consideration of information by the AMWG and TWG members, written notice must be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1147; telephone (801) 524–3758; faxogram (801) 524–3858; E-mail at *rpeterson@uc.usbr.gov* at least FIVE (5) days prior to the meeting. Any written comments received will be provided to the AMWG and TWG members at the meetings.

FOR FURTHER INFORMATION CONTACT: Randall Peterson, telephone (801) 524–3758; faxogram (801) 524–3858; *rpeterson@uc.usbr.gov.*

Dated: June 14, 2001.

Rick L. Gold,

Regional Director.

[FR Doc. 01–16007 Filed 6–26–01; 8:45 am]

BILLING CODE 4310–MN–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–949 and 950 (Preliminary)]

Processed Gum Arabic From France and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731–TA–949 and 950 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France and the United Kingdom of processed gum arabic,[1] provided for in subheading 1301.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by August 6, 2001. The Commission's views are due at Commerce within five business days thereafter, or by August 13, 2001.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: June 21, 2001.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to petitions filed on June 21, 2001, by Importers Service Corporation, Jersey City, NJ.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on July 12, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202–205–3197) not later than July 9, 2001, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before July 17, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at

[1] The merchandise that is the subject of the petition is #1 and #2 grade processed gum arabic, including both spray dried and powered gum arabic. The subject merchandise does not include raw (crude) or liquid gum arabic, or any other natural gums such as tragacanth, karaya, ghatti or other extracts.

the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Dated: June 25, 2001.
By order of the Commission.

Donna R. Koehnke

Secretary.

[FR Doc. 01–16295 Filed 6–26–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Enterprise Computer Telephony Forum

Notice is hereby given that, on May 15, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Enterprise Computer Telephony Forum (''ECTF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Digital Wave Inc., Seoul, Republic of Korea; Elix, Montreal, Quebec, Canada; Commetrex Corp., Norcross, GA; AGT International, Columbus, OH; Amcat, Edmond, OK; and Webversa Inc., Fairfax, VA have been added as parties to this venture.

Also, AT&T, Redmond, WA; CallScan, West Midlands, England, United Kingdom; Compag Computer Corporation, Colorado Springs, CO; Cyberlog International, San Antonio, TX; Digi International, Minneapolis, MN; Ericsson, Richardson, TX; ESI, Plano, TX; Fujitusu, Anaheim, CA; IBM Corporation, Triangle, NC; Lernout & Hauspie Speech Products, Ieper, Belgium; Locus Dialogue, Montreal, Quebec, Canada; NOVVOX AG, Auerich, Switzerland; Nuance Communications, Menlo Park, CA; Philips Business Communications, Aachen, Germany; Rockwell Electronic Commerce, Dallas, TX; SpeechWorks, Boston, MA; StarBridge Technologies, Inc., Marborough, MA; Sun Microsystems, Chelmsford, MA; Telesoft Design Inc.; Dorset, England, United Kingdom; Unisys, New Britain, PA; Alcatel, Plano, TX; Audiocodes, Hooksett, NH; Authentix, Tucson, AZ; Bank of America, Charlotte, NC; Blue Wave Systems, Loughborough, England, United Kingdom; Call Sciences, Inc., Edison, NJ; Centigram Communications, San Jose, CA; Comsys International, Zeist, The Netherlands; Comuniq ASA, Sela, Norway; Connect It Communication BV, Wert, The Netherlands; CSC Ploenzke AG, Wiesbanden, Germany; Datakinetics, Fodingbridge, Hampshire, England, United Kingdom; Dragon Systems; Gloucestershire, England, United Kingdom; EICON Technology Corp., Montreal, Quebec, Canada; Elbit Systems, Ltd., Haifa, Israel; EteX-Sprachsynthese, Frankfort, Germany; Excelerant Software Services, Hertfordshire, England, United Kingdom; General Dynamics Government Systems, Tampa, FL; Immisch, Becker & Partner, Hamburg, Germany; Inter-Tel, Phoenix, AZ; Intergen Group, Ltd, Atlanta, GA; Integrated Device Technology, Inc., Santa Clara, CA; Intervoice, Dallas, TX; ITRI, Chu Tung, Hsin Chu, Taiwan; Katrel Elektronik SA, Ankara, Turkey; LASAT Networks, Bagsvaerd, Denmark; Megellan Network Systems, Sunnyvale, CA; Necsy S.p.A., Padova, ITALY; Netergy Networks, Santa Clara, CA; NetPhone, Marlborough, MA; Oki Electric Industry, Takasaki-shi, Gunma-k, Japan; RadiSys Corporation, Houston, TX; Sail Labs GesmbH, Vienna, Austria; Smart Home, Tefen Tower, Israel; TeleDirect International, Davenport, IA; TEMIC, Stuttgart, Germany; Voice Technologies Group, Getzelle, NY; and West Interative, Omaha, NE have been dropped as parties to this venture.

No other changes have been made in either the membership or planning activity of the group research project. Membership in this group research project remains open, and ECTF intends to file additional written notifications disclosing all changes in membership.

On February 20, 1996, ECTF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 13, 1996 (61 FR 22074).

The last notification was filed with the Department on December 15, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 5, 2001 (66 FR 18111).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 01–16143 Filed 6–26–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review: Sponsor's Notice of Change of Address.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 17, 2001 at 66 FR 19797, allowing for a 60-day public comment period. No comments were received by the INS on the proposed extension of this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 27, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725–17th Street, NW., Room 10235, Washington, DC 20530; Attention: Robert Buschmann, Department of Justice Desk Officer.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Sponsor's Notice of Change of Address.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–865. Office of Policy and Planning Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form will be used by every sponsor who has filed an Affidavit of Support under Section 213A of the INA to notify the Service of a change of address. The data will be used to locate a sponsor if there is a request for reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100,000 responses at .233 hours (14 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 23,300 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: June 21, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–16068 Filed 6–26–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review: Affidavit of Support Under Section 213A of the Act, and Contract Between Sponsor and Household Member.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 17, 2001 at 66 FR 19797, allowing for a 60-day public comment period. No comments were received by the INS on the proposed extension of this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 27, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725–17th Street NW., Room 10235, Washington, DC 20530; Attention: Robert Buschmann, Department of Justice Desk Officer.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Affidavit of Support under Section 213A of the Act, and Contract Between Sponsor and Household Member.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–864 and Form I–864A. Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The collection of information is mandated by law for a petitioning relative to submit an affidavit on their relative's behalf. The executed form creates a contract between the sponsor and any entity that provides means-tested public benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 539,500 principal I–864 responses at 3.8 hours per response and 195,000 dependent I–864 responses at .08 hours per response; and 214,800 I–864A responses at 1.75 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,443,350 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and

Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: June 21, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–16069 Filed 6–26–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

HIV/AIDS Global Workplace Prevention and Education Program

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Notice of availability of funds and solicitation for cooperative agreement applications (SGA 01–05).

SUMMARY: This notice contains all of the necessary information and forms needed to apply for cooperative agreement funding. The U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), will award funds in one or more cooperative agreements to an organization or organizations to develop and implement HIV/AIDS workplace education programs in one or more countries. ILAB is seeking applications from qualified organizations for the implementation of workplace prevention education for HIV/AIDS, capacity building activities for government, business, and labor to respond to the pandemic outbreak, and the development of workplace policy statements addressing the issue of stigma and discrimination against people living with HIV/AIDS.

DATES: The closing date for receipt of applications is July 27, 2001. Applications must be received by 4:45 p.m. (Eastern Daylight Savings Time) at the address below. No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will not be honored. Telefacsimile (FAX) applications will not be accepted.

ADDRESSES: Application forms will not be mailed. They are published in the **Federal Register**, which may be obtained from your nearest U.S. Government office or public library. Applications must be hand-delivered or submitted by mail to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attention: Lisa Harvey, Reference: SGA 01–05, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Questions concerning this solicitation may be sent to Lisa Harvey at the following e-mail address: *harvey-lisa@dol.gov*. All inquiries should reference SGA 01–05.

SUPPLEMENTARY INFORMATION: The Bureau of International Labor Affairs (ILAB), U.S. Department of Labor (USDOL, Department, or Grantor), announces the availability of funds to be granted by cooperative agreement to one or more qualifying organizations (other than profit-making organizations) for the purpose of reducing the spread of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) and eliminating discrimination in employment against individuals infected with HIV/AIDS through a global workplace prevention and education program. The cooperative agreement(s) are to be actively managed by the Office of Foreign Relations (OFR), ILAB, to assure achievement of the stated goal. Applicants are encouraged to be creative in proposing cost-effective interventions that will have a demonstrable impact on the HIV/AIDS infection rate and the level of discrimination in employment against individuals infected with HIV/AIDS.

I. Background and Program Scope

A. The International HIV/AIDS Pandemic

According to the United Nations, the total number of people living with HIV/AIDS in 2000 was 36.1 million, with two-thirds of those infected in sub-Saharan Africa. There were more than 5.3 million newly infected persons in 2000. The total number of AIDS-related deaths in 2000 was 3 million. AIDS is the number one cause of death in Africa and ranks fourth on a global scale. Although HIV/AIDS was initially viewed as strictly a health crisis, it is now widely recognized to have economic implications as well.

Recent studies on HIV/AIDS in the workforce warn of catastrophic consequences of HIV/AIDS for workers and employers worldwide, projecting a severe decline in the size and quality of the workforce in a number of countries over the next 20 years. The most infected country populations in sub-Saharan Africa could lose 29–35% of their labor force by 2020. Due to the disproportionate effect of HIV/AIDS on the 15–49 year age group, the most economically active segment of society is affected most severely. This fact has serious consequences for governments, employers, and workers alike. Moreover, the stigma and discrimination that surround those suffering from the disease contribute to the high prevalence rate by perpetuating misinformation and preventing people from seeking help. As a result, the World Bank estimates that in a typical sub-Saharan African country, with an HIV/AIDS prevalence rate of 20%, the average rate of GDP growth would be 2.6% lower. After a 20-year period, GDP in those same highly infected countries would be 67% less.

B. USDOL Global HIV/AIDS Workplace Education

The OFR carries out a worldwide international technical assistance program in support of three objectives: First, Expanding Economic Opportunity and Income Security for Workers; second, Protecting the Basic Rights of Workers; and third, Reducing the Prevalence of HIV/AIDS through Workplace Education. This SGA seeks one or more eligible and qualified organizations to develop and implement the projects supporting objective three, Reducing the Prevalence of HIV/AIDS through Workplace Education. In FY 2001, OFR is planning to initiate approximately ten (10) workplace education projects in all regions of the world, with a particular emphasis on Africa, the Americas, Asia, and Eastern Europe. The tasks required of the recipient organization(s) to carry out this work will involve project design, implementation, monitoring, and reporting in one or more countries.

II. Authority

ILAB is authorized to award and administer this program by the Department of Labor Appropriations Act, 2001, Public Law 106–554, 114 Stat. 2763A–10 (2000).

III. Application Process

A. Eligible Applicants

Any organization (other than a profit-making organization), capable of successfully developing and implementing a HIV/AIDS workplace education program to reduce the spread of HIV/AIDS and help eliminate the

discrimination in employment among individuals infected with HIV/AIDS is eligible for a cooperative agreement. The capability of an applicant to perform necessary aspects of this solicitation will be determined under Section V.B. Rating Criteria.

Please note that eligible cooperative agreement applicants must not be classified under the Internal Revenue Code as a Section 501(c)(4) entity. See 26 U.S.C. 506(c)(4). According to Section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in Section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant, or loan.

B. Submission of Applications

One (1) ink-signed original, complete application plus five (5) copies of Part II (the technical proposal), must be submitted to the U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Washington, DC 20210, not later than 4:45 p.m. EDT, July 27, 2001.

The application must consist of two (2) separate parts. Part I of the application must contain the Standard Form (SF) 424, ''Application for Federal Assistance'' (Appendix A) (The entry on SF 424 for the Catalog of Federal Domestic Assistance Number (CFDA) is 17.700) and sections A–F of the Budget Information Form SF 424A (Appendix B). Part II must contain a technical proposal that demonstrates capabilities in accordance with the Statement of Work and the selection criteria. The applicant is advised that the Proposal must be based on the example listed in the Review Criteria.

To be considered *responsive* to this solicitation, the application must consist of the above-mentioned separate sections not to exceed 30 single-sided (8½″ × 11″), double-spaced, 10 to 12 pitch typed pages. *Any proposals that do not conform to these standards may be deemed non-responsive to this solicitation and may not be evaluated.* Standard forms and attachments are not included in page limit.

The individual signing the SF 424 on behalf of the applicant must be authorized to bind the applicant.

Each proposal must include a table of contents and an abstract summarizing the proposal in not more than two (2) pages. (The table of contents and abstract do not count against the page limitation for the technical proposal.)

C. Acceptable Methods of Submission

Applications may be hand-delivered or mailed. Hand-delivered applications must be received by the Procurement Services Center by the date and time specified. Any application received at the Procurement Services Center after 4:45 p.m. EDT, July 27, 2001 will not be considered unless it is received before an award is made and:

a. It was sent by registered or certified mail not later than the fifth calendar day before July 27, 2001;

b. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the above address; or

c. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. EDT at the place of mailing two working days, excluding weekends and Federal holidays, before July 27, 2001.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date must be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants must request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the wrapper or envelope.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants must request that the postal clerk place a legible hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt of a hand-delivered application at the U.S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence of receipt maintained by that office.

Applications sent by E-mail, telegram, or telefacsimile (FAX) will not be accepted.

D. Funding Levels

Approximately $9 million is available for this program, to fund activities in approximately ten (10) countries. We will award as many cooperative agreements as necessary to accomplish the Department's goals.

E. Length of Cooperative Agreement Period

The performance period for the cooperative agreement(s) awarded under this SGA is four (4) years. Each applicant must reflect in its application the intention to begin operation no later than September 2001.

IV. Requirements

A. Statement of Work

Applicants must propose work in all of the following areas in each country or countries it proposes to operate a project (or projects):

1. Develop technical assistance programs to assist the government(s) of one or more developing countries, in collaboration with business and workers' organizations, and other relevant community organizations, in activities related to implementation, promotion, and sustainability of HIV/AIDS workplace prevention and education programs. Participate in design missions to develop strategy for project designs. Provide training, advisory and consultative services, and overall coordination and delivery of technical assistance.

2. Recognizing that HIV/AIDS adversely impacts economic development and threatens human rights and equality in the workplace, the emphasis of the program must be on the following:

a. Developing innovative strategies for involving government, employers' and workers' organizations, and nongovernmental organizations, as appropriate, in the development and implementation of projects to promote and sustain workplace-based HIV/AIDS prevention and education programs;

b. Developing relevant information, education, and communication (IEC) materials aimed at increasing awareness at the local, national, and international level for the purpose of eliminating the stigma and discrimination associated with HIV/AIDS;

c. Evaluating projects, promoting and supporting best practices and replicable programs as well as developing plans for future strategies;

d. Identifying national policy, programs, and measures relating to discriminatory practices in project countries and developing workplace policy statements; and

e. Monitoring, reporting, and self-evaluation: regularly monitoring project outcomes and reporting to ILAB on project performance and conducting periodic self-evaluations to ensure that the project objectives are met.

B. Deliverables

Unless otherwise indicated, the applicant must submit copies of all required reports to ILAB by the specified due dates. Other documents, such as project designs, are to be submitted by mutually agreed-upon deadlines.

1. *Trip Reports.* Within ten (10) days of the conclusion of each project design mission, a two-page trip report (exclusive of contact information) will be submitted to ILAB, including purpose of trip, places and dates, list of meetings, site visits, problems encountered, accomplishments, next steps, and an appendix of names and contact information of persons met.

2. *Project Designs.* The standard project document format established by ILAB will be used, and will include a background/justification section, project strategy (objectives, outputs, activities, indicators), project implementation timetable, project management organizational chart, project budget, and logical framework. The document will also include sections which cover coordination strategies, project management, and sustainability of project improvements involving government, employers' and workers' organizations as well as other nongovernmental organizations as appropriate.

3. *Technical Progress Reports.* The grantee(s) must furnish a typed technical report to ILAB on a quarterly basis by 30 March, 30 June, 30 September, and 31 December of each year. The grantee(s) must also furnish a separate financial report to ILAB on the same quarterly basis. The format for the technical progress report will be the standard format developed by ILAB and must contain the following information:

a. For each project objective, an accurate account of activities carried out under that objective during the reporting period;

b. An accounting of staff and any subcontractor hours expended;

c. An accounting of travel performed under the cooperative agreement during the reporting period, including purpose of trip, persons or organizations contacted, and benefits derived;

d. A description of current problems that may impede performance, and proposed corrective action;

e. For each project objective, a discussion of the work to be performed during the balance of the cooperative agreement; and

f. Aggregate amount of costs incurred during the reporting period.

4. *Evaluation Plan.* An evaluation plan for all projects, to be developed in collaboration with ILAB, including beginning and ending dates for projects, planned and actual dates for mid-term review, and final end of project evaluations.

5. *Evaluation Reports.* The grantee(s) and the Grant Officer's Technical Representative (GOTR) will determine on a case-by-case basis whether mid-term evaluations will be conducted by an internal or external evaluation team. All final evaluations will be external in nature. The GOTR must approve the mid-term evaluation before further work is done. The grantee(s) will respond to any comments and recommendations resulting from the review of the mid-term report.

C. Production of Deliverables

1. *Materials Prepared and Purchased Under the Cooperative Agreement.* The grantee(s) must submit to ILAB all media-related and educational materials developed under this cooperative agreement for use in this project before they are reproduced, published, or used. The grantee(s) must consult with ILAB to ensure that materials are compatible with ILAB materials relating to the program, *i.e.*, public relations material such as video and web site. ILAB considers brochures, pamphlets, videotapes, slide-tape shows, curricula, and any other training materials used in the program, educational materials. ILAB will review materials for technical accuracy. ILAB will also review training curricula and purchased training materials for accuracy before they are used. The grantee(s) must obtain prior approval from the Grant Officer for all materials developed or purchased under this cooperative agreement.

2. *Provide ILAB materials that you publish, print or reproduce.* All materials produced by grantee(s) must be provided to ILAB in a digital format for possible publication on the Internet by ILAB.

3. *Printing and Duplicating.* The grantee(s) must comply with all duplicating and printing regulations issued by the Joint Committee on Printing under the authority of 44 U.S.C. 103, 501, and 502. The term ''duplicating'' as used means material produced on single unit duplicating equipment not larger than 11 by 17 inches and which has a maximum image of $10\frac{3}{4} \times 14\frac{1}{4}$ inches using direct image plates not requiring the use of negatives. The term ''printing'' as used must be construed to include and apply to the processes of composition, platemaking, presswork, binding, and microform.

Under this cooperative agreement, the grantee(s) may duplicate up to a maximum of 5,000 copies of one page or 25,000 copies in the aggregate of multiple pages.

The grantee(s) must not use funds under this cooperative agreement to provide duplicating in excess of the quantities stated above nor provide printing without the written authorization of the Joint Committee on Printing. Such authorization must be requested and obtained from the Grant Officer through the Departmental Printing Officer. Nothing in this clause preludes the procurement of writing, editing, preparation of manuscript copy, or preparation of related illustrative material.

4. *Acknowledgment of USDOL Funding.* In all circumstances, the following must be displayed on printed materials:

> ''Preparation of this item was funded by the United States Department of Labor under Cooperative Agreement No. [insert the appropriate cooperative agreement number].

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds must clearly state:

a. The percentage of the total costs of the program or project which will be financed with Federal money;

b. The dollar amount of Federal funds for the project or program; and

c. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

In consultation with ILAB, identification of USDOL's role will be determined to be one of the following:

a. The USDOL logo may be applied to USDOL-funded material prepared for world-wide distribution, including posters, videos, pamphlets, research documents, national survey results, impact evaluations, best practice reports, and other publications of global interest. The grantee(s) will consult with USDOL on whether the logo should be used on any such items prior to final draft or final preparation for distribution. In no event will the USDOL logo be placed on any item until

USDOL has given the grantee written permission to use the logo, after obtaining appropriate internal USDOL approval for use of the logo on the item. b. If the ILAB determines the logo is not appropriate and does not give written permission, the following notice must appear on the document:

''This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.''

D. Administrative Requirements

1. *General*. Grantee organizations will be subject to applicable Federal laws (including provisions of appropriations law) and the applicable Office of Management and Budget (OMB) Circulars. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles, *i.e.*, Non-Profit Organizations—OMB Circular A–122. The cooperative agreement(s) awarded under this SGA will be subject to the following administrative standards and provisions, if applicable:

29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.

29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

2. *Subgrants/Contracts.* Subgrants and contracts must be awarded in accordance with 29 CFR 95.40.

3. *Key Personnel*. The applicant must list the individual(s) who have been designated by the grantee as having primary responsibility for the conduct and completion of all work in project(s) it proposes. The grantee agrees to inform the GOTR whenever is appears impossible for one or more of these individual(s) to continue work on the project as planned. The grantee may nominate substitute personnel for approval of the GOTR; however, the grantee must obtain prior approval from the Grant Officer for all key personnel. If the Grant Officer determines not to approve the personnel change, he/she reserves the right to terminate the cooperative agreement.

4. *Encumbrance of Cooperative Agreement Funds.* Cooperative agreement funds may not be encumbered/obligated by the grantee before or after the cooperative agreement period of performance. Encumbrances/obligations outstanding as of the end of the cooperative agreement period may be liquidated (paid out) after the end of the cooperative agreement period. Such encumbrances/obligations may involve only commitments for which a need existed during the grant period and which are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the grantee's purchasing procedures and incurred within the cooperative agreement period. All encumbrances/obligations incurred during the cooperative agreement period must be liquidated within 90 days after the end of the grant period, if practicable.

5. *Site Visits*. The grantor, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If the grantor makes any site visit on the premises of the grantee or a subgrantee/contractor under this grant, the grantee must provide and must require its subgrantees/contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations must be performed in such a manner as will not unduly delay the work.

V. Review and Selection of Applications for Grant Award

A. The Review Process

We will screen all applications to determine whether all required elements are present and clearly identifiable. Each complete application will be objectively rated by a technical panel against the criteria described in this announcement. The panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to select one or more grantees on the basis of the initial proposal submission; or, the Grant Officer may establish a competitive or technically acceptable range for the purpose of selecting qualified applicants. If deemed appropriate, following the Grant Officer's call for the preparation and receipt of final revisions of proposals, the evaluation process described above will be repeated to consider such revisions. The Grant Officer will make a final selection determination based on what is most advantageous to the Government, considering factors such as: panel findings, geographic presence of the applicants, and the availability of funds. The Grant Officer's determination for award under this SGA 01–05 is final.

Notice: Selection of an organization as a cooperative agreement recipient does not constitute approval of the cooperative agreement application as submitted. Before the actual cooperative agreement is awarded, the Grant Officer will enter into negotiations concerning such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the proposal.

B. Rating Criteria and Selection

The technical panel will review grant applicants against the criteria listed below on the basis of 100 points with up to additional 5 points available for non-federal or leveraged resources.

The criteria are presented in the order of emphasis that they will receive.

1. *Approach, Understanding of the Issue, and Budget Plan (40 points).*

a. *Overview.* This section of the proposal must explain:

(1) The applicant's proposed method for performing all the specific work requirements presented in this solicitation for project(s) which the applicant proposes;

(2) The expected outcomes over the period of performance for each of the tasks; and

(3) The applicant's approach for producing all required deliverables.

The applicant must describe in detail the proposed approach to comply with each requirement, including all tasks, methods to be utilized, and scheduling of time and personnel/staff. Also, the applicant must explain the rationale for using this approach. In addition, this section of the proposal must demonstrate the applicant's thorough knowledge and understanding of the impact of HIV/AIDS on the workplace, best-practice solutions to the problem, and work that has been done in the field as applied to country or countries to which the applicant proposes as a project (or projects).

b. *Workplan.* The applicant must submit a workplan for the country or countries in which it proposes to operate a project (or projects) that lists the immediate objectives, activities, and outputs during the life of the project, starting with the execution of the cooperative agreement and ending with the final report. Applicants may propose one or more countries as projects, up to ten.

c. *Technical Sample.* We plan to implement approximately ten (10) projects globally. The applicant must create one (1) model workplan based on

Ethiopia. For this competition, Ethiopia is merely an example of a country in which we might fund a project under this announcement. At this time, we have no plans to fund a project in Ethiopia, but we reserve the right to fund a project in Ethiopia under this announcement. The applicant must address the following points:

(1) Describe the use of existing or potential infrastructure and the use of qualified personnel, including qualified nationals to implement the project. The applicant also must include a project organizational chart, demonstrating management structure, key personnel positions, and indicating proposed links with Government, business leaders, trade unions, and local health organizations. Applicants will not receive any points for actual communications with any person(s) or entities in Ethiopia or for the creation of an infrastructure in Ethiopia for this competitive grant process.

(2) Develop a list of activities and explain how each relates to the overall objective of reducing the prevalence of HIV/AIDS through workplace based education.

(3) Explain how appropriate information, education and communication materials will be developed.

(4) Demonstrate how it will review laws on discrimination and work with the business community, trade unions and the government to develop workplace policy statements aimed at addressing the stigma and discrimination associated with HIV/AIDS.

(5) Demonstrate how it would systematically report on project performance to measure the achievement of the project objective(s).

(6) Demonstrate how it would build local capacity to ensure that project efforts to reduce the prevalence of HIV/AIDS infection and workplace discrimination associated with HIV/AIDS are sustained after completion of the project.

(7) Develop a country-specific budget for the project in Ethiopia. NOTE: Applicants will not be evaluated on the size of the budget, but on the efficient allocation of resources and the priorities the applicant assigns to various expenditures.

d. *Budget Plan.* This section of the proposal must contain the applicant's budget plan for the project(s) proposed, explaining the costs for performing all of the requirements presented in this solicitation and for producing all required reports and other deliverables presented in this solicitation; costs must include labor, equipment, travel, and other related costs.

e. *Management Plan.* This section also must include a management and staff loading plan. The management plan must include the following:

(1) A project organization chart and accompanying narrative which differentiates between elements of the Applicant's staff and subcontractors or consultants who will be retained;

(2) A description of the functional relationship between elements of the project's organization; and

(3) The identity of the individual responsible for project management and the lines of authority between this individual and other elements of the project.

f. *Staff Loading Plan.* The staff loading plan must identify all key tasks and the person-days required to complete each task. Labor estimates for each task must be broken down by individuals assigned to the task, including subcontractors and consultants. All key tasks must be charted to show time required to perform them by months or weeks.

(1) Information provided on the experience and educational background of personnel must indicate the following:

(a) The educational background and experience of all staff to be assigned to the project.

(b) The identity of key staff assigned to the project. ''Key staff'' are personnel who are essential to the successful operation of the project and completion of the proposed work and, therefore, may not be replaced or have their hours reduced without the approval of the Grant Officer.

(c) The special capabilities of staff that demonstrate prior experience in organizing, managing and performing similar efforts.

(d) The current employment status of staff and availability for this project. The applicant must also indicate whether the proposed work will be performed by persons currently employed or is dependent upon planned recruitment or subcontracting.

This section will be evaluated in accordance with applicable Federal laws and regulations. The budget must comply with Federal cost principles (which can be found in the applicable OMB Circulars).

2. *Experience and Qualifications of the Organization (35 points).*

a. The organization applying for the award must have experience in or the capability of working directly with government Ministries, employers' organizations, and trade unionists; analyzing labor law relating to discrimination; developing workplace policy statements addressing issues relating to discrimination; and implementing workplace education programs either in the country or countries in which it proposes project(s) or that it has broad experience of working with such entities.

b. The capability of the organization may be demonstrated by one or more staff members assigned to oversee the project with experience in the following areas:

(1) Workplace safety and health programs;

(2) Labor law and workplace policy statements;

(3) The capacity to develop direct access to Ministries of Labor, employers' organizations, and trade union representatives or comparable entities.

c. The organization must also demonstrate either that it has an international system of operations either by affiliates or by agreement in the regions identified in section I.B, above or that it has an effective system of operations in the country (or countries) for which it proposes its project(s). These contacts must enable the organization to demonstrate that it can perform the above-mentioned work in the country (or countries) in which it proposes to operate its proposed project(s).

d. The proposal must include information regarding its previous grants, contracts or cooperative agreements. This information must include:

(1) The organization for whom the work was done;

(2) A contact person in that organization with his/her current phone number;

(3) The dollar value of the grant, contract or cooperative agreement for the project(s);

(4) The time frame and professional effort involved in the project(s);

(5) A brief summary of the work performed; and

(6) A brief summary of accomplishments.

3. *Experience and Qualifications of Key Personnel (25 points).* This section of the proposal must include sufficient information for judging the quality and the competence of key staff proposed to be assigned to the project(s) proposed to assure that they meet the required qualifications. Successful performance of the proposed work depends heavily on the qualifications of the individuals committed to the project. Accordingly, in our evaluation of the applicant's proposal, we will place considerable emphasis on the applicant's commitment of key personnel qualified

for the work involved in accomplishing the assigned tasks.

The following information must be furnished:

a. The applicant must designate a Program Director to oversee the project(s) and other key personnel to perform the requirements for the program. The Program Director must have a minimum of three years of professional experience with employment discrimination law and HIV/AIDS workplace-based preventive education or related workplace safety and health education projects.

b. An organizational chart showing the applicant's proposed organizational structure for performing task requirements for the project(s) proposed, along with a description of the roles and responsibilities of all key personnel proposed for this project(s).

c. A resume for each key personnel to be assigned to the program. At a minimum, each resume must include: the individual's current employment status and previous work experience, including position title, duties performed, dates in position, employing organizations and educational background. Duties must be clearly defined in terms of role performed, *i.e.,* manager, team leader, consultant, etc. (Resumes must be included as attachments which do not count against the page limitation.)

d. The current employment status of key personnel proposed for work under the cooperative agreement, *i.e.,* whether personnel are currently employed by the organization or whether their employment depends upon planned recruitment or subcontracting. Note that the key management and professional technical staff members comprising the applicant's proposed team must be individuals who have prior experience with organizations working in similar efforts, and must be fully qualified to perform work specified in the Statement of Work. Where subcontractors or outside assistance are proposed, organizational control must be clearly delineated to ensure responsiveness to the needs of the USDOL.

4. *Leveraging of Federal Funding (5 points).* We will give up to five (5) additional rating points to proposals which include non-Federal resources that expand the dollar amount, size and scope of the proposal. The applicant may include any leveraging or co-funding anticipated. To be eligible for additional points in the criterion, the applicant must list the source(s) of funds, the nature, and activities anticipated with these funds under this cooperative agreement, and any partnerships, linkages or coordination of activities, and/or cooperative funding.

Signed at Washington, DC, this 22nd day of June, 2001.

Lawrence J. Kuss,

Grant Officer.

BILLING CODE 4510–28–P

Appendix A: SF 424 - Application Form.

APPLICATION FOR FEDERAL ASSISTANCE

APPENDIX AA@

OMB Approval No. 0348-0043

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application ~ Construction ~ Non-Construction	Preapplication ~ Construction ~ Non-Construction	3. DATE RECEIVED BY STATE 4. DATE RECEIVED BY FEDERAL AGENCY	State Application Identifier Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name, telephone number and fax number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN): GG-GGGGGGG	7. TYPE OF APPLICANT: (enter appropriate letter in box) G A. State H Independent School Dist. B. County I State Controlled Institution of Higher Learning C. Municipa J . Private University D. Township K Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify): _____
8. TYPE OF APPLICATION: ~ New ~ Continuation ~ Revision If Revision, enter appropriate letter(s) in box(es): G G A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	9. NAME OF FEDERAL AGENCY:
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: GG-GGG TITLE:	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):	

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. Federal	$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____
b. Applicant	$ .00	
c. State	$ .00	
d. Local	$ .00	b. NO. ~ PROGRAM IS NOT COVERED BY E.O. 12372 ~ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
e. Other	$ .00	
f. Program Income	$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
g. TOTAL	$ .00	~ Yes If "Yes," attach an explanation. ~ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number

d. Signature of Authorized Representative	e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)

Prescribed by OMB Circular A-102

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APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	*(B)*	*(C)*
1. Personnel			
2. Fringe Benefits (Rate)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			

10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	*(B)*	*(C)*
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

***NOTE:** Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).*

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. ***Personnel:** Show salaries to be paid for project personnel which you are required to provide with W2 forms.*
2. ***Fringe Benefits:** Indicate the rate and amount of fringe benefits.*
3. ***Travel:** Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more. Also include a detailed description of equipment to be purchased including price information.

5. Supplies: Include the cost of consumable supplies and materials to be used during the project period.

6. Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.

7. Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. Total, Direct Costs: Add lines 1 through 7.

9. Indirect Costs: Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.

10. Training /Stipend Cost: (If allowable)

11. Total Federal funds Requested: Show total of lines 8 through 10.

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE: PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

[FR Doc. 01–16131 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–28–C

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,298; Accuride Corp., Columbia, TN
TA–W–38,793; U.S. Intec. Inc., Corvallis, OR
TA–W–39,232; Timber Tech, Inc., Libby, MT
TA–W–38,794 & A; Eric Scott Leathers Limited, Ste. Genevieve, MO and Farmington, MO
TA–W–38,668; Motor Appliance Corp., Washington, MO

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,054; Consolidated Loose Leaf, Inf., New York NY
TA–W–39,111; Price Pfister, Injection Molding Dept. Pacoima, CA
TA–W–38,868; PACCAR, Inc., Chillicothe, OH
TA–W–39,383; Tridelta Industries, Inc., Mentor, OH
TA–W–38,627; Clinton Imperial China, Inc., Clinton, IL
TA–W–39,192; Epic Component Co., New Boston, MI
TA–W–39,350; Madill Equipment USA, Kalama, WA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–38,582; Dalil Fashions, Inc., Edison, NJ
TA–W–39,116; Environmental Analytics, Inc., Nassau Bay, TX
TA–W–38,828; Genicom Corp, Document Solutions Co., Div., Waynesboro, VA
TA–W–39,155; Fiera, Inc., Miami, FL

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–38,900; Borg Warner Air/Fluid Systems Corp., Water Valley, MS

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,947; Falcon Shoe Manufacturing, Lewiston, ME: March 20, 2000.
TA–W–39,'243; D and J Apparel, Inc., Albermarle, NC: May 1, 2000.
TA–W–38,995; Penn Metal Stamping, Inc., St., Marys, PA: March 27, 2000.
TA–W–38,805; Lenox Crystal, Mt. Pleasant, PA: February 28, 2000.
TA–W–39,308; Blue Cast Denim Co., Inc., El Paso, TX: May 8, 2000.
TA–W–38,176; The Fashion Group, Lafayette, TN: April 17, 2000.
TA–W–38,852; Lucia, Inc., Winston-Salem, NC: March 2, 2000.
TA–W–38,955; Shepard/Justin, New Bedford, MA: June 16, 2000.
TA–W–39,044; Khan-Lucas Lancaster, Columbia, PA: March 23, 2000.
TA–W–39,043; Pete's 807 Cutting Services, Inc., Hialeah, FL: March 25, 2000.
TA–W–38,635; Georgia Pacific Corp., Kalamazoo, MI: January 19, 2000.
TA–W–39,030; Novo Kniting Co., Mansfield, OH: April 13, 2001.
TA–W–38,628; Crown Hosiery, Hickory, NC: January 11, 2000.
TA–W–39,058; Garden State Cutting Co., Passaic, NJ: March 28, 2000.
TA–W–38,866; Global d/b/a, Appalachian furniture Works, Belington, WV: February 28, 2000.
TA–W–38,952; Keystone Thermometrics Corp., St. Mary's, PA: March 16, 2000.
TA–W–38,888; Geneva Steel, Provo UT, Including Workers at Ainge Enterprises, Inc., Provo, UT: March 7, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter caled (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04607; U.S. Intec, Inc., Corvallis, OR
NAFTA–TAA–04690; Rue Logging, Inc., South Fork, CO

NAFTA–TAA–04792; Novo Knitting Co., Mansfield, OH
NAFTA–TAA–04522; Motor Appliance Corp., Washington, MO
NAFTA–TAA–04924; Madill Equipment USA, Kalama, WA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

NAFTA–TAA–04856; Fiera, Inc., Miami, FL
NAFTA–TAA–04691; Intex Corp., Career Apparel, Greensboro, NC

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04776; Southern Tees, Inc., Rockingham, NC: April 12, 2000.
NAFTA–TAA–04809; Technotrim, Stockton, CA: April 10, 2000.
NAFTA–TAA–04672; Bakka International, El Paso, TX, Including Temporary Employees of DSI Teamstaff II Employed at Bakka International, El Paso, TX: March 13, 2000.
NAFTA–TAA–04805; Access Electronics, Inc., Gurness, IL: April 23, 2000.
NAFTA–TAA–04843; D and J Apparel, Inc., Albemarle, NC: May 1, 2000.
NAFTA–TAA–04488; Crown Hosiery, Hickory, NC: January 11, 2000.
NAFTA–TAA–04737; Badger Sportswear, Inc., Fairmont, NC: April 5, 2000.
NAFTA–TAA–04826; Krupp Hoesch Suspensions, Hamilton, OH: April 30, 2000.
NAFTA–TAA–04918; Aavid Thermalloy, LLC, Dallas, TX: May 25, 2000.
NAFTA–TAA–04800; Magnetek, Inc., Madison, AL: May 25, 2000.
NAFTA–TAA–04797; Epic Components Co., New Boston, MI: April 24, 2000.
NAFTA–TAA–04853; Telect, Inc., Liberty Lake, WA: May 10, 2000.

I hereby certify that the aforementioned determinations were issued during the month of June, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 18, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16162 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,823; API Gettys, Inc., Including Leased Workers of QPS and Ranstand, Racine, WI
TA–W–39,248; Nypro Oregon, Corvallis, OR
TA–W–39,267; Johnstown Babbitting and Machine Co., Seward, PA
TA–W–38,728; Equistar Chemical L.P., Port Arthur, TX
TA–W–38,843 & A; Venture Lane, Hackensack, NJ and Brand Mills, LTD, Hackensack, NJ
TA–W–38,950; Delfield Co., Mt. Pleasant, MI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,201; Flexfab Horizons International LLC, Hastings, MI
TA–W–38,330; Volunteer Leather, Milan, TN
TA–W–38,142; Bush Brothers and Co., Blytheville, AR
TA–W–39,229; Perfect Fit Industries, Tell City, PA
TA–W–39,097; Vastar Resource, Inc., Houston, TX
TA–W–38,674; York International Corp., Portland, OR
TA–W–39,277; UFE, Inc., River Falls, WI

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,256; Nortel Networks, Simi Valley, CA
TA–W–39,166; Imperial Home Decor Croup, Plattsburgh, NY
TA–W–38,828; Genicom Corp, Document Solutions Co., Div., Waynesboro, VA

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–38,996; Kellwood New England Region, Brockton, MA

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–39,316; Ametek, Inc., Lamb Electric Div., Graham, NC: May 10, 2000
TA–W–39,107; Crown Equipment, Plant 1 Rotator Div., New Bremen, OH: April 16, 2000
TA–W–39,039; Fashion International Scranton, PA: February 24, 2001
TA–W–38,968; Lincoln Brass Works, Inc., Waynesboro, TN: March 23, 2000
TA–W–38,918; Bakka International, El Paso, TX Including Temporary Employees of DSI Teamstaff II Employed at Bakka International, El Paso, TX: March 13, 2000
TA–W–38,831; Shoe Doctor, Inc., Dover, New Hampshire: February 21, 2000
TA–W–38,971; The William Carter Co., Harlingen, TX: March 23, 2000
TA–W–39,174; Lady Hope Dress, Kulpmont, PA: April 17, 2000
TA–W–39,077; Nucor Bearing Products, Wilson, NC: April 6, 2000
TA–W–39,287; Rubbermaid Cleaning Products, Greenville, NC: April 10, 2000
TA–W–38,892; Crest Uniform Co., New York, NY: February 24, 2000

TA–W–39,081; Bassett Furniture Industries, J.D. Bassett Manufacturing, Bassett Table Company, Bassett, VA: April 2, 2000
TA–W–39,079; Glenmore Plastic Industries, Inc., Brooklyn, NY: March 30, 2000
TA–W–38,934; Williamson-Dickie Manufacturing Co., Eagle Pass #4, Eagle Pass, TX: March 15, 2000
TA–W–38,911; ITT Industries, Cheektowaga, NY: March 13, 2000
TA–W–39,062; Gateway Sportswear Corp., Charland Sportswear Corp., Charleroi, PA: April 2, 2000
TA–W–38,875; Drexel Heritage Furnishings, Inc., Black Mountain, NC: March 5, 2000
TA–W–39,275; Drexel Heritage Furnishings, Inc., Plants #3 and #5, Morganton, NC: May 7, 2000
TA–W–39,152; Pioneer America's, Inc., Tacoma, WA: April 12, 2000.
TA–W–39,014; Fairbault Woolen Mill Co., Fairbault, MN: March 29, 2000
TA–W–39,258; Pillowtex Corp., Newton, NC: May 2, 2000
TA–W–39,126; Southern Tees, Inc., Rockingham, NC: April 12, 2000
TA–W–39,361; Avery Dennison, Spartan International Div., Holt, MI: May 11, 2000

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Public Law 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of June, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04769; Flexfab Horizons International L.L.C.
NAFTA–TAA–04740; Travis Knits, Cherryville, NC
NAFTA–TAA–04869; Nypro Oregon, Corvalis, OR
NAFTA–TAA–04875; Drexel Heritage Furnishings, Inc., Plants #3 and #5, Morganton, NC
NAFTA–TAA–04633; Drexel Heritage Furnishings, Inc., Plant #10, Black Mountain, NC
NAFTA–TAA–04899; Heckett Multi Serv, Kansas City, MO
NAFTA–TAA–04481; Spectrum Dyed Yarns, Inc., Belmont, NC
NAFTA–TAA–04523; York International Corp., Portland, OR

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

NAFTA–TAA–04574; Genicom Corp., Document Solutions Company Div., Waynesboro, VA
NAFTA–TAA–04888; Imperial Home Decor Group, Plattsburgh, NY

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04854; Midcom, Aberdeen, SD: May 11, 2000
NAFTA–TAA–04679; Williamson-Dickie Manufacturing Co., Eagle Pass #4, Eagle Pass, TX: March 15, 2000
NAFTA–TAA–04718; Bassett Furniture Ind., J.D. Bassett Manufacturing, Bassett Table Co., Bassett, VA: April 2, 2000
NAFTA–TAA–04871; Fiskers Consumer Products, North, SC: May 7, 2000
NAFTA–TAA–04866; Case Corp., Concord Plant, Fargo, ND: May 9, 2000
NAFTA–TAA–04882; Ametek, Inc., Lamb Electric Div., Graham, NC: May 10, 2000
NAFTA–TAA–04739; Mattel, Inc., Murray Production Facility, Murray, KY: April 5, 2000
NAFTA–TAA–04722; Fashion International, Scranton, PA: March 31, 2000
NAFTA–TAA–04724; The William Carter Co., Harlingen, TX: March 23, 2000

I hereby certify that the aforementioned determinations were issued during the month of June, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 11, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16072 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,739, TA–W–38,739A]

Allison Manufacturing Company, Albermarle, NC and Allison Manufacturing Company, New York, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 30, 2001, applicable to workers of Allison Manufacturing Company, Albermarle, North Carolina. The notice was published in the **Federal Register** on May 2, 2001 (66 FR 22006).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers were engaged in providing corporate administrative functions to support the production of children's apparel. The company reports that worker separations have occurred at a second administrative office located in New York, New York. The New York, New York location provides administrative functions, including executive, art design and sales services, to the subject firm's production facilities.

Accordingly, the Department is amending the certification to included workers of Allison Manufacturing Company, New York, New York.

The intent of the Department's certification is to include all workers of Allison Manufacturing Company adversely affect by increased imports.

The amended notice applicable to TA–W–38,729 is hereby issued as follows:

All workers of Allison Manufacturing Company, Albermarle, North Carolina (TA–W–739) and New York, New York (TA–W–38,739A) who became totally or partially separated from employment on or after February 14, 2000 through March 30, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of June, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16161 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38, 725]

Ametek/Dixson, Grand Junction, Colorado; Including Temporary Workers of SOS Staffing Services, Inc. Employed at Ametek/Dixson Grand Junction, Colorado; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 17, 2001, applicable to workers of Ametek/Dixson, Grand Junction, Colorado. The notice was published in the **Federal Register** on May 3, 2001 (66 FR 22262).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that some employees of Ametek/Dixson were temporary workers from SOS Staffing Services, Inc., employed to produce instrumentation for trucks at the Grand Junction, Colorado location of Ametek/Dixson.

Based on these findings, the Department is amending the certification to include temporary workers of SOS Staffing Services, Inc., Grand Junction, Colorado leased to Ametek/Dixson, Grand Junction, Colorado.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–38, 725 is hereby issued as follows:

All workers of Ametek/Dixson, Grand Junction, Colorado including temporary of SOS Staffing Services, Inc., Grand Junction, Colorado, engaged in the production of instrumentation for trucks for Ametek/Dixson, Grand Junction, Colorado who became totally or partially separated from employment on or after February 9, 2000, through April 17, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 12th day of June, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16163 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 05/29/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,315	Boeing Co. (The) (UAW)	Ridley, PA	05/11/2001	Jet Airplane Wing Fabrication.
39,316	Ametek, Inc. (Wkrs)	Graham, NC	05/10/2001	Horsepower AC Electric Motors.
39,317	Alltel Communications (Wrks)	Savannah, GA	05/08/2001	Provided Financial Services.
39,318	Continental Industries (Comp)	Mesa, AZ	05/14/2001	Solid State Relays.
39,319	Stanley Works (IAMAW)	New Britain, CT	05/08/2001	Hinges for Stoves and Refrigerators.
39,320	Ogemaw Forge (UAW)	West Branch, MI	04/30/2001	Automobile Ball Joints, Steering Yokes.
39,321	Stork RPM, Inc. (Comp)	Tuscumbia, AL	05/03/2001	Nickel Plated Carbon Foam.
39,322	Durr Robotics/Behr System (Wrks)	Auburn Hills, MI	05/10/2001	Automated Paint Systems.
39,323	Atlantic Wire and Cable (Wrks)	College Point, NY	05/11/2001	Insulated Copper Wire.
39,324	Maverick Tube Corp. (Comp)	Beaver Falls, PA	05/11/2001	Cold Drawn Mechanical Tubes.
39,325	Mercersburg Apparel Co (Comp)	Mercersburg, PA	05/10/2001	Airline Uniforms.
39,326	Chiquola Fabrics, LLC (Comp)	Kingsport, TN	04/04/2001	Cotton Print Cloth.
39,327	Simpson Timber Co. (IAMAW)	Tacoma, WA	05/08/2001	Softwood Dimension Lumber.

APPENDIX—Continued

[Petitions instituted on 05/29/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,328	Komatsu Mining Systems (IBB)	Peoria, IL	05/09/2001	Truck Frames.
39,329	DyStar L.P (Comp)	Charlotte, NC	05/15/2001	Textile Dyes.
39,330	Volunteer Leather (Comp)	Milan, TN	05/15/2001	Finished Leather for Shoe Industry.
39,331	Huntco Steel, Inc. (Comp)	Blytheville, AR	05/16/2001	Steel.
39,332	Heckett Multi Serv. (Wrks)	Kansas City, MO	04/20/2001	Steel Rods and Grinding Balls.
39,333	Republic Paperboard Co (Wrks)	Commerce City, CO	05/14/2001	Paper Board/Wall Board Paper.
39,334	WCI Outdoor Products, Inc (Comp)	Swainsboro, GA	05/11/2001	Cloth Grass Catcher.
39,335	Acordis Cellulosic Fibers (Comp)	Axis, AL	05/14/2001	Rayon Fiber.
39,336	Meridian Automotive (UAW)	Lapeer, MI	04/04/2001	Automotive Parts.
39,337	Bayer Corp—Diagnostic (USWA)	Mishawaka, IN	05/14/2001	Alka-Seltzer, One A Day Vitamins.
39,338	Illinois Tool Works (Comp)	Arlington, TX	05/15/2001	Molded Plastic Trays.
39,339	M. Fine and Sons Mfg. (Comp)	Louisville, KY	05/16/2001	Men's, Boys' and Girls' Apparel.
39,340	C and D Technologies (Comp)	Tucson, AZ	05/17/2001	Power Converters.
39,341	Dairy Farmers of America (Wrks)	Fergus Falls, MN	05/10/2001	Cheese Products.
39,342	Kelly Springfield Tire (Co.)	Tyler, TX	05/16/2001	Radial Passenger Tires.
39,343	Covenant Mill, Inc. (Wrks)	Dallas, NC	05/14/2001	Fabric for Apparel.
39,344	Americ Disc, Inc. (Wrks)	Clinton, TN	05/15/2001	Replication of Compact Discs.
39,345	Tri State Plastics (Co.)	Gastonia, NC	05/15/2001	Plastic Textile Machinery Parts.
39,346	Acadia Polymers	Paragould, AR	05/15/2001	Rubber Bushings, Seals.
39,347	Capco (Wrks)	Roanoke, VA	05/15/2001	Custom Built Roll Grinders.
39,348	Z and Z Logging (Wrks)	Mt. Hood, OR	05/07/2001	Logging, Timber.
39,349	Acme Die Casting, Inc (UAW)	Racine, WI	05/09/2001	Castings.
39,350	Madill Equipment USA (Wrks)	Kalama, WA	05/11/2001	Heavy Logging Equipment.
39,351	A.P. Green Industries (Wrks)	Mexico, MO	05/15/2001	Steel Products.
39,352	Midwest Tanning Co. (Co.)	South Milwaukee, WI	05/04/2001	Tanners of Cow Hides.
39,353	Double Springs Corp. (Co.)	Double Springs, AL	05/14/2001	Work Shirts.
39,354	Neely Manufacturing Co. (Co.)	Smithville, TN	05/15/2001	Children's Woven Shirts.
39,355	KCS Mountain Resources (Co.)	Worland, WY	05/10/2001	Crude Oil, Natural Gas and Gas Liquids.
39,356	Kendall Healthcare (Wrks)	Chatsworth, CA	05/16/2001	Medical Equipment and Supplies.
39,357	Geoffrey Beene, Inc (UNITE)	New York, NY	05/10/2001	Ladies' Dresses.
39,358	Turner Industries II, Ltd (Wrks)	Bowling Green, KY	05/14/2001	Tee Shirts.
39,359	GE Marquette Medical (IBT)	Wallingford, CT	05/15/2001	Medical Equipment.
39,360	Kachina Communications (Co.)	Cottonwood, AZ	05/14/2001	Transceivers and Related Accessories.
39,361	Avery Dennison—Spartan (Wrks)	Holt, MI	05/11/2001	Tape (Trimbrite & Poststripe).
39,362	Henderson Leisurewear (Co.)	Henderson, TN	05/21/2001	Ladies' Housecoats and Dresses.

[FR Doc. 01–16158 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38, 101 and TA–W–38, 101A]

Bonney Forge Corporation, Allentown, PA and Bonney Forge Corporation, Mt. Union, PA; Notice of Revised Determination on Reopening

On February 5, 2001, the Department, on its own motion, reopened its investigation for the former workers of the subject firm.

The initial investigation resulted in a negative determination issued on December 18, 2000, because the ''contributed importantly'' test of the Group Eligibility Requirements of the Trade Act was not met for workers at the subject firm. The workers produce steel fittings and o'let valves. The denial notice was published in the **Federal Register** on January 11, 2001 (66 FR 2450).

Criteria (1) and (2) of the worker group eligibility requirements of Section 222 of the Trade Act of 1974 were met. Employment and sales decreased from FY 1999 to FY 2000.

New information was provided by one of the customers of the subject firm, which warranted further investigation. Review of all survey respondents and clarification of the information received by the Department revealed that a major declining customer of the subject firm increased import purchases of steel pipe fittings while reducing purchases from Bonney Forge.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with steel pipe fittings produced by the subject firm contributed importantly to the decline in sales and to the total or partial separation of workers of the subject firm. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

''All workers at Bonney Forge Corporation, Allentown, Pennsylvania (TA–W–38, 101), and Mt. Union, Pennsylvania, (TA–W–38, 101A), who became totally or partially separated from employment on or after August 29, 1999, through two years from the date of certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed in Washington, DC this 7th day of June 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16155 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38, 303; TA–W–38, 303A]

CMI Industries Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on December 28, 2000, applicable to workers of CMI Industries, Inc., Geneva, Alabama. The notice was published in the **Federal Register** on January 11, 2001 (66 FR 2450).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the New York Sales Offices, Greige Division Sales of CMI Industries, New York, New York. Workers at the New York Sales Offices, Greige Division Sales provide administrative services to support the production of greige woven fabric at the subject firms' manufacturing facilities.

Based on these findings, the Department is amending the certification to include workers of the New York Sales Offices, greige Division Sales, CMI Industries, Inc., New York, New York.

The intent of the Department's certification is to include all workers of CMI Industries, Inc. who were adversely affected by increased imports of greige woven fabric.

The amended notice applicable to TA–W–38, 303 is hereby issued as follows;

All workers of CMI Industries, Inc., Geneva, Alabama (TA–W–38, 303) and New York Sales Offices, Greige Division Sales, New York, New York (TA–W–38, 303A) who became totally or partially separated from employment on or after October 27, 1999, through December 28, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 12th day of June, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16151 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,022]

General Automotive Manufacturing, LLC; Franklin, WI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 16, 2001, in response to a worker petition which was filed on behalf of workers at General Automotive Manufacturing, LLC, Franklin, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 7th day of June, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16075 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,063]

Grove U.S., LLC, Shady Grove, PA; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 30, 2001, applicable to workers producing scissor aerial work platforms at Grove U.S., LLC, Shady Grove, Pennsylvania. The notice was published in the **Federal Register** on May 18, 2001 (66 FR 27690).

At the request of State agency, the Department reviewed the certification for workers of the subject firm. The workers produce aerial work platforms. New information provided by the company show that workers of the subject firm are not separately identifiable by product line.

The intent of the certification is to provide coverage to all workers of the subject firm impacted by increased imports of articles like or directly competitive with those produced by the workers' firm. Therefore, the Department is amending the certification to provide coverage to all workers separated from employment at the subject firm, and not limit the coverage to those workers producing scissor aerial work platforms.

The amended notice applicable to TA–W–39,063 is hereby issued as follows:

''All workers of Grove U.S., LLC, Shady Grove, Pennsylvania, who became totally or partially separated from employment on or after March 28, 2000, through April 30, 2003, are eligible to apply for adjustment assistance under Section 233 of the Trade Act of 1974.''

Signed in Washington, DC this 6th day of June 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16154 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38, 321]

International Paper, Lock Haven, PA; Notice of Revised Determination on Reconsideration

On May 24, 2001, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration regarding the petition for workers of the subject firm. The notice was published in the **Federal Register** on June 8, 2001 (66 FR 30949).

The initial investigation resulted in a negative determination issued on February 1, 2001, based on the finding that during the time period relevant to the petition investigation, sales and production of reprographic and printing paper produced by workers of International Paper, Lock Haven, Pennsylvania, increased. The denial notice was published in the **Federal Register** on March 2, 2001 (64 FR 13086).

Officials of International Paper, Lock Haven, Pennsylvania, presented new information on sales, production, and employment at the Lock Haven plant. This new information on reconsideration, confirms that criterion: (1) Of the group eligibility requirements of Section 222 of the Trade Act of 1974 is met, and shows that criterion (2) is met. There are declines in employment and production of paper at the subject firm plant.

The reprographic and printing paper produced by International Paper are sold both directly and indirectly to a large number of customers nationwide. Because of the nature of their market, an analysis of aggregate United States

imports of the products manufactured at the subject plant can best reflect the impact of imports on sales, production and employment at that plant. From 1999 to 2000 there was an increase in aggregate U.S. imports for consumption of papers like or directly competitive with those produced by the workers at Lock Haven, Pennsylvania.

This worker group was previously certified under petition number TA–W–35, 445, which expired February 10, 2001.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with reprographic and printing paper contributed importantly to the declines in sales or production and to the total or partial separation of workers of International Paper, Lock Haven, Pennsylvania. In accordance with the provisions of the Act, I make the following certification:

All workers of International Paper, Lock Haven, Pennsylvania, who became totally or partially separated from employment on February 11, 2001, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16153 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,897]

J.E. Morgan Knitting Mills, Inc. Tamaqua, Pennsylvania; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on May 3, 2001, applicable to workers of J.E. Morgan Knitting Mills, Inc., Tamaqua, Pennsylvania. The notice was published in the **Federal Register** on May 18, 2001 (FR 66 27691).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of thermal underwear for men, women and children and baby blankets. New findings show that there was a previous certification TA–W–35,209B, issued on February 22, 1999, for workers of J.E. Morgan Knitting Mills, Inc., Tamaqua, Pennsylvania who were engaged in employment related to the production of thermal underwear for men, women and children and baby blankets. That certification expired February 22, 2001. To avoid an overlap in worker group coverage, the certification is being amended to change the impact date from March 7, 2000 to February 23, 2001, for workers of the subject firm.

The amended notice applicable to TA–W–38, 897 is hereby issued as follows:

All workers of J.E. Morgan Knitting Mills, Inc., Tamaqua, Pennsylvania who became totally or partially separated from employment on or after February 23, 2001 through May 3, 2003 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 12th day of June, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16150 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,706]

Sample Service; Long Island, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 20, 2001 in response to a petition filed on behalf of workers at Sample Service, Long Island, New York.

The Department of Labor was unable to contact the owner of the subject firm to obtain information to make a determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 8th day of June, 2001

Edward A. Tomchick,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16076 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of May, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 05/14/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,226	Texler, Inc. (Comp)	Macedonia, OH	05/01/2001	Tooling and Plastic Components
39,227	Roche Diagnostics (Wrks)	Indianapolis, IN	04/16/2001	Blood Testing Cartridges
39,228	Emerson Power Trans. (IAM)	Valparaiso, IN	04/26/2001	Bearings
39,229	Perfect Fit Industries (Comp)	Tell City, IN	02/14/2001	Bed Pillows
39,230	Chahaya Optronics (Wrks)	Fremont, CA	04/23/2001	Media Hard Disks
39,231	Saturn Electronics (Comp)	Marks, MS	04/17/2001	Plunger and Contact Assemblies
39,232	Timber Tech, Inc. (Comp)	Libby, MT	04/28/2001	Raw Wood Products
39,233	Fansteel (Wrks)	Addison, IL	04/24/2001	Metal Auto Parts
39,234	Globe Building Materials ()	Cornell, WI	04/19/2001	Building Felt
39,235	Krupp Hoesch Suspensions (Comp)	Hamilton, OH	04/27/2001	Auto Suspension Springs
39,236	Winky Textiles, Inc. (Comp)	Hauppauge, NY	04/24/2001	Fabrics
39,237	International Paper (Wrks)	Verona, MS	04/25/2001	Boxes
39,238	Amtec, Michigan Corp (UAW)	St. Clair Shore, MI	04/23/2001	Systems for Master Brake Cylinders
39,239	D'Classe Cutting LC (Wrks)	Medley, FL	04/26/2001	Apparel Cutting Services
39,240	FCI Electronics (Wrks)	Hanover, PA	04/26/2001	Connectors
39,241	Johnson Controls, Inc. (Comp)	Sycamore, IL	05/02/2001	Auto Seats
39,242	Osram Sylvania Products (Wrks)	Wellsboro, PA	05/01/2001	Glass Light Bulbs
39,243	D and J Apparel, Inc. (Comp)	Albemarle, NC	05/01/2001	Sweat Shirts
39,244	Hart Schaffner and Marx (UNITE)	Farmington, MO	05/03/2001	Men's Suit Pants
39,245	Isaac Hazan and Co., Inc (Comp)	Secaucus, NJ	04/30/2001	Ladies' Clothing
39,246	ABB Automation (Wrks)	Williamsport, PA	05/01/2001	Cable Assembly
39,247	Arc Mills Corp. (Comp)	New York, NY	04/24/2001	Convertor—Piece Goods Fabric
39,248	Nypro Oregon (Wrks)	Corvallis, OR	05/03/2001	Plastic parts
39,249	Ashland Chemical (IBT)	Easton, PA	05/03/2001	Chemicals
39,250	Pilkington North American (Wrks)	Sherman, TX	05/02/2001	Laminated Glass—Autos
39,251	R and N China Co., Inc (Comp)	Carrollton, OH	05/02/2001	China Gift Items
39,252	Teck Resources, Inc. (Wrks)	Reno, NV	04/30/2001	Copper, Zinc and Gold
39,253	Federal Mogul (Wrks)	Salisbury, NC	05/03/2001	Brake Pads—Trucks
39,254	Guerin Logging (Wrks)	Warm Springs, OR	04/19/2001	Logs
39,255	Potlatch Corp. (Wrks)	Brainerd, MN	05/01/2001	Coated Printed Paper
39,256	Nortel Networks (Wrks)	Simi Valley, CA	05/02/2001	Research, Development and Engineering
39,257	Phoenix Mills, Inc. (Comp)	Concord, NC	05/01/2001	Greige Goods
39,258	Pillowtex Corp (Comp)	Newton, NC	05/02/2001	Yarn
39,259	Techneglas, Inc (Comp)	Columbus, OH	04/25/2001	Picture Tube Panels
39,260	Allegheny Ludlum Steel (USWA)	Pittsburgh, PA	04/26/2001	Steel
39,261	Gunite Corp., EMI Plant (USWA)	Erie, PA	05/01/2001	Wheels and Components
39,262	United Plastics Group (Wrks)	Anaheim, CA	04/30/2001	Plastic Laptop Components
39,263	Hoskins Manufacturing Co (Comp)	Charlevoix, MI	04/30/2001	Alloys
39,264	Fleetguard/Nelson (Comp)	Neillsville, WI	04/15/2001	Exhaust/Filtration Products
39,265	McGinley Mills, Inc (UNITE)	Easton, PA	04/26/2001	Ribbon
39,266	TDK Ferrites Corp (Wrks)	Shawnee, OK	04/25/2001	Deflection Yoke Cores
39,267	Johnstown Babbitting (Comp)	Seward, PA	04/30/2001	Stainless Steel, Ductile Iron
39,268	Whemco (Comp)	Homestead, PA	04/27/2001	Finish Turn Rolls
39,269	Whemco—Midland Foundry (Comp)	Midland, PA	04/27/2001	Foundry Operation
39,270	Bemis Company, Inc (Comp)	Vancouver, WA	05/03/2001	Multiwall Paper Bags
39,271	Custom Shop (The) (Wrks)	Franklin, NJ	05/02/2001	Customized Men's Shirts
39,272	Technimark, Inc. (Wrks)	Randleman, NC	05/02/2001	Molded Plastic Parts

[FR Doc. 01–16070 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than July 9, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment

and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of May, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 05/21/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,273	USS—USX Corporation (USWA)	Fairless Hills, PA	05/04/2001	Cold Rolled Sheet
39,274	Berne Apparel (Wkrs)	Portland, IN	05/04/2001	Cut Materials
39,275	Drexel Heritage Furnish (Co.)	Morganton, NC	05/07/2001	Residential Furniture
39,276	Cutting Edge Texstyles (UNITE)	Boston, MA	05/08/2001	Trim Bias Binding
39,277	UFE, Inc (Wkrs)	River Falls, WI	03/28/2001	Custom Injection Molded Plastic Parts
39,278	Honeywell International (UAW)	Nevada, MO	04/25/2001	Heavy Duty Air and Fuel Filters
39,279	Motorola, Inc. (Wkrs)	Libertyville, IL	04/23/2001	Wireless Phones
39,280	Lear Corporation (UNITE)	Lewistown, PA	05/05/2001	Automobile Carpets
39,281	Honeywell Advanced (USWA)	Minnetonka, MN	04/27/2001	Printed Circuit Boards
39,282	Standard Corporation (Co.)	Leland, NC	04/30/2001	Distribution and Warehouse
39,283	Ingram Micro (Wkrs)	Jonestown, PA	04/25/2001	Computers
39,284	London Fog Industries (Wkrs)	New York, NY	04/02/2001	Ladies' & Mens' Outerwear
39,285	Nemanco, Inc. (Wkrs)	Philadelphia, MS	05/03/2001	Fabric
39,286	M. Fine and Sons (UNITE)	Middlesboro, KY	05/03/2001	Denim Jeans
39,287	Rubbermaid Cleaning (Co.)	Greenville, NC	04/10/2001	Brooms, Dust Mops, Dust Pans
39,288	Heartland Wheat Growers (Wkrs)	Russell, KS	05/04/2001	Wheat Gluten
39,289	Shieldalloy Metallurgical (UAW)	Newfield, NJ	04/23/2001	Aluminum Alloys
39,290	Sonoco Industrial (Wkrs)	Shepherd, MI	05/04/2001	Spiral Tubes for Tape
39,291	White Rodgers (Co.)	St. Louis, MO	04/11/2001	Automatic Temp. Controls, Thermostats
39,292	Gulf States Paper (Wkrs)	Maplesville, AL	05/03/2001	Paperboard Cartons
39,293	Innovo Group (Wkrs)	Knoxville, TN	05/02/2001	Aprons, Kiddy Aprons, Tote Bags
39,294	Newmont Mining No. Amer. (Co.)	Carlin, NV	05/01/2001	Mining
39,295	Robinson Manufacturing (Wkrs)	Pikeville, TN	05/01/2001	Men's and Boys' Boxer Shorts
39,296	P.E. Technologies (USWA)	Cleveland, OH	05/07/2001	Steel Rolling Mill Machinery Equip.
39,297	Standard Boiler Works (Wkrs)	Lebanon, PA	05/08/2001	Steel Bases for Pumps and Motors
39,298	Accuride Corporation (Wkrs)	Columbia, TN	05/08/2001	Steel Wheels
39,299	Mowad Apparel (Co.)	El Paso, TX	05/03/2001	Apparel
39,300	Nokia Mobile Phones (Wkrs)	Fort Worth, TX	05/07/2001	Mobile Phones
39,301	APV America's (Wkrs)	Lake Mills, WI	04/30/2001	Milk Homogenizers
39,302	Honeywell Aircraft Land (Co.)	South Bend, IN	03/28/2001	Aircraft Wheels and Brakes
39,303	Jackets USA (Wkrs)	Magazine, AR	05/03/2001	Jackets
39,304	Berg Lumber Co. (Wkrs)	Lewistown, MT	05/07/2001	Lumber
39,305	Stearns, Inc. (Wkrs)	Carlton, MN	04/25/2001	Boatwear
39,306	Temco Acquisition (Wkrs)	Hibbing, MN	05/07/2001	Steel Fabrication and Machining
39,307	Creative Embroidery (Co.)	Bloomfield, NJ	05/07/2001	Infant's Wear
39,308	Blue Cast Denim (Wkrs)	El Paso, TX	05/08/2001	Jean Pants, Jean Shorts, Jean Skirts
39,309	Supreme Laundry (Wkrs)	El Paso, TX	05/08/2001	Jean Pants
39,310	Gen Systems (UNITE)	New Bremen, OH	05/10/2001	Tenison Leveling Lines
39,311	T.K. Timber (Wkrs)	La Pine, OR	04/19/2001	Pine Lumber
39,312	Formtech Enterprises (Wkrs)	Orwigsburg, PA	05/11/2001	Extruded & Fabricated Plastic Parts
39,313	Lynn Electronics (Wkrs)	Feasterville, PA	05/03/2001	Patch and Line Cords
39,314	Southern Glove (Co.)	Mountain City, TN	04/20/2001	Cotton Work Gloves

[FR Doc. 01–16071 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—04698 and NAFTA—04698A]

Cummins, Inc. Cummins Power Generation St. Peter, MN, Including Temporary Workers of Pro Staff Temporary Services Employed at Cummins, Inc., Cummins Power Generation St, Peter, MN, Cummins, Inc., Cummins Power Generation Eden Prairie, MN; Amended Certification Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on May 3, 2001, applicable to workers of Cummins, Inc., Cummins Power Generation, St. Peter, Minnesota. The notice published in the **Federal Register** on May 18, 2001 (66 FR 18119).

At the request of the company, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that some employees of the subject firm were temporary workers from Pro Staff Temporary Services, Mankato, Minnesota to produce power supplies at the St. Peter, Minnesota location of the subject firm. Information also shows that workers separations have occurred at the Eden Prairie, Minnesota location of the subject firm. The Eden Prairie, Minnesota location provides administrative services as well as design, sales and engineering services directly supporting the St. Peter, Minnesota facility.

Based on these findings, the Department is amending the certification to include temporary workers of Pro Staff Temporary Services, Mankoto, Minnesota who were engaged in the production of power supplies at Cummins, Inc., Cummins Power Generation, St. Peter, Minnesota and to include workers of the Eden Prairies, Minnesota location of Cummins, Inc., Cummins Power Generation.

The intent of the Department's certification is to include all workers of Cummins, Inc., Cummins Power Generation, St. Peter, Minnesota adversely affected by an increase of imports from Mexico and/or Canada.

The amended notice applicable to NAFTA—04698 is hereby issued as follows:

''All workers of Cummins, Inc., Cummins Power Generation, St. Peter, Minnesota, including temporary workers of Pro Staff Temporary Services, Mankoto, Minnesota who were engaged in the production of power supplies at Cummins, Inc., Cummins Power Generation, St. Peter, Minnesota; and all workers of Cummins, Inc., Cummins Power Generation, Eden Prairie, Minnesota who became totally or partially separated from employment on or after March 29, 2000 through May 3, 2003 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 13th day of June, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16157 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4707]

General Automotive Manufacturing, LLC Franklin, Wisconsin; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Public Law 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on March 30, 2001, in response to a worker petition which was filed on behalf of workers at General Automotive Manufacturing, LLC, Franklin, Wisconsin.

The petitioner has requested that he petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16160 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4742]

Grove U.S., LLC Shady Grove, PA; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance on April 30, 2001, applicable to workers at Grove U.S., LLC, producing scissor aerial work platforms in Shady Grove, Pennsylvania. The notice was published in the **Federal Register** on May 18, 2001 (66 FR 27691).

At the request of State agency, the Department reviewed the certification for workers of the subject firm. The workers produce aerial work platforms. New information provided by the company show that workers of the subject firm are not separately identifiable by product line.

The intent of the certification is to provide coverage to all workers of the subject firm impacted by increased imports from Canada of articles like or directly competitive with those produced by the workers' firm. Therefore, the Department is amending the certification to provide coverage to all workers separated from employment at the subject firm, and not limit the coverage to those workers producing scissor aerial work platforms.

The amended notice applicable to NAFTA–4272 is hereby issued as follows:

All workers of Grove U.S. LLC, Shady Grove, Pennsylvania, who became totally or partially separated from employment on or after March 28, 2000, through April 30, 2003, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed in Washington, D.C. this 6th day of June 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16152 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04554 and NAFTA–4554A]

Haggar Clothing Company Edinburg Manufacturing Waxahachie Garment Company Edinburg Direct Garment Company, Inc. Edinburg, TX, Haggar Clothing Company Weslaco Operations Weslaco Direct Cutting Company, Inc Weslaco Cutting Inc. Weslaco, TX; Amended Certification Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification or NAFTA Transitional Adjustment Assistance on May 3, 2001, applicable to workers of Haggar Clothing Company, Edinburg Manufacturing, Edinburg, Texas and Haggar Clothing Company, Weslaco Operations, Weslaco, Texas. The notice was published in the **Federal Register** on May 18, 2001 (66 FR 27691).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of men's coats and pants. New information shows that some workers separated from employment at the subject firm had their wage reported under two separate unemployment insurance (UI) tax accounts: Haggar Clothing Company, Edinburg Manufacturing, Waxahachie Garment Company, Edinburg Direct Garment Company, Inc., and Haggar Clothing Company, Weslaco Operations, Weslaco Direct Cutting Company, Inc., Weslaco Cutting, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Haggar Clothing Company, Edinburg Manufacturing, Waxahchie Garment Company, Edinburg Direct Garment Company, Inc. and Haggar Clothing Company, Weslaco Operations, Weslaco Direct Cutting Company, Inc., Weslaco Cutting, Inc. who were adversely affected by a shift of Production of men's coats and pants to Mexico.

The amended notice applicable to NAFTA–04554 and NAFT–4554A is hereby issued as follows:

''All workers of Haggar Clothing Company, Edinburg Manufacturing, Waxahachie Garment Company, Edinburg Director Garment Company, Inc., Einburg, Texas (NAFTA–4554) and Haggar Clothing Company, Weslaco Operations Weslaco Direct Cutting Company, Inc., Weslaco Cutting, Inc., Weslaco, Texas (NAFTA–4554A) who became totally or partially separated from employment on or after May 1, 2001, through May 3, 2003, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–16156 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4874]

Leggett and Platt, Inc., Plastics Division; Forest City, NC; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on May 9, 2001, in response to a petition filed on behalf of workers at Leggett and Platt, Inc., Plastics Division, Forest City, North Carolina.

The petitioners filed their petition more than one year after the subject facility had closed and they had been separated from employment. In accordance with Section 223(b) of the Trade Act of 1974, as amended, no certification may apply to any worker whose last total or partial separation from the subject firm occurred one year prior to the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 6th day of June, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16074 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4814]

Maurice Silvera, Inc., Lumberton, NC; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on April 26, 2001 in response to a petition filed by a company official on behalf of workers at Maurice Silvera, Inc., Lumberton, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–16159 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (P.L. 103–182), hereinafter called (NAFTA–TAA), have been filed with state governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment

on or after December 8, 1993 (date of enactment of P.L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than July 9, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than July 9, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at governor's office	Petition No.	Articles produced
Telect (Co.)	Liberty Lake, WA	05/11/2001	NAFTA–4,853	telecommunication cable.
Midcom (Wkrs)	Aberdeen, SD	05/11/2001	NAFTA–4,854	electronic transformers.
Price Pfister—Black and Decker (Co.).	Pacomia, CA	05/10/2001	NAFTA–4,855	faucets.
Fiera (Wkrs)	Miami, FL	05/11/2001	NAFTA–4,856	ventas por internet.
Garrin Logging (Wkrs)	Redmond, OR	05/03/2001	NAFTA–4,857	logs and lumber.
Blue Cast Denim (Wkrs)	El Paso, TX	05/11/2001	NAFTA–4,858	women's jeans.
Motion Control Industries (Wkrs)	Nampa, ID	05/09/2001	NAFTA–4,859	spring brakes.
D and G Investment (Wkrs)	El Paso, TX	05/11/2001	NAFTA–4,860	jean pants.
Sonnel International (Wkrs)	Houston, TX	05/10/2001	NAFTA–4,861	printed circuit boards.
Untech Environmental (Co.)	Denver, CO	04/30/2001	NAFTA–4,862	chemicals and equipment.
Vapor Corporation (Co.)	Niles, IL	05/08/2001	NAFTA–4,863	railroad cars and equipment.
Bemis Company (Co.)	Vancouver, WA	05/08/2001	NAFTA–4,864	multiwall paper bags.
Portable Products Energy (Co.)	Scotts Valley, CA	05/10/2001	NAFTA–4,865	non spillable lead acid batteries.
Case Corporation (IAMAW)	Fargo, ND	05/11/2001	NAFTA–4,866	air systems.
Horman Industrial—GE Harris Harmon (Co.).	Jacksonville, FL	05/08/2001	NAFTA–4,867	railroad signaling equipment.
Flextronics Binghamton (Co.)	Conklin, NY	05/09/2001	NAFTA–4,868	printed circuit boards.
Nypro Oregon (Wkrs)	Corvallis, OR	05/07/2001	NAFTA–4,869	plastic parts.
Berne Apparel (Wkrs)	Portland, IN	05/04/2001	NAFTA–4,870	coveralls.
Fiskers Consumer Products (Co.)	North, SC	05/08/2001	NAFTA–4,871	sheathes and bags for tools.
C and D Technologies (Co.)	Tucson, AZ	05/08/2001	NAFTA–4,872	electronic components.
Hart, Schaffner and Mar (Wkrs)	Farmington, MO	05/11/2001	NAFTA–4,873	men's suit pants.
Leggett and Platt (Wkrs)	Forest City, NC	05/09/2001	NAFTA–4,874	furniture (carseats, chair arms).
Drexel Heritage Furnishings (Co.)	Morganton, NC	05/09/2001	NAFTA–4,875	residential furniture.
Jackets (Wkrs)	Magazine, AR	05/10/2001	NAFTA–4,876	jackets
Corning Frequency Control (Co.)	Carlisle, PA	05/15/2001	NAFTA–4,877	precision crystal resonators.
Dairy Farmers of America (Wkrs)	Ferus Falls, MN	05/14/2001	NAFTA–4,878	cheese.
Maverick Tube (Co.)	Beaver Falls, PA	05/15/2001	NAFTA–4,879	cold drawn tubular.
Southern Glove (Co.)	Mountain City, TN	04/25/2001	NAFTA–4,880	glove.
Honeywell International (UAW)	Nevada, MO	05/15/2001	NAFTA–4,881	radial steel line.
Ametek (Wkrs)	Graham, NC	05/15/2001	NAFTA–4,882	AC electric motors.
Motorola, Inc. (Co.)	Plantation, FL	05/15/2001	NAFTA–4,883	Electronic Communication Devices.
Copper Eagle Hosiery, Inc (Wkrs)	Hildebran, NC	05/16/2001	NAFTA–4,884	Socks.
Continental Industries (Co.)	Mesa, AZ	05/15/2001	NAFTA–4,885	Sold State Relays.
Crowntex (Wkrs)	Wrightsville, GA	05/09/2001	NAFTA–4,886	Men's Slacks.
Siemens Automotive Corp (Co.)	Johnson City, TN	05/16/2001	NAFTA–4,887	Air Bag Controls.
Imperial Home Decor Group (Wkrs).	Plattsburgh, NY	05/10/2001	NAFTA–4,888	wallpaper.
Quebecor World (GCIU)	Salem, IL	05/16/2001	NAFTA–4,889	Magazines, Catalogs.
Bayer Corp. (USWA)	Elkhart, IN	05/16/2001	NAFTA–4,890	Alka Seltzer, Alka Seltzer Plus, Vitamin.
WCI Outdoor Products (Co.)	Swainsboro, GA	05/16/2001	NAFTA–4,891	Cloth Grass Catchers.
Acadia Polymers (Co.)	Paragould, AR	05/17/2001	NAFTA–4,892	Rubber Bushings.
Kimberly Clark (Wkrs)	Conway, AR	05/17/2001	NAFTA–4,893	Femining and Adult care Pads.
Midwest Tanning Co. (Co.)	South Milwaukee, WI	05/16/2001	NAFTA–4,894	Finished Leather.
Northern Engraving Corp (Wkrs)	Galesville, WI	04/11/2001	NAFTA–4,895	Decals for Automobiles, Boats.
Acordis Cellulosic Fibers (Co.)	Axis, AL	05/17/2001	NAFTA–4,896	Staple Fiber.
Komatsu Mining System, Inc (IBB).	Peoria, IL	05/16/2001	NAFTA–4,897	Power Grids.
Fansteel (Co.)	Addison, IL	05/17/2001	NAFTA–4,898	Commercial Castings.
Heckett Multi Serv (Wkrs)	Kansas City, MO	05/18/2001	NAFTA–4,899	flat rolled steel.
Decorative Components, Inc (Co.).	Bangor, MI	05/15/2001	NAFTA–4,900	Chrome Plated Parts.
Carolina Mills (Wkrs)	Lincolnton, NC	05/18/2001	NAFTA–4,901	Fabrics

APPENDIX—Continued

Subject firm	Location	Date received at governor's office	Petition No.	Articles produced
American Lumber Co (Co.)	Union City, PA	05/18/2001	NAFTA–4,902	Hardwood Lumber.
Mowad Apparel, Inc (Co.)	El Paso, TX	05/21/2001	NAFTA–4,903	Denim Pants and Skirts.
Illinois Tool Works (Co.)	Austin, TX	05/21/2001	NAFTA–4,904	Recycles PVC Pipe.
Anderson Electrical Products (Co.).	Elkton, TN	05/21/2001	NAFTA–4,905	Aluminum Molding.
Savannah Luggage Works (Co.)	Vadalia, GA	05/18/2001	NAFTA–4,906	Luggage.
General Cable Corp. (USWA)	Cass City, MI	05/21/2001	NAFTA–4,907	Communication Wire and Cable.
Gunite Corp (Wrks)	Erie, PA	05/21/2001	NAFTA–4,908	Wheels and Hubs.
Cutting Edge Texstyles (UNITE)	Boston, MA	05/14/2001	NAFTA–4,909	Bias Tape.
Shieldalloy Metallurgical Corp (UAW).	Newfield, NJ	05/14/2001	NAFTA–4,910	Aluminum Alloys and Bearing Alloys.
Computrex, Inc. (Co.)	Nicholasville, KY	05/22/2001	NAFTA–4,911	Data Entry.
Neely Manufacturing (Co.)	Smithville, TN	05/21/2001	NAFTA–4,912	Children's Knit Shirts & Fleece Garments.
Americ Disc, Inc. (Wrks)	Clinton, TN	05/21/2001	NAFTA–4,913	CD Replication.
Boss Industries (Wkrs)	Erie, PA	05/24/2001	NAFTA–4,914	plastic injection molds.
Equitable Resources (Wkrs)	Prestonsburg, KY	05/22/2001	NAFTA–4,915	natural gas & crude oil.
Hoover Precision Products (IAMAW).	Washington, IN	05/29/2001	NAFTA–4,916	steel balls.
Pratt and Whitney (Co.)	Grand Prairie, TX	05/30/2001	NAFTA–4,917	transportation equipment.
Aavid Thermalloy (Co.)	Dallas, TX	05/29/2001	NAFTA–4,918	semi-conductor acessories.
Johnson Electric Automatic Motors (Co.).	Columbus, MS	05/24/2001	NAFTA–4,919	dc motors.
Triple O (Co.)	Roseburg, OR	06/01/2001	NAFTA–4,920	lumber.
Findlay Industries (Wkrs)	Botkins, OH	05/30/2001	NAFTA–4,921	cloth and leather seat covers.
GE Marquette Medical Systems Corometrics (IBT).	Wallingford, CT	05/17/2001	NAFTA–4,922	medical equipment.
Corning Frequency Control (Wkrs).	Mt. Holly Springs, PA	06/01/2001	NAFTA–4,923	crystal oscillators.
Madill Equipment USA (Wkrs)	Kalama, WA	05/21/2001	NAFTA–4,924	heavy equipment for logging.
Fernbrook and Company (Wkrs)	Palmerton, PA	05/31/2001	NAFTA–4,925	men's, women's and children's clothing.
C and J Specialties (Co.)	Dallas, NC	05/31/2001	NAFTA–4,926	t-shirts, shorts, athletic wear.
Flynt Fabrics (Co.)	Graham, NC	05/31/2001	NAFTA–4,927	knitted fabric.
Ark Les Electronic Products (Co.)	Gloucester, MA	05/23/2001	NAFTA–4,928	membrase switches.
Sohnen Enterprises (Wkrs)	Santa Fe Springs, CA	05/16/2001	NAFTA–4,929	electronic products.
Jarrett Lumber and Logging (Wkrs).	Bristol, TN	05/29/2001	NAFTA–4,930	logs and lumber.
MCMS (Wkrs)	Nampa, ID	05/26/2001	NAFTA–4,931	circuit board.
Kentucky Electric Steel (Co.)	Ashland, KY	05/25/2001	NAFTA–4,932	steel bars.
Newbold Corporation (Co.)	Rocky Mount, VA	05/31/2001	NAFTA–4,933	manual printers for credit card infor.
Cooper Industries (Co.)	Apex, NC	05/31/2001	NAFTA–4,934	measures.
Tyco International (Wkrs)	White City, OR	05/30/2001	NAFTA–4,935	printed circuit boards.
Sportswear USA (Co.)	Wallace, NC	05/31/2001	NAFTA–4,936	boys suits, blazers, pants and vests.
Jordana (Co.)	Medley, FL	06/04/2001	NAFTA–4,937	ladies sportswear.
Alcoa Fujikura Ltd. (Co.)	El Paso, TX	05/30/2001	NAFTA–4,938	electrical wiring for automobiles.
Sun Studs (Co.)	Roseburg, OR	05/31/2001	NAFTA–4,939	veneer and plywood.
Bradford Electronics (Co.)	Bradford, PA	05/22/2001	NAFTA–4,940	film resistors.
Ocello (Co.)	Richland, PA	05/24/2001	NAFTA–4,941	men's, women's & children's knit shirts.
Allied Vaughn (Wkrs)	Clinton, TN	05/25/2001	NAFTA–4,942	video cassette duplication.
Akzo Nobel Aerospace Coatings (Co.).	Brownsville, TX	03/31/2001	NAFTA–4,943	paint products.
Santtony Wear (Co.)	Rockingham, NC	05/29/2001	NAFTA–4,944	ladies undergarments.
Thomas and Betts (Co.)	Vidalia, GA	05/31/2001	NAFTA–4,945	safety switches, meter centers.
Honeywell (Wkrs)	Burkesville, KY	05/25/2001	NAFTA–4,946	oil coolers.
Huck Fasteners (Wkrs)	Altoona, PA	05/31/2001	NAFTA–4,947	cold headed, threaded fasteners.
Pillowtex Fieldcrest Cannon (UNITE).	Kannapolis, NC	05/31/2001	NAFTA–4,948	home furnishings.
Z and Z Logging (Wkrs)	Mt. Hood, OR	05/21/2001	NAFTA–4,949	lumber.
Ucar Cabron (IUOE)	Columbia, TN	05/29/2001	NAFTA–4,950	graphite electrodes.
Celanese Acetate (UNITE)	Rock Hill, SC	06/05/2001	NAFTA–4,951	acetate filament.
Atlantic Wire and Cable (Co.)	College Pt., NY	06/04/2001	NAFTA–4,952	copper wire.
General Electric (Co.)	Bucyrus, OH	04/06/2001	NAFTA–4,953	fluorescent lamps

[FR Doc. 01–16073 Filed 6–26–01; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed revision Applications to Employ Special Industrial Homeworkers and Workers with Disabilities (WH–2, 226, and 226A).

DATES: Written comments must be submitted to the office listed in the addressee section no later than August 27, 2001.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW, Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION

I. Background

Section 11(d) of the Fair Labor Standards Act (FLSA) authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary to prevent evasion of the minimum wage requirements of the Act. The Department of Labor has restricted homework in seven industries to those employees who obtain certificates. Individual certificates may be issued to any industry for an individual homeworker who is unable to leave home because of a disability or must remain home to care for an invalid. Section 14c of the FLSA provides for the employment of workers with disabilities at subminimum wages in order to prevent curtailment of employment opportunities for such individuals. Employers utilizing the provisions of section 14c must obtain certificates issued by the Department of Labor. The WH–2 is used by employers to obtain certificates to employ individual homeworkers in one of the restricted homework industries. The WH–226 and supplemental data Form 226A are used by employers to obtain authorization to employ workers with disabilities in certain establishments at subminimum wages.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor, as a result of recommendations made by the agency FLSA Section 14(c) Working Group and the U.S. Government Accounting Office (GAO), has revised Forms WH–226 and WH–226A. Form WH–2 remains unchanged. The WH–226 and WH–226A have been streamlined and simplified to facilitate the application process. Definitions have been provided and the instructions for completing each form have been expanded and clarified. Applicants are requested to provide two new pieces of information, but these requests do not increase the burden on the public. We are requesting that the applicant provide its Federal Identification Number (EIN) and the number of its previous certificate. Both pieces of information are readily available to the applicant and both pieces will be preprinted on the renewal package sent to each employer. These changes, considered along with the streamlining of the form, added definitions and clarified instructions, do not require any adjustment in current burden estimated for completion of these forms.

Type of Review: Revision.

Agency: Employment Standards Administration.

Title: Application for Special Industrial Homeworker's Certificate (WH–2); Application for Authority to Employ Workers with Disabilities at Special Minimum Wages (WH–226); Supplemental Data Sheet for Application for Authority to Employ Workers with Disabilities at Special Minimum Wages (WH–226A).

OMB Number: 1215–0005.

Agency Numbers: WH–2, WH–226, WH–226A. Affected Public: Individuals or households; Business or other for-profit; Farms; Not-for-profit institutions; State, Local, or Tribal Government.

Frequency: Annually.

Form	Number of respondents	Number of responses	Time per response (in min.)	Burden hours
WH–2	50	50	30	25
WH–226	4,500	4,500	45	3,375
WH–226A	4,500	12,000	45	9,000

Total Respondents: 4,550.

Total Responses: 16,550.

Total Hours: 12,400.

Total Burden Cost (capital/startup): $0.

Total Burden Cost: (operating/maintenance): $1,683.

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

Dated: June 18, 2001.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 01–16149 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations, Prohibited Transaction Class Exemption 81–8

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 other Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (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 Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 81–8 on investment of plan assets in certain types of short-term investments. 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 on or before August 27, 2001.

ADDRESSES: Mr. Gerald B. Linndrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone (202) 219–4782; Fax (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 81–8 permits the investment of plan assets that involve the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan in certain types of short-term investments. These include investments in banker's acceptances, commercial paper, repurchase agreements, certificates of deposit, and bank securities. Absent the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act (ERISA).

II. Desired Focus of Comments

The Department of Labor is particularly interested in comments that:

- 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;
- 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.

III. Current Actions

Provided that the requirements of the exemption are met, the exemption allows plans to invest in certain short term investments in debt obligations issued by certain persons who provide services to the plan or who are affiliated with such service providers that otherwise might be prohibited under sections 406 and 407(a) ERISA. Without this exemption, these types of short term transactions might not be permitted.

In order to ensure that the exemptions is not abused, that the rights of participants and beneficiaries are protected, and that the conditions of the exemption have been satisfied, the Department has included in the exemption two basic disclosure requirements. Both affect only the portion of the exemption dealing with repurchase agreements. The first requirements calls for the repurchase agreements between the seller and the plan to be in writing. The second requirement obliges the seller of such repurchase agreements to agree to provide financial statements to the plan at the time of the sale and as future statements are issued. The seller must also represent, either in the repurchase agreement or prior to the negotiation of each repurchase agreement transaction, that there has been no material adverse change in the seller's financial condition since the date that the most recent financial statement was furnished which has not been disclosed to the plan fiduciary with whom the written agreement is made.

Without the recording and disclosure requirement included in the JCR, participants and beneficiaries of a plan would not be protected in their investments, the Department would be unable to monitor a plan's activities for compliance, and plans would be at a disadvantage in assessing the value of certain short-term investment activities.

Agency: Department of Labor, Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 81–8 for Investment of Plan Assets in Certain Types of Short-Term Investments.

Type of Review: Extension of currently approved collection of information.

OMB Number: 1210–0061.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Total Respondents: 38,237.

Total Responses: 191,185.

Frequency of Response: On occasion.

Estimated Burden Hours: 31,900.

Estimated Burden Costs: $6,500.

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

Dated: June 21, 2001.

Gerald B. Lindrew,

Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.

[FR Doc. 01–16078 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations: Prohibited Transaction Class Exemption 96–62

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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95)(44 U.S.C. 3506(c)(2)(A)). This 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 Pension and Welfare Benefits Administration is soliciting comments concerning the extension of a currently approved collection of information, Prohibited Transaction Class Exemption 96–62, the expedited process for approval of exemptions. 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 on or before August 27, 2001.

ADDRESSES: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N–5647, Washington, D.C. 20210, (202) 219–4782, FAX (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) provides that the Secretary of Labor may grant exemptions from the prohibited transaction provisions of section 406 and 407(a) of ERISA, and directs the Secretary to establish an exemption procedure with respect to such provisions. On July 31, 1996, the Department published Prohibited Transaction Exemption 96–62, which, pursuant to the exemption procedure set forth in 29 CFR 2570, subpart B, permits a plan to seek approval on an accelerated basis of otherwise prohibited transactions. A class exemption will only be granted on the conditions that the plan demonstrate to the Department that the transaction is substantially similar to those described in at least two prior individual exemptions granted by the Depatment and that it presents little, if any, opportunity for abuse or risk of loss to a plan's participants and beneficiaries. This ICR is intended to provide the Department with sufficient information to support a finding that the exemption meets the statutory standards of section 408(a) of ERISA, and to provide affected parties with the opportunity to comment on the proposed transaction, while at the same time reducing the regulatory burden associated with processing individual exemptions for transactions prohibited under ERISA.

II. Desired Focus of Comments

The Department is particularly interested in comments that:

- 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

This notice requests comments on the extension of the ICR included in the regulation governing accelerating approval of a prohibited transaction class exemption. The Department is not proposing or implementing changes to the existing ICR at this time.

Type of Review; Extension of a currently approved colleciton of information.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Exemption 96–62; Accelerated Approval of an Otherwise Prohibited Transaction.

OMB Number: 1210–0098.

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals.

Total Respondents: 42.

Total Responses: 42.

Frequency: On occasion.

Estimated Total Burden Hours: 53.

Total Annual Costs (Operating and Maintenance): $37,884.

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

Dated: June 21, 2001.

Gerald B. Lindrew,

Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.

[FR Doc. 01–16079 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption 94–71

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 other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data is 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 Pension and Welfare and Welfare Benefits Administration is soliciting comments on the extension of a currently approved information collection request (ICR) incorporated in Prohibited Transaction Class Exemption (PTCE) 94–71. A copy of the ICR may be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted on or before August 27, 2001.

ADDRESSES: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of

Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210, (202) 219–4782, FAX (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

PTCE 94–71 exempts certain transactions authorized by a settlement agreement resulting from an investigation of an employee benefit plan pursuant to the authority of section 504(a) of the Employee Retirement Income Security Act of 1974 (ERISA) from prohibitions set forth in sections 406 and 407(a) of ERISA. The conditions of the exemption include certain notice and disclosure requirements which are intended to protect the interests of plan participants and beneficiaries. At least 30 days prior to engaging in the transaction described in the settlement agreement, a party must provide written notice to affected participants and beneficiaries in a manner reasonably calculated to result in receipt of the notice. The notice and method of distribution must be approved by the regional or district office of the Department that negotiated the settlement.

II. Desired Focus of Comments

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 clarify the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The ICR included in this exemption is intended to facilitate voluntary settlements arising from investigations involving Title I of ERISA, while ensuring that participants and beneficiaries have adequate information concerning matters which may affect their benefits. In the absence of PTCE 94–71, parties wishing to enter into certain types of transactions pursuant to settlement agreements would be required to apply for individual exemptions. The ICR also provides the Department with the necessary information to ensure that the plan is in compliance with the conditions of the exemption. The Department is not proposing changes to the exemption at this time.

Type of Review: Extension of a currently approved collection of information.

Agency: Department of Labor, Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Exemption 94–71; An Exemption Authorizing Certain Transactions Pursuant to a Settlement Agreement Between Plans and the US Department of Labor.

OMB Number: 1210–0091.

Affected Public: Business or other for-profit; Not-for-profit institutions; Individuals.

Total Respondents: 4.

Frequency: On occasion.

Total Responses: 270.

Estimated Total Burden Hours: 13.

Total Burden Cost (Operating and Maintenance): $92.00.

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

Dated: June 21, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 01–16080 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption T88–1

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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) 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 Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Exemption (PTE) T88–1. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted on or before August 27, 2001.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–4782, FAX (202) 219–4745. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

PTE T88–1 adopts, for purposes of the prohibited transaction provisions of section 8477(c)(2) of the Federal Employees' Retirement System Act of 1986 (FERSA), certain prohibited transaction class exemptions (the Class Exemptions) granted pursuant to section 408(a) of the Employee Income Security Act of 1974. The adoption of these Class Exemptions permits fiduciaries with respect to the FERS Thrift Savings Fund (the Fund) to engage in certain transactions that would otherwise be prohibited under section 8477(c) of FERSA.

II. Desired Focus of Comments

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 clarify the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through 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 Action

The adoption of the Class Exemptions under this regulation permits fiduciaries with respect to the Fund to engage in certain transactions that would otherwise be prohibited under section 8477(c) of FERSA. The recordkeeping requirements incorporated within the Class Exemptions are intended to insure that a Class Exemption is not abused, that the rights of plan participants and beneficiaries are protected, and that the affected fiduciaries comply with the Class Exemptions' conditions.

Type of Review: Extension of currently approved collection of information.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Exemption T88–1.

OMB Number: 1210–0074.

Affected Public: Business or other for-profit; not-for-profit institutions; individuals.

Total Respondents: 1.

Frequency: On occasion.

Total Responses: 1.

Average Time Per Response: 1 hour.

Estimated Total Burden Hours: 1 hour.

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

Dated: June 21, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 01–16081 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Pension and Welfare Benefits Administration (PWBA) is announcing that collections of information included in Prohibited Transaction Class Exemptions (PTCE) 91–55, 92–6, and 82–63 have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This notice announces the OMB approval numbers and expiration dates.

FOR FURTHER INFORMATION CONTACT: Address requests for copies of the information collection requests (ICRs) to Gerald B. Lindrew, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW. Room N–5647, Washington, DC, 20210. Telephone: (202) 219–4782. This is a not a toll-free number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 14, 2001 (66 FR 10322), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of PTCE 91–55, Compensation to Fiduciaries for Securities Lending Services to an Employee Benefit Plan. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA 95), OMB has renewed its approval for the ICR under OMB control number 1210–0079. The approval expires June 30, 2004.

In the **Federal Register** of January 18, 2001 (66 FR 4865), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 92–6, Sale of Individual Life Insurance or Annuity Contracts. In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0063. The approval expires June 30, 2004.

In the **Federal Register** of February 22, 2001 (66 FR 11182), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 82–63, Compensation for Securities Lending. In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0062. The approval expires June 30, 2004.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

Dated: June 21, 2001.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 01–16077 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

A Special Joint Session of the Working Groups on Increasing Pension Coverage, Participation and Savings and Preparing for Retirement Advisory Council on Employee Welfare and Pension Benefits Plan; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, two of the three Working Groups assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of increasing pension coverage, participation and savings as well as the issue of preparing for retirement will meet jointly at an open public meeting on Tuesday, July 17, 2001, in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210.

The purpose of the joint open meeting, which will run from 9:00 a.m. to approximately 4:30 p.m., with a short break at noon for an in-place luncheon, is for Working Group members to hear testimony from several invited witnesses who'll discuss factors which either encourage or inhibit the growth of pension plan coverage and, ultimately, retirement security as well as what ''best practices'' there are that actually assist Americans facing retirement in the near future.

Members of the public are encouraged to file a written statement pertaining to the topic(s) by sending 20 copies on or before July 10, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group(s) should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon

Morrissey by July 10, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 10.

Signed at Washington, DC, this 21st day of June 2001.

Ann L. Combs,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–16164 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Challenges to the Employment-Based Healthcare System Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Wednesday, July 18, 2001, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study challenges to the employment-based healthcare system.

The session will take place in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, DC 20210. The purpose of the open meeting, which will run from 9:30 a.m. to approximately 2 p.m., is for working group members to examine weaknesses, strengths and alternatives to employer-based health benefits from both employer and employee perspectives.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before July 10, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by July 10, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before July 10.

Signed at Washington, DC this 21st day of June 2001.

Ann L. Combs,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–16165 Filed 6–26–01; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that four meetings of the Combined Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington DC 20506 as follows:

Literature (Creativity and Organizational Capacity categories): July 16–18, 2001, Room 730. A portion of this meeting, from 9 a.m. to 10:30 a.m. on July 18th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 7 p.m. on July 16th and 17th, and from 10:30 a.m. to 1 p.m. on July 19th, will be closed.

Theater/Musical Theater, Section B (Creativity category): July 30 '' August 2, 2001, Room 730. A portion of this meeting, from 3:30 p.m. to 5 p.m. on August 2nd, will be open to the public for policy discussion. The remaining portions of this meeting, from 9:30 a.m. to 6 p.m. on July 30th, from 9:30 a.m. to 7 p.m. on July 31st and August 1st, and from 9:30 a.m. to 3:30 p.m. on August 2nd, will be closed.

Multidisciplinary (Creativity category): August 14–16, 2001, Room 716. A portion of this meeting, from 1:45 p.m. to 3 p.m. on August 16th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 5:30 p.m. on August 14th and 15th and from 9 a.m. to 1:45 p.m. 1:45 p.m. to 4:30 p.m. on August 16th, will be closed.

Multidisciplinary (Organizational Capacity category): August 17, 2001, Room 716. A portion of this meeting, from 4 p.m. to 5 p.m., will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 4 p.m. and from 5 p.m. to 6 p.m., will be closed.

The closed portions of these meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 22, 2001, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: June 21, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01–16086 Filed 6–26–01; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Federal Advisory Committee on International Exhibitions (FACIE)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions will be held from 10 a.m. to 3 p.m. on Monday, July 16, 2001 in Room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

This meeting is for the purpose of review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 22, 2001, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

Dated: June 21, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01–16087 Filed 6–26–01; 8:45 am]

BILLING CODE 7537–01–P

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation. This meeting will be held in So. Portland, Maine, continuing the Commission's program of holding a meeting in each of the Compact states. In addition to receiving reports and recommendations of its standing Committees, the Commission will receive a number of informational reports about the impact of the over-order price regulation in Maine.

DATES: The meeting will begin at 10 a.m. on Monday, July 9, 2001.

ADDRESSES: The meeting will be held at the Best Western Merry Manor, 700 Main Street, So. Portland, Maine 04106.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 64 Main Street, Room 21, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: June 20, 2001.

Daniel Smith,

Executive Director.

[FR Doc. 01–16044 Filed 6–26–01; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR 35.32 and 35.33 ''Quality Management Program and Misadministrations''.

2. *Current OMB approval number:* 3150–0171.

3. *How often the collection is required:* For quality management program (QMP): *Reporting:* New applicants for medical use licenses, who plan to use byproduct material in limited diagnostic and therapy quantities under Part 35, must develop a written QMP and submit a copy of it to NRC. When a new modality involving therapeutic quantities of byproduct material is added to an existing license, current licensees must submit QMP modifications. This ICR burden estimate is inflated by the one-time cost for the development and submission of QMPs for approximately 2000 Agreement States licensees in the ten Agreement States who have not adopted the rule and are not required to. *Recordkeeping:* Records of written directives, administered dose or dosage, annual review, and recordable events, for 3 years.

For Misadministrations: Reporting: Whenever a misadministration occurs. *Recordkeeping:* Records of misadministrations for 5 years.

4. *Who is required or asked to report:* NRC Part 35 licensees who use byproduct material in limited diagnostic and therapeutic ranges and similar type of licensees regulated by Agreement States.

5. *The estimated number of annual respondents:* 6300 (for both reporting and recordkeeping).

6. *The number of hours needed annually to complete the requirement or request:* 34,743 hours for applicable licensees (Reporting: 24,400 Hrs/yr, and Recordkeeping: 10,343 Hrs/yr, or an average of 5.5 hrs per licensee).

7. *Abstract:* In the medical use of byproduct material, there have been instances where byproduct material was not administered as intended or was administered to a wrong individual, which resulted in unnecessary exposures or inadequate diagnostic or therapeutic procedures. The most frequent causes of these incidents were: insufficient supervision, deficient procedures, failure to follow procedures, and inattention to detail. In an effort to reduce the frequency of such events, the NRC requires licensees to implement a quality management program (§ 35.32) to provide high confidence that byproduct material or radiation from byproduct material will be administered as directed by an authorized user physician. Collection of this information enables the NRC to ascertain whether misadministrations (§ 35.33) are investigated by the licensee and that corrective action is taken. Additionally, NRC has a responsibility to inform the medical community of generic issues identified in the NRC review of misadministrations.

Revisions to 10 CFR 35.32 and 35.33 are being made as part of a complete revision of 10 CFR Part 35 to incorporate specific improvements in NRC's regulations governing the medical use of byproduct material. A final rule revising Part 35 was affirmed by the Commission on October 23, 2000 and was submitted, along with its associated clearance package, to the Office of Management and Budget (OMB). A notice was published in the **Federal Register** on March 16, 2001, announcing a 30-day public comment period on the submittal. It is anticipated that the effective date of the final rule revising Part 35, including the revisions to Sections 35.32 and 35.33, will be March 2002, and the OMB clearance for Sections 35.32 and 35.33 will be then be included under the OMB clearance for Part 35 (3150–0010).

Currently, the OMB clearances for Sections 35.32 and 35.33 are due to expire October 31, 2001. In view of the fact that these parts will shortly thereafter be covered under OMB clearance 3150–0010, the Commission is seeking a 1-year clearance extension for the information collection requirments in these sections to allow sufficient time for OMB to complete its review of the NRC clearance package for the revision to Part 35, for NRC to publish the final rule, and for the rule to become effective. Because the final Part 35 and its OMB clearance will be in place in a short time period, the burden hour estimates in this extension package are not being revised from those contained in the previous OMB approval for

Sections 35.32 and 35.33 under 3150–0171.

Submit, by August 27, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 21st day of June 2001.

For the Nuclear Regulatory Commission.

Beth St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–16097 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–9]

Notice of Issuance of Amendment to Materials License SNM–2504; Department of Energy; Fort St. Vrain Independent Spent Fuel Storage Installation

The Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 9 to Materials License No. SNM–2504 held by the U.S. Department of Energy (DOE) for the receipt, possession, storage, and transfer of spent fuel at the Fort St. Vrain (FSV) independent spent fuel storage installation (ISFSI), located in Weld County, Colorado. The amendment is effective as of the date of issuance.

By application dated August 30, 2000, as supplemented May 11 and 24, 2001, DOE requested an amendment to its ISFSI license to include a Safeguards Information Protection Plan per 10 CFR 73.21(h), to be added as an Appendix to the existing Physical Protection Plan.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

The Commission has determined that, pursuant to 10 CFR 51.22(c)(12), an environmental assessment need not be prepared in connection with issuance of the amendment.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 14th day of June 2001.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Acting Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16100 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Notice of Issuance of Amendment to Materials License SNM–2508, Department of Energy, TMI–2 Independent Spent Fuel Storage Installation

The Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 2 to Materials License No. SNM–2508 held by the U.S. Department of Energy (DOE) for the receipt, possession, storage and transfer of spent fuel in an independent spent fuel storage installation (ISFSI) located at the Idaho National Engineering and Environmental Laboratory (INEEL), within the Idaho Nuclear Technology and Engineering Center (INTEC) site in Scoville, Idaho. The amendment is effective as of the date of issuance.

By application dated August 30, 2000, as supplemented May 11 and 24, 2001, DOE requested an amendment to its ISFSI license to include a Safeguards Information Protection Plan per 10 CFR 73.21(h), to be added as an Appendix to the existing Physical Protection Plan.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

The Commission has determined that, pursuant to 10 CFR 51.22(c)(12), an environmental assessment need not be prepared in connection with issuance of the amendment.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in

ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 14th day of June 2001.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Acting Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16101 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Docket No. 50–313

Entergy Arkansas, Inc., Entergy Operations, Inc., Arkansas Nuclear One, Unit 1, Notice of Issuance of Renewed Facility Operating License No. DPR–51 for an Additional 20-Year Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Renewed Facility Operating License No. DPR–51 to Entergy Arkansas, Inc. and Entergy Operations, Inc. (the licensee). The license authorizes operation of Arkansas Nuclear One, Unit 1 by the licensee at reactor core power levels not in excess of 2568 megawatts thermal in accordance with the provisions of the Unit 1 license and its Technical Specifications (Appendix A).

Arkansas Nuclear One, Unit 1, is a pressurized water nuclear reactor located near Russellville on the Dardanelle Reservoir in Pope County, Arkansas.

The application for the renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in each license. Prior public notice of the action involving the proposed issuance of this renewed operating license and of opportunity for hearing regarding the proposed issuance of this renewed operating license was published in the **Federal Register** on February 11, 2000 (65 FR 7074).

For further details with respect to these actions, see (1) the Entergy Arkansas, Inc. and Entergy Operations, Inc.'s License Renewal Application for Arkansas Nuclear One, Unit 1, dated January 31, 2000, as supplemented by letters dated February 4, 14, and 28, March 7, April 11, 12, 17, and 25, May 2 and 5, June 1, 5, 6, 9 and 23, July 6 and 31, August 24 and 30, September 6, 7, and 12, October 3, 11, and 20, November 2, December 4 and 20, 2000 and March 14, 2001; (2) Renewed Facility Operating License No. DPR–51, with the appendix listed above; (3) the Commission's Safety Evaluation Reports dated January 10, April 12, and June 2001 (NUREG–1743); (4) the licensee's Safety Analysis Report; and (5) the Commission's Final Environmental Impact Statement (NUREG–1437, Supplement 3), dated April 2001. These items are available at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, first floor, Rockville, Maryland 20852, and can be viewed from the NRC Public Electronic Reading Room at *http://www.nrc.gov/NRC/ADAMS/index.html.*

A copy of the Renewed Facility Operating License No. DPR–51, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, Attention: Director, Division of Regulatory Improvement Programs. Copies of the Safety Evaluation Report (NUREG–1743) and the Final Environmental Impact Statement (NUREG–1437, Supplement 3) may be purchased from the National Technical Information Service, Springfield, Virginia 22161–0002 (telephone number 1–800–553–6847), <*http://www.ntis.gov/ordernow*>), or the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954 (telephone number 202–512–1800, <*http://www.access.gpo.gov/su docs*>). All orders should clearly identify the NRC publication number and the requestor's Government Printing Office deposit account, or VISA or MasterCard number and expiration date.

Dated at Rockville, Maryland, this the 20th day of June 2001.

For The Nuclear Regulatory Commission.

Robert Prato,

Project Manager, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–16102 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Invitation to Join an Agencywide Document Access and Management System (ADAMS) User Group

AGENCY: Nuclear Regulatory Commission.

ACTION: Invitation to join an ADAMS User Group.

SUMMARY: The Nuclear Regulatory Commission (NRC) is asking interested members of the public who use the Agencywide Document Access and Management System (ADAMS) to join an ADAMS User Group. In addition to learning about new releases and upgrades of the ADAMS software, the user group will serve as a forum for two-way communication with NRC staff concerning ADAMS experiences, suggestions, and comments on making ADAMS more accessible and easier to use. Although a schedule has not been set for future meetings, the user group is expected to meet approximately four times a year. The user group will be formed at a meeting at the NRC headquarters Wednesday, July 18, 2001 from 1 p.m. to 3 p.m..

EFFECTIVE DATE: July 18, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas E. Smith, Acting Chief, Public Document Room, Office of the Chief Information Officer, Nuclear Regulatory Commission, Washington, DC 20555, 301–415–7204, or toll-free 1–800–368–5642 or, 1–800–397–4209 (8:30 a.m.–4:15 p.m.).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission plans to start an ADAMS User Group as a forum for ADAMS users. NRC staff will inform the user group about new ADAMS releases and future upgrades, and anticipates the user group will give staff feedback and suggest ways of making ADAMS more accessible and usable. For example, the user group could provide input on such issues as the NRC plans to develop a Web-based version of ADAMS as well as the matters related to the Legacy Library.

The July 18, 2001 formative meeting of the ADAMS User Group will be held at NRC headquarters in Rockville, MD, to survey the needs of the members, discuss issues and potential resolutions, and set a schedule for future meetings. Since many people who might like to participate cannot come to Rockville to attend the meeting, the NRC is making arrangements for interested parties to submit questions in advance as well as obtain information about the proceedings via email. The NRC will also have a toll-free telephone bridge so interested persons can dial into the meetings. The telephone bridge will accommodate 20 to 30 parties on a first-come, first-serve basis. Participation instructions will be sent to persons who respond to this announcement.

CONTACT: If you are interested in joining this user group, please contact

Thomas Smith at 301–415–7204,or toll free 1–800–368–5642 or e-mail aug@nrc.gov. Further instructions will be sent to you by e-mail or telephone.

Dated in Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.

Lynn B. Scattolini,

Director, Information, Records and Document Management Division, Office of the Chief Information Officer.

[FR Doc. 01–16098 Filed 6–26–01; 8:45 am]

BILLING CODE7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Joint Meeting of the ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena and Reliability and Probabilistic Risk Assessment will hold a joint meeting on July 9, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, July 9, 2001—1:30 p.m. Until The Conclusion of Business

The Subcommittees will discuss the proposed risk-informed revisions to 10 CFR 50.46 for emergency core cooling systems. The Subcommittee will also discuss revisions to the framework for risk-informing the technical requirements of 10 CFR Part 50. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Michael T. Markley (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 21, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–16093 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittees on Materials and Metallurgy and Plant Operations July 10, 2001, Notice of Meeting

The ACRS Subcommittees on Materials and Metallurgy and Plant Operations will hold a meeting on July 10, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, July 10, 2001—8:30 a.m. until 2:30 p.m.

The Subcommittees will discuss the control rod drive mechanism cracking issues. A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(4) to discuss proprietary information. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman and written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore, can be obtained by contacting the cognizant ACRS staff engineer, Ms. Maggalean W. Weston (telephone: 301/415–3151) between 8:00 a.m. and 5:30 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 21, 2001.

James E. Lyons,

Associate Director for Technical Support.

[FR Doc. 01–16094 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on July 10, 2001, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would

constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, July 10, 2001, 3:00 p.m. until 5:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee. A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: June 21, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–16095 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Plant Operations; Notice of Meeting

The ACRS Subcommittee on Plant Operations will hold a meeting on July 9, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, July 9, 2001—9:30 a.m. until 12:30 p.m.

The Subcommittee will continue its discussion of the Reactor Oversight Process. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman and written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore, can be obtained by contacting the cognizant ACRS staff engineer, Ms. Maggalean W. Weston (telephone: 301/415–3151) between 8:00 a.m. and 5:30 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: June 21, 2001.

James E. Lyons,

Associate Director for Technical Support.

[FR Doc. 01–16096 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 4 through June 15, 2001. The last biweekly notice was published on June 12, 2001 (66 FR 31700).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received

within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By July 27, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's

Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Assess and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *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, 304–415–4737 or by email to pdr@nrc.gov.

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendments request: June 4, 2001.

Description of amendments request: The proposed license amendments revise, from 2 hours to 6 hours, the time period in Surveillance Requirement 3.6.1.6.1 for verifying that each suppression chamber-to-drywell vacuum breaker is closed after any discharge of steam to the suppression chamber from any source. In conjunction with this change, the Completion Time associated with Required Action B.1 for closing an open vacuum breaker is being revised from 8 hours to 4 hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes provide additional time to verify that each vacuum breaker is closed and reduce the time allowed for closing an open vacuum breaker. The safety functions of the suppression chamber-to-drywell vacuum breaker valves are to relieve vacuum in the drywell following a postulated loss-of-coolant accident and to remain closed, except when the vacuum breakers are performing their intended design function, in order to ensure that no excessive bypass leakage occurs from the drywell to the suppression chamber. With a vacuum breaker not closed, communication between the drywell and suppression chamber airspaces could occur and, if a loss-of-coolant accident were to occur, there would be the potential for primary containment overpressurization due [to] steam leakage from the drywell to the suppression chamber without quenching. The vacuum breakers do not perform a safety function that initiates, or alters initiation of, an accident previously evaluated. Rather, the vacuum breakers function to mitigate the consequences of certain design basis accidents. Therefore, the proposed changes do not involve an increase in the probability of an accident previously evaluated or the method of performing their safety functions.

As noted above, the vacuum breakers function to mitigate the consequences of certain design basis accidents. The proposed changes to the Surveillance Requirement and Completion Time provide additional time to verify that each vacuum breaker is closed and reduce the time allowed for closing an open vacuum breaker; however, the proposed changes do not alter the safety functions of the vacuum breakers. When performing the surveillance to verify each vacuum breaker is closed, the expected result is the verification that the component is indeed closed. However, if this surveillance result is not obtained, the Technical Specifications limit the time allowed to close the vacuum breaker. Additional time is being provided to verify that each vacuum breaker is closed; however, the overall time allowed for closing and verifying closure of a vacuum breaker is not being increased. Since the overall time to take action for an open vacuum breaker has not been increased, the proposed changes do not involve an increase in the consequences of an accident previously evaluated.

2. The proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The suppression chamber-to-drywell vacuum breakers are not an initiator of any design basis accident. Rather, the safety functions of the vacuum breaker valves are to relieve vacuum in the drywell following a loss-of-coolant accident and to remain closed when not relieving vacuum to ensure that no excessive bypass leakage occurs from the drywell to the suppression chamber. Neither safety function of these vacuum breakers is altered by the proposed changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed license amendments do not involve a significant reduction in a margin of safety.

The proposed changes will not affect the ability of the suppression chamber-to-drywell vacuum breakers to perform their safety functions. Rather, as previously stated, the proposed changes provide additional time to verify that each vacuum breaker is closed and reduce the time allowed for closing an open or inoperable vacuum breaker. As a result, the overall time for taking action for an open vacuum breaker is unchanged. The vacuum breakers will continue to be verified closed every 14 days, as part of a required functional test of the vacuum breaker every 31 days, and following any activity involving the discharge of steam to the suppression chamber. If a vacuum breaker is found to be open and cannot be closed as required, plant shutdown will continue to be required within the same time requirements as currently specified in the Technical Specifications. Current Technical Specifications allow up to 10 hours to close an open vacuum breaker (i.e., 2 hours to perform the surveillance to verify vacuum breaker closure and, if necessary, 8 hours to close the vacuum breaker). The proposed change maintains the 10 hour limit by reducing the time to 4 hours to close an open or inoperable vacuum breaker while increasing the time to 6 hours to complete the surveillance to verify vacuum breaker closure. Thus, on this basis, the proposed license amendments will not change overall plant risk and do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Patrick M. Madden, Acting.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: May 18, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.9.4 ''Containment Building Penetrations'' and the associated Bases to permit containment building penetrations to remain open, under administrative controls, during core alterations or the movement of irradiated fuel within the containment. Specifically, the licensee proposes: (1) Incorporating an alternate source term methodology in the fuel handling accident analysis; (2) revising TS 3.9.4 to remove portions of a note restricting the applicability of administrative controls with respect to containment penetrations; and (3) including the use of administrative controls on the equipment hatch and other penetrations that provide access from containment atmosphere to outside atmosphere.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes modify TS requirements previously reviewed and

approved by the NRC in improved Technical Specifications (ITS) and changes to ITS as described in TSTF [Technical Specification Task Force]-312. An alternate source term calculation has been performed for the HNP [Harris Nuclear Plant] that demonstrates that dose consequences remain below limits specified in NRC Regulatory Guide 1.183 and 10 CFR 50.67. The proposed change does not modify the design or operation of equipment used to move spent fuel or to perform core alterations[.]

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Containment penetrations are designed to form part of the containment pressure boundary. The proposed change provides for administrative controls and operating restrictions for containment penetrations consistent with guidance approved by the NRC staff. Containment penetrations are not an accident initiating system as described in the Final Safety Analysis Report [FSAR]. The proposed change does not affect other Structures, Systems, or Components. The operation and design of containment penetrations in operational modes 1–4 will not be affected by this proposed change.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed changes modify required Actions and Surveillance Requirements previously reviewed and approved by the NRC in improved Technical Specifications (ITS) and changes to ITS, TSTF–312. Additionally, the implementation of the alternate source term methodology is consistent with NRC Regulatory Guide 1.183. The proposed change to containment penetrations does not significantly affect any of the parameters that relate to the margin of safety as described in the Bases of the TS or the FSAR. Accordingly, NRC Acceptance Limits are not significantly affected by this change.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Patrick M. Madden, Acting.

Duke Energy Corporation, et al., Docket No. 50–414, Catawba Nuclear Station, Unit 2, York County, South Carolina

Date of amendment request: March 9, 2001.

Description of amendment request: The amendment will revise the cold leg elbow tap flow coefficients used in the determination of Reactor Coolant System (RCS) flow rate at Catawba Nuclear Station, Unit 2. No changes in Technical Specification are necessary for this amendment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. No component modification, system realignment, or change in operating procedure will occur which could affect the probability of any accident or transient. The revised cold leg elbow tap flow coefficients will not change the probability of actuation of any Engineered Safeguards Feature or other device. The actual Unit 2 RCS flow rate will not change. Therefore, the consequences of previously analyzed accidents will not change as a result of the revised flow coefficients.

Second Standard

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. No component modification or system realignment will occur which could create the possibility of a new event not previously considered. No change to any methods of plant operation will be required. The elbow taps are already in place, and are presently being used to monitor flow for Reactor Protection System purposes. They will not initiate any new events.

Third Standard

The proposed amendment will not involve a significant reduction in a margin of safety. The removal of some of the excess flow margin, which was introduced by the hot leg streaming flow penalties in later calorimetrics, will allow additional operating margin between the indicated flow and the Technical Specification minimum measured flow limit. The proposed changes in the cold leg elbow tap flow coefficients will continue to be conservative with respect to the analytical model flow predictions, since the proposed coefficients will continue to contain some hot leg streaming penalties from the calorimetric determined coefficients used in the average.

An increase in the RCS flow indication of approximately 1.0% will increase the margin to a reactor trip on low flow but will not adversely affect the plant response to low flow transients. Current UFSAR Chapter 15 transients that would be expected to cause a reactor trip on the RCS low flow trip setpoint are Partial Loss of Reactor Coolant Flow, Reactor Coolant Pump Shaft Seizure and Reactor Coolant Pump Shaft break transients. Three reactor trip functions provide protection for these transients, RCS low flow reactor trip, RCP undervoltage reactor trip and RCP underfrequency reactor trip. The transient analyses of these events assume the reactor is tripped on the low flow reactor trip setpoint. This is conservative and produces a more severe transient response since a reactor trip on undervoltage or underfrequency would normally be expected to trip the reactor sooner and therefore reduce the severity of these transients.

The RCS low flow reactor trip is currently set at 91% of the Technical Specification minimum measured flow of 390,000 gpm. The setpoint will not be revised as a result of this change, which means the transients relying on this function will behave in the same manner with the reactor trips occurring at essentially the same conditions as previously analyzed. Therefore, any small increase in the reactor trip margin gained by the small increase in the indicated RCS flow will not adversely affect the plant response during these low flow events.

Based upon the preceding discussion, Duke Energy has concluded that the proposed amendment does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn , Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard L. Emch, Jr.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: May 23, 2001.

Description of amendment request: The amendment request proposes a change to the minimum critical power ratio safety limit (SLMCPR) and changes to the references for the analytical methods used to determine the core operating limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The Minimum Critical Power Ratio (MCPR) safety limit is defined in the Bases to Technical Specification [TS] 2.1.1 as that limit which ''ensures that during normal operation and during AOOs [Anticipated Operational Occurrences], at least 99.9% of the fuel rods in the core do not experience transition boiling.'' The MCPR safety limit satisfies the requirements of General Design Criterion 10 of Appendix A to 10 CFR [Part] 50 regarding acceptable fuel design limits. The MCPR safety limit is re-evaluated for each reload using NRC [Nuclear Regulatory Commission]-approved methodologies. The analyses for RBS [River Bend Station] Cycle 11 have concluded that a two-loop MCPR safety limit of 1.08, based on the application of Framatome ANP Richland, Inc.'s [FRA–ANP] [(proprietary)] NRC-approved MCPR safety limit methodology, will ensure that this acceptance criterion is met. For single-loop operation, a MCPR safety limit of 1.10, also ensures that this acceptance criterion is met.

In addition to the MCPR safety limit, core operating limits are established to support the Technical Specification 3.2 requirements which ensure that the fuel design limits are not exceeded during any conditions of normal operation or in the event of any anticipated operational occurences (AOO). The methods used to determine the core operating limits for each operating cycle are based on methods previously found acceptable by the NRC and listed in TS section 5.6.5. A change to TS section 5.6.5 is requested to include the FRA–ANP methods in the list of NRC approved methods applicable to RBS. These NRC approved methods will continue to ensure that acceptable operating limits are established to protect the fuel cladding integrity during normal operation and in the event of an AOO.

The requested Technical Specification changes do not involve any plant modifications or operational changes that could affect system reliability or performance or that could affect the probability of operator error. The requested changes do not affect any postulated accident precursors, do not affect any accident mitigating systems, and do not introduce any new accident initiation mechanisms.

Therefore, these changes to the Minimum Critical Power Ration (MCPR) safety limit and to the list of methods used to determine the core operating limits do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The ATRIUM–10 fuel to be used in Cycle 11 is of a design compatible with the co-resident GE–11. Therefore, the introduction of ATRIUM–10 fuel into the Cycle 11 core will not create the possibility of a new or different kind of accident. The proposed changes do not involve any new modes of operation, any changes to setpoints, or any plant modifications. The proposed revised MCPR safety limits have accounted for the mixed fuel core and have been shown to be acceptable for Cycle 11 operation. Compliance with the criterion for incipient boiling transition continues to be ensured. The core operating limits will continue to be developed using NRC approved methods which also account for the mixed fuel core design. The proposed MCPR safety limits or methods for establishing the core operating limits do not result in the creation of any new precursors to an accident.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The MCPR safety limits have been evaluated in accordance with Framatome ANP Richland, Inc.'s NRC-approved cycle-specific safety limit methodology to ensure that during normal operation and during Anticipated Operational Occurrences (AOO's) at least 99.9% of the fuel rods in the core are not expected to experience transition boiling. On this basis, the implementation of this Framatome ANP Richland, Inc. methodology does not involve a significant reduction in a margin of safety.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005.

NRC Section Chief: Robert A. Gramm.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: May 11, 2001.

Description of amendment request: This amendment revised the Technical Specifications to allow, on a one-time basis only, Entergy Nuclear Operations, Inc. to extend the allowed out-of-service time for the Residual Heat Removal Service Water (RHRSW) System from 7 days to 11 days. This amendment is only applicable during installation of the modification 00–12 to the ''B'' RHRSW Strainer.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Involve an increase in the probability or consequences of an accident previously evaluated.

The CCDP [Conditional Core Damage Probability] due to this proposed change is calculated to be 4.33 E–8 (assuming no-risk significant SSC maintenance), which falls below the threshold probability of 1 E–6 for risk significance of temporary changes to the plant configuration in the EPRI PSA Applications Guide (Reference 2). The ICLERP [incremental conditional large early release probability] is calculated to be 8.85 E–8, which falls below the threshold probability of 1 E–7 for risk significance per Reference 2 [see application dated May 11, 2001].

This proposed change does not increase the consequences of an accident previously evaluated because all relevant accidents (LOCA) [loss-of-coolant accident] would result in the transfer of decay heat to the suppression pool. For this scenario, the same compliment of equipment will be available to achieve and maintain cold shutdown as is required by the current TS LCO [limiting condition for operation].

Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not physically alter the plant. As such, no new or different types of equipment will be installed. The new design for the RHRSW strainer packing gland will be evaluated under a separate 10 CFR 50.59 evaluation and is considered to be functionally equivalent for the purposes of this one-time-only proposed TS change.

The connection and use of a temporary hose for achieving limited containment heat removal in the event the ''A'' division of RHRSW is rendered inoperable for some reason is a contingency plan that is already addressed by current plant procedures.

Involve a significant reduction in a margin of safety.

The CCDP due to this proposed change is calculated to be 4.33 E–8 (assuming no-risk significant SSC maintenance). This value falls below the threshold probability of 1 E–6 for risk significance of temporary changes to the plant configuration in the EPRI PSA Applications Guide (Reference 2). The CLERP is calculated to be 8.85 E–8, which falls below the threshold probability of 1 E–7 for risk significance per Reference 2.

The consequences of a postulated accident occurring during the extended allowable out-

of-service time are bounded by existing analyses, therefore, there is no significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David E. Blabey, 1633 Broadway, New York, New York 10019.

NRC Section Chief: Richard P. Correia, Acting.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: May 22, 2001.

Description of amendment request: The proposed change to Technical Specification (TS) 3/4.7.1.2, Emergency Feedwater (EFW) System expands and clarifies the current TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The administrative and more restrictive changes will not affect the assumptions, design parameters, or results of any accident previously evaluated. The accident mitigation features of the plant are not affected by these proposed changes. The proposed changes do not add or modify any existing equipment. The administrative change to test EFW pumps pursuant to the Inservice Test Program will ensure the EFW pumps are tested against the more restrictive of the data points required by either the safety analysis or the Inservice Test Program. Therefore, the proposed administrative changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

The less restrictive changes (allowing 7 days for an inoperable pump due to an inoperable steam supply, allowing 24 hours for an inoperable steam supply and one inoperable motor driven EFW pump, allowing 72 hours for two inoperable motor driven EFW pumps, performing Surveillance Requirements during other than shutdown conditions, allowing the use of actual actuation signals in addition to test signals, and delaying the requirement to complete Surveillance Requirement ''d'' to just prior to Mode 2) will not affect the assumptions, design parameters, or results of any accident previously evaluated. The accident mitigation features of the plant are not affected by these proposed changes. The proposed changes do not add or modify any existing equipment. Therefore, the proposed less restrictive changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not alter the design or configuration of the plant. There has been no physical change to plant systems, structures, or components. The proposed changes will not reduce the ability of any of the safety-related equipment required to mitigate Anticipated Operational Occurrences or accidents.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed change to the LCO [Limiting Conditions for Operation] requiring three pumps and two flow paths be OPERABLE maintains the functionality of the EFW such that it is capable of performing its design function as assumed in the Final Safety Analysis Report. If the functionality of the system is not maintained, Technical Specifications require ACTIONs be taken, within specified time limitations, to restore EFW to OPERABLE status or shutdown the reactor. This action is consistent with the existing Technical Specifications and NUREG–1432.

The allowed outage time for one inoperable steam supply has been increased from 72 hours to 7 days in accordance with NUREG–1432. This is acceptable due to the redundant OPERABLE steam supply, the availability of redundant OPERABLE motor-driven EFW pumps, and the low probability of an event requiring the inoperable steam supply. This change is consistent with NUREG–1432 and has therefore been previously approved by the NRC [Nuclear Regulatory Commission].

The ACTION for an inoperable steam supply to the turbine-driven EFW pump steam turbine concurrent with one motor-driven EFW pump being inoperable will allow a 24 hour completion time. This change is acceptable based on the ability of the system to cool the reactor coolant system to shutdown cooling entry conditions following a loss of normal feedwater. The 24 hour completion time is reasonable based on the redundant OPERABLE steam supply to the turbine-driven EFW pump steam turbine, the OPERABLE motor-driven EFW pump, and the low probability of an event requiring the inoperable steam supply to the turbine-driven EFW pump.

The ACTION for an inoperable steam supply to the turbine-driven EFW pump steam turbine concurrent with both motor-driven EFW pumps being inoperable as proposed requires a unit shutdown be initiated immediately. This change is appropriate due to the seriousness of the condition and is acceptable due to the ability of the EFW system to support the unit shut down.

The ACTION for the EFW system inoperable for reasons other than those described in ACTION (a), (b), or (c) and able to deliver at least 100% flow to either steam generator as proposed will allow a 72 hour completion time. This change is acceptable based on the ability of the system to cool the RCS [Reactor Coolant System] to SDC [Shutdown Cooling] entry conditions following a design basis accident assuming no single active failure.

The ACTION for the EFW system inoperable for reasons other than those described in ACTION (a), (b), or (c) and able to deliver at least 100% combined flow to the steam generators as proposed requires a unit shutdown be initiated immediately. This change is appropriate due to the seriousness of the condition and is acceptable due to the ability of the EFW system to support the unit shut down.

The ACTION for the EFW system inoperable and unable to deliver at least 100% flow to the steam generators as proposed requires immediate action be taken to restore the ability to deliver at least 100% flow to the steam generators. The unit is in a seriously degraded condition in that the EFW system is unable to support a unit shutdown. This change is consistent with the intent of the current EFW Technical Specification and NUREG–1432.

Testing pursuant to Specification 4.0.5 (Inservice Testing Program) as proposed for Surveillance Requirement 'b' will ensure the EFW pumps are tested against the more restrictive of the data points required by either the safety analysis or ASME [American Society of Mechanical Engineers] Section XI.

The remaining changes to the EFW Technical Specification are consistent (other than format) with NUREG–1432 and have therefore been previously approved by the NRC.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston & Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois.

Date of amendment request: February 28, 2001

Description of amendment request: The proposed amendments would

revise the Technical Specifications to eliminate the requirement for at least one person qualified to stand watch to be present in the control room when nuclear fuel is stored in the spent fuel pool.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications (TS) change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Defueled Safety Analysis Report (DSAR) identifies three categories of events: spent fuel pool events (i.e., operational occurrences), fuel handling accidents in the fuel building, and radioactive waste handling accidents. There are no active controls in the control room that affect spent fuel pool equipment, or the handling of fuel or radioactive waste. Actions to mitigate the consequences of these events are taken outside the control room. Emergency response is not adversely affected by this proposed change because the control room is still available to the emergency response team and communication capability and timeliness will not be affected. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The configuration, operation and accident response of the systems, structures or components that support safe storage of the spent fuel are unchanged by the proposed TS change. Current site surveillance requirements ensure frequent and adequate monitoring of system and component functionality. Systems in the Spent Fuel Nuclear Island will continue to be operated in accordance with current design requirements and no new components or system interactions have been identified. No new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed change. The proposed TS change does not have an adverse affect on any system related to safe storage of spent fuel. Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

All design basis accident acceptance criteria will continue to be met. The margin of safety relative to the cooling of the spent fuel is unaffected by the proposed change as the SFP [spent fuel pool] parameters will continue to be monitored at the same frequency that they are monitored now. The ability of the shift crew to respond to abnormal or accident conditions is unaffected by the proposed change since all controls are located in the fuel building and any necessary communication will be handled by the DERO [Defueled Emergency Response Organization]. Therefore, it is concluded that the proposed TS change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Robert Helfrich, Senior Counsel, Nuclear, Mid-West Regional Operating Group, Exelon Generation Company, LLC, 1400 Opus Place, Suite 900, Downers Grove, Illinois 60515.

NRC Section Chief: Robert A. Gramm.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of amendment request: May 15, 2001.

Description of amendment request: The proposed amendment would revise refueling operation Technical Specification (TS) requirements for containment equipment hatch cover closure during core alterations and during movement of irradiated fuel both inside containment and in the spent fuel pool or cask pit. The proposed change would allow the containment equipment hatch cover to be off during core alterations and movement of irradiated fuel provided the Emergency Ventilation System is operable with the ability to filter any radioactive release. The proposed changes involve TS 3/4.9.4, Refueling Operations -Containment Penetrations, and TS 3/4.9.12, Refueling Operations—Storage Pool Ventilation, and associated Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no such accidents are affected by the proposed changes. The amendment application proposes to revise DBNPS TS 3/4.9.4, Refueling Operations—Containment Penetrations, and its associated Bases, and TS 3/4.9.12, Refueling Operations—Storage Pool Ventilation, and its associated Bases. The proposed changes would provide for access to the containment through the containment equipment hatch during core alterations and movement of irradiated fuel, provided that an Emergency Ventilation System is operable with the ability to filter any radioactivity release through the containment equipment hatch. The proposed changes would also permit relying on the closing the containment personnel air lock by a designated individual to establish the negative pressure boundary for the Emergency Ventilation System servicing the storage pool. The use of a designated individual to close the containment personnel airlock is currently permitted by TS 3.9.4 for meeting containment closure requirements. Neither the containment equipment hatch nor the Emergency Ventilation System contributes to the initiation of any accident described in the DBNPS Updated Safety Analysis Report.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no equipment, accident conditions, or assumptions are affected which could lead to a significant increase in radiological consequences. The approved analysis for the fuel handling accident inside containment does not take credit for containment closure or Emergency Ventilation System filtering. This analysis results in a maximum calculated offsite does well within the limits of 10 CFR 100.

2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because no new or different accident initiators are introduced by these proposed means to mitigate the consequences of an accident.

3. Not involve a significant reduction in a margin of safety because there are no changes to the initial conditions contributing to accident severity or the resulting consequences. Consequently, there are no significant reductions in a margin of safety.

On the basis of the above, the Davis-Besse Nuclear Power Station has determined that the License Amendment Request does not involve a significant hazards consideration. As this License Amendment Request concerns a proposed change to the Technical Specifications that must be reviewed by the Nuclear Regulatory Commission, this License Amendment Request does not constitute an unreviewed safety question.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary E. O'Reilly, Attorney, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Anthony J. Mendiola.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of amendment request: May 14, 2001.

Description of amendment request: The proposed amendments would delete Technical Specifications (TS) Figures 5.1–1, ''Site Area Map,'' and 5.1–2, ''Plant Area Map,'' and would replace TS 5.1, ''Site,'' with a site location description. Conforming changes are requested to delete TS 5.1.1, ''Exclusion Area,'' TS 5.1.2, ''Low Population Zone,'' and TS 5.1.3, ''Map Defining Unrestricted Areas and Site Boundary for Radioactive Gaseous and Liquid Effluents,'' from TS 5.1 and the TS Index. These changes conform to NUREG–1431, Rev. 1, Improved Standard TS for Westinghouse Plants, and the requirements of 10 CFR 50.36 (c)(4).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments are administrative in nature, removing sections and maps from the TS, which are located in other documents previously approved by NRC. These amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated because they do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect TS that preserve safety analysis assumptions. Therefore, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the TS are administrative in nature and can not create the possibility of a new or different kind of accident from any previously evaluated since the proposed amendments will not change the physical plant or the modes of plant operation defined in the facility operating license. No new failure mode is introduced due to the administrative changes since the proposed changes do not involve the addition or modification of equipment, nor do they alter the design or operation of affected plant systems, structures, or components.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The proposed changes are administrative in nature and do not affect operating limits or functional capabilities of plant systems, structures and components. The addition of a site location description to the TS adds geographical information to the TS. Elimination of site and plant area maps from the TS would have no effect on margin of safety as they are located in other controlled plant documents. Thus, the changes proposed would not involve a significant reduction in margin of safety of the facility.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Patrick M. Madden (Acting).

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: February 15, 2001.

Description of amendment request: The proposed amendment to the Cooper Nuclear Station (CNS) Operating License (OL) DPR–46 would (1) delete OL Condition 2.D, Additional Conditions for Protection of the Environment, and (2) remove the depiction of railroad tracks in Technical Specifications (TS) Figure 4.1–1, Site and Exclusion Area Boundaries and Low Population Zone.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

OL [Operating License] Condition 2.D has become obsolete based upon it being satisfied or superceded by amendments to the FSAR [Final Safety Analysis Report] and OL. The previous FSAR and OL amendments which made it obsolete were reviewed and approved based on their individual Unreviewed Safety Question (USQ) evaluations or no significant hazards considerations. Since this proposed change does not physically alter any plant equipment or operating limitations, it therefore does not impact any previously evaluated accident initiator, nor change mitigating systems or features or operating limitations for accidents previously evaluated in the Updated Safety Analysis Report (USAR). Thus, it does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is an administrative change.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This proposed change is administrative in nature. It does not involve a physical alteration of the plant. No new or different equipment is being installed, and no installed equipment is being operated in a new or different manner. No setpoints for parameters which initiate protective or mitigative action are being changed. As a result, no new failure modes are being introduced. There are no changes in the procedures or methods governing normal plant operation, nor are the procedures utilized to respond to plant transients altered as a result of this administrative change. This change does not impose any new or different requirements or eliminate any existing requirements. In addition, the change does not alter assumptions made in the safety analysis, nor does it impact the licensing basis. Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in the margin of safety?

Response: No.

This proposed change is administrative in nature. It does not alter any accident analysis assumptions, conditions, or methodology. Since this proposed change does not physically alter plant systems, structures or components (SSC's), change mitigating systems, features, operating limitations, nor revise accident analysis assumptions, conditions or methodology, it does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Section Chief: Robert A. Gramm.

Nuclear Management Company, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: October 19, 2000, as supplemented March 23 and April 9, 2001.

Description of amendment request: The proposed amendment would authorize the licensee to change the licensing basis to utilize the full scope of an alternative radiological source term for accidents as described in NUREG–1465, ''Accident Source Terms for Light-Water Nuclear Power Plants,'' and change the Technical Specifications

to implement various assumptions in the Alternative Source Term analyses. The portion of this amendment request regarding operability requirements during core alterations and while moving irradiated fuel assemblies within the secondary containment, and which provided for selective application of the Alternative Source Term to the design-basis fuel handling accident was previously evaluated and issued as Amendment No. 237 on April 16, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Alternative Source Term and those plant systems affected by implementing the setpoints and action levels specified in the analyses are not assumed to initiate design basis accidents. The Alternative Source Term does not affect the design or operation of the facility; rather, once the occurrence of an accident has been postulated the new source term is an input to evaluate the consequence. The implementation of the Alternative Source Term has been evaluated in revisions to the analyses of the limiting design bases accidents at DAEC [Duane Arnold Energy Center]. Based on the results of these analyses, it has been demonstrated that, with the requested changes, the dose consequences of these limiting events are within the regulatory guidance provided by the NRC for use with the Alternative Source Term. This guidance is presented in NUREG 1465, 10 CFR 50.67, associated Regulatory Guide 1.183, and Standard Review Plan (SRP) Section, 15.0.1. Since secondary containment operability is not assumed for the fuel handling accident (FHA), the consequences of eliminating the requirements for secondary containment operability, secondary containment isolation valves/dampers, secondary containment instrumentation and the Standby Gas Treatment system during fuel movement or core alterations will not increase the effects of a FHA beyond those evaluated in the Alternative Source Term analysis. Therefore, the proposed changes do not significantly increase the probability or consequences of any previously evaluated accident.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

The Alternative Source Term and those plant systems affected by implementing the setpoints and action levels specified in the analyses do not initiate design basis accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed amendment will not involve a significant reduction in a margin of safety.

The changes proposed are associated with the implementation of a new licensing basis for DAEC. Approval of the basis change from the original source term developed in accordance with TID–14844 to a new alternative source term as described in NUREG–1465 is requested by this submittal. The results of the accident analyses revised in support of this submittal, and the requested Technical Specification changes, are subject to revised acceptance criteria. These analyses have been performed using conservative methodologies. Safety margins and analytical conservatisms have been evaluated and are satisfied. The analyzed events have been carefully selected and margin has been retained to ensure that the analyses adequately bound all postulated event scenarios. The dose consequences of these limiting events are within the acceptance criteria also found in the latest regulatory guidance. This guidance is presented in NUREG 1465, in the approved rulemaking for 10 CFR 50.67, and in the associated Regulatory Guide 1.183.

The proposed changes continue to ensure that the doses at the exclusion area and low population zone boundaries, as well as the control room, are within the corresponding regulatory limit. Specifically, the margin of safety for these accidents is considered to be that provided by meeting the applicable regulatory limit, which, for most events, is conservatively set below the 10 CFR 50.67 limit. With respect to the control room personnel doses, the margin of safety (the difference between the 10 CFR 50.67 limits and the regulatory limit defined by 10 CFR50, Appendix A, Criterion 19 (GDC 19)) continues to be satisfied.

Therefore, because the proposed changes continue to result in dose consequences within the applicable regulatory limits, they are considered to not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Al Gutterman, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Section Chief: Claudia M. Craig.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: May 30, 2001.

Description of amendment request: The proposed amendment would eliminate local suppression pool temperature limits from the Updated Safety Analysis Report as the basis for limiting suppression pool mechanical loads due to unstable steam condensation during safety relief valve actuations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Eliminating the Local Suppression Pool Temperature Limits (LSPTLs) will not introduce new equipment or new equipment methods of operation, and will not alter existing system relationships. LSPTLs are not an accident initiator and does [sic] not affect other accident initiators. The integrity of fission product barriers do not rely on LSPTLs since mechanical loads on containment will not be exceeded and ECCS [emergency core cooling system] operation in the event of an accident will not be adversely affected as demonstrated and approved in Reference 6 [letter from G. Holahan (NRC) to R. Pinelli (Boiling Water Reactor Owners Group), ''Transmittal of the Safety Evaluation of General Electric Co. Topical Reports; NEDO–30832, Entitled 'Elimination of Limit on BWR Suppression Pool Temperature for SRV Discharge With Quenchers,' and NEDO–31695, Entitled 'BWR Suppression Pool Temperature Technical Specification Limits','' dated August 29, 1994].

Therefore, the proposed amendment will not significantly increase the probability or the consequences of an accident previously evaluated.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

Eliminating the LSPTLs will not introduce new equipment or new equipment methods of operation, and will not alter existing system relationships. Since containment integrity and ECCS operation will not be challenged, new or different kinds of accidents are not created.

Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

Since LSPTLs are not required to limit mechanical loads on containment, the margin of safety associated with containment integrity is not significantly reduced. Since LSPTLs are not required to prevent steam binding of the ECCS pumps, the margin of safety associated with ECCS operation is not significantly reduced.

Therefore, the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1,

Washington County, Nebraska

Date of amendment request: May 15, 2001.

Description of amendment request: The proposed changes would: (1) Replace the titles of Manager—Fort Calhoun Station and the Vice President with generic titles, (2) relocate the requirements for the Plant Review Committee (PRC) and the Safety Audit and Review Committee (SARC) to the Fort Calhoun Station (FCS) Quality Assurance Program, (3) relocate the requirements for procedure controls and records retention to the FCS Quality Assurance Program, (4) enhance and clarify the qualification and training requirements for individuals who perform licensed operator functions, (5) incorporate the Westinghouse/CENP definition of Azimuthal Power Tilt, and (6) eliminate specific mailing address and reporting requirements that are redundant to Title 10 of the Code of Federal Regulations (10 CFR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes: revise the FCS definition of Azimuthal Power Tilt, remove specific titles from the Technical Specifications, provide minor clarifications of the training requirements for plant staff, and indicate the change in title of the Licensed Senior Operator. This change also relocates the requirements for the Plant Review Committee (PRC) and the Safety Audit and Review Committee (SARC), procedure control, and records retention to the Fort Calhoun Station Quality Assurance Program as described in NRC Administrative Letter 95–06.

The proposed change includes an update to the definition of Azimuthal Power Tilt and adds the bases for the definition of Azimuthal Power Tilt to the bases section of Section 2.10.4 as recommended in ABB Combustion Engineering (CE) Infobulletin Number 97–07, dated December 31, 1997. As noted in the infobulletin, CE discovered a discrepancy in the definition for CE analog plants that use Combustion Engineering Core Operating Report (CECOR) for monitoring and surveillance purposes. Plants that use CECOR should use the same definition as the CE digital plants. This change will make the FCS definition and bases agree with the improved Standard Technical Specifications for CE digital plants, which have previously been approved by the NRC.

The proposed change would allow the use of generic personnel titles as provided in ANSI/ANS 3.1 and NUREG–1432, ''Standard Technical Specifications Combustion Engineering Plants,'' in lieu of plant-specific personnel titles. This change does not eliminate any of the qualifications, responsibilities or requirements for these positions, since the plant-specific personnel titles are currently identified in licensee controlled documents such as the Updated Safety Analysis Report (USAR) or the Quality Assurance Program. For example, Section 12 of the Updated Safety Analysis Report describes the management structure and reporting responsibilities of OPPD and provides an organizational chart to determine the corporate officer with responsibility for overall plant nuclear safety from other corporate officers within OPPD. Therefore, changing the terminology within the Technical Specifications, indicating this reporting responsibility does not involve a significant increase in the probability or consequences of an accident previously evaluated. Changing the periodicity of review for staff overtime is also considered an administrative change. This includes a change of the title of the Supervisor—Operations to Manager—Shift Operations, Licensed Senior Operator to Control Room Supervisor, and crewman to crewmember. The change to the number of Senior Operator License present during Core Alterations and the associated note is also considered clarifying in nature and not a change of intent.

The proposed change would update the qualification requirements for the Manager—Radiation Protection, the Shift Technical Advisors, and those individuals that perform the functions described in 10 CFR 50.54(m) to Regulatory Guide 1.8, Revision 3, and ANSI/ANS 3.1–1993. In the March 1987 revision to 10 CFR Part 55, the NRC included the requirement that those facility licensees that have made a commitment that is less than that required by the new rules must conform to the new rules automatically. OPPD had previously considered that commitments made to comply with the requirements of NUREG–0737 and the standards applied through the Institute of Nuclear Power Operations (INPO) accreditation process were equivalent to the guidance provided in Regulatory Guide 1.8, Revision 3. The proposed change provides enhancement to the current requirements and clarifies the qualifications and training requirements for licensed personnel. This provides additional assurance that these personnel are properly trained and qualified for their positions and conforms with the guidance of NRC Regulatory Issues Summary 2001–01. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change would relocate specific requirements for SARC, PRC, procedure control, and records retention to the Fort Calhoun Station Quality Assurance Program (Appendix A, of the FCS USAR). This proposed revision does not change or eliminate responsibilities or requirements for these programs. The management level and expertise of personnel who are PRC or SARC members is not being changed. The review of plant operations, procedures control, and record retention is still required to be in compliance with the Fort Calhoun Station Quality Assurance (QA) Program. Any changes in the QA Program which reduce the effectiveness of the program must be approved by the NRC in accordance with 10 CFR 50.54(a)(4). These changes meet the criteria as described in NRC Administrative Letter 95–06. Therefore, the proposed relocation of these programs to the QA Program does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change would also remove the requirements prescribing specific submittal addresses, titles, and reporting periods. For example, the requirement to submit License[e] Event Reports within 30 days is replaced with a citation referencing 10 CFR 50.73. This is in agreement with 10 CFR 50.73 and 10 CFR 50.4(f). Additionally, an administrative requirement prescribing the submittal of a Special Maintenance Report is being deleted, as it is redundant to the requirements of 10 CFR 50.73. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes revise organizational and administrative requirements contained within the Administrative Controls section of the TS. The proposed change to the definition of Azimuthal Power Tilt is as recommended in CE Infobulletin 97–07 for CE analog plants that use CECOR for monitoring and surveillance purposes and will have no affect on accidents previously evaluated. The proposed changes do not revise any equipment setpoints, change the manner in which any plant equipment is operated, or propose any new operating modes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes revise organizational and administrative requirements contained within the Administrative Controls section of the TS. The proposed change to the definition of Azimuthal Power Tilt has no affect on the margin of safety. The proposed changes do not revise any equipment setpoints, change the manner in which any plant equipment is

operated, or propose any new operating modes. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: May 17, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to permit an increase in the allowable leak rate for the main steam isolation valves (MSIVs) and to delete the MSIV Sealing System (MSIVSS). These changes are based on the use of an alternate source term and the guidance provided in Regulatory Guide 1.183, ''Alternate Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff's review is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

As described in Section 6.7 of the Hope Creek Updated Final Safety Analysis Report (UFSAR), the MSIVSS limits the leakage of fission products through the MSIVs following a design-basis accident large break Loss of Coolant Accident (LOCA). The system is manually actuated following a LOCA. The licensee has proposed to remove the MSIVSS from the plant and to delete the associated requirements from the TSs. In addition, the TSs would be revised to increase the allowable MSIV leak rate. The MSIVSS lines and main steamline drain valves that are connected to the main steam piping will be capped and welded closed to ensure primary containment integrity is maintained. The welding and post-weld examination procedures will be in accordance with the American Society of Mechanical Engineers Code, Section III requirements. The welded caps will be periodically tested as part of the Containment Integrated Leak Rate Test. MSIV leakage and operation of the MSIVSS do not affect the precursors for accidents analyzed in Chapter 15 of the Hope Creek UFSAR. In addition, the proposed changes do not adversely affect other structures, systems, or components important to safety. Therefore, there is no increase in the probability of occurrence of an accident previously evaluated as a result of the proposed changes.

The licensee's submittal states that the radiological consequences associated with the proposed changes have been analyzed based on the results of revised offsite and control room operator dose calculations for a LOCA, which is the most limiting Hope Creek design-basis accident. The current design-basis analysis for the radiological consequences associated with a LOCA is shown in Hope Creek UFSAR Sections 6.4.7 and 15.6.5.5. The revised analysis was performed using an alternate source term in accordance with the requirements in 10 CFR 50.67 and the guidance in Regulatory Guide 1.183. The dose calculations assess the effects of the proposed increase in allowable MSIV leak rate and take no credit for the MSIVSS. In addition, the calculations assume an unfiltered control room inleakage design-basis value that is higher than the current design basis value to address control room habitability issues associated with NEI 99–03. The revised analysis was performed in accordance with the current accepted methodology discussed in Regulatory Guide 1.183 and the radiological consequences were evaluated in terms of Total Effective Dose Equivalent (TEDE) dose as per the acceptance criteria specified in 10 CFR 50.67. The Regulatory Guide 1.183 methodology is not exactly comparable to the current Hope Creek design basis analysis which is in terms of whole body and thyroid doses. The results of the licensee's analysis associated with the proposed changes indicate that the post-LOCA doses will result in an increase in the dose exposures for the control room, the Exclusion Area Boundary (EAB), and the Low Population Zone (LPZ), compared to the current design basis analysis. However, the revised post-LOCA doses will remain below the TEDE dose acceptance criteria for the control room, EAB, and LPZ, as specified in 10 CFR 50.67. The methodology and guidance provided in Regulatory Guide 1.183 has been developed for the purpose of performing design basis radiological consequence analyses using an alternate source term such that meeting the 10 CFR 50.67 acceptance criteria demonstrates adequate protection of public health and safety. Therefore, the proposed changes do not involve a significant increase in the consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change to increase the allowed MSIV leakage rate does not affect the operability the MSIVs and will not inhibit the capability of the MSIVs to perform their function of isolating the primary containment as assumed in the Hope Creek accident analyses in UFSAR Chapter 15. The proposed change to delete the MSIVSS does not introduce any new modes of plant operation and, as previously discussed, the design-basis LOCA analysis was reanalyzed without taking credit for the operation of MSIVSS. The affected main steam piping will be welded and/or capped closed to assure that the primary containment integrity, isolation, and leak testing capability are not compromised. Based on the above considerations, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

As previously discussed, the results of the licensee's analysis associated with the proposed changes indicate that the post-LOCA doses will result in an increase in the dose exposures for the control room, the EAB, and the LPZ, compared to the current design basis analysis. Since there will be an increase in dose exposure, the margin of safety will be decreased. However, the revised post-LOCA doses will remain below the TEDE dose acceptance criteria for the control room, EAB, and LPZ, as specified in 10 CFR 50.67. Meeting the 10 CFR 50.67 acceptance criteria demonstrates adequate protection of public health and safety. An acceptable margin of safety is inherent in these acceptance criteria. Therefore, there is no significant reduction in the margin of safety as a result of the proposed changes.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: March 5, 2001.

Description of amendment request: The proposed amendment would (1) change the Security Plan provision that a member of the security force escort all vehicles, other than designated licensee vehicles, and to delete the related Security Training and Qualification Plan task, (2) change the requirement of the Security Plan that all areas of the protected area be illuminated to a minimum of 0.2 footcandle, and (3) change the frequency of protected area patrols in the Security Plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or

consequences of an accident previously evaluated?

The proposed changes involving security activities do not reduce the ability for the security organization to prevent radiological sabotage and therefore do not increase the probability or consequences of a radiological release previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes involve functions of the security organization concerning vehicle control, protected area illumination, and protected area patrol frequency. Analysis of the proposed changes has not indicated nor identified a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Analysis of the proposed changes show that they affect only the functions of the Security organization and have no impact upon nor cause a significant reduction in margin of safety for plant operation. The failure points of key safety parameters are not affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: May 30, 2001 (ULNRC–04481).

Description of amendment request: The proposed amendment changes the technical specifications to remove the phrase ''and the charging flow control valve full open'' from Limiting Condition for Operation 3.5.5, Required Action A.1, and Surveillance Requirement 3.5.5.1 for the reactor coolant pump seal injection flow.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The emergency core cooling system (ECCS) analysis models the reactor coolant pump (RCP) seal injection flow path as a hydraulic flow resistance. The proposed change clarifies that RCP seal injection flow is a function of system conditions. The seal injection flow rate can vary during operation, but the hydraulic flow resistance is fixed by positioning the manual seal injection throttle valves. The resistance does not change if the valve adjustments are not changed. Thus, RCP seal injection flow variation due to changing reactor coolant system (RCS) backpressure following a loss of coolant accident (LOCA) is explicitly accounted for as a result of modeling the RCP seal injection flow path resistance.

The proposed change does not impact the way the RCP seal injection flow should be established per the safety analysis and does not affect RCP seal integrity. The seal injection flow resistance only affects ECCS flow. Since ECCS flow occurs after an accident, the proposed change cannot impact the probability of an accident.

Overall ECCS performance will remain within the bounds of the previously performed accident analyses since there are no hardware changes. The ECCS will continue to function in a manner consistent with the plant design basis. All design, material, and construction standards that were applicable prior to the proposed change are [still] maintained.

The proposed change will not affect the probability of any event initiators. There will be no degradation in the performance of, or an increase in the number of challenges imposed on, safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance.

The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR [Final Safety Analysis Report].

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no hardware changes nor are there any changes in the method by which any safety-related plant system performs its safety function. The proposed change will not affect the normal method of plant operation. No performance requirements will be affected.

Since the proposed change continues to assure that the assumed ECCS flow is available after a large break LOCA, no new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result [of the proposed change]. There will be no adverse effect or challenges imposed on any safety-related system as a result of this request.

The proposed change does not alter the design or performance characteristics of the ECCS. It simply corrects the description of how to properly set the position of the RCP seal injection throttle valves in support of the ECCS flow balance assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio limits, heat flux hot channel factor (F_Q) nuclear enthalpy rise hot channel factor (FN/DH), loss of coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: April 11, 2000, as supplemented by letters dated August 28, 2000, November 20, 2000, and April 11, 2001.

Description of amendment request: The proposed amendments would revise Technical Specifications (TS) 3.7, 3.10, and 3.22, as well as the Bases of TS 3.4, 3.8, 3.10, 3.19, and 3.22. The proposed changes would implement an alternate accident source term methodology previously approved by NRC. Implementation of the alternate source term could permit a number of plant changes that have been proposed, including: Permitting a slight atmospheric pressure in containment for a short time following a loss-of-coolant accident (LOCA), deletion of automatic function requirements and setpoints for containment particulate and gas monitors, deletion of the requirement to filter fuel building and containment purge exhaust during refueling, and a number of other related operational and configuration requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed TS changes allow relaxation of containment integrity requirements during refueling operations by allowing the personnel airlock, equipment access hatch and certain penetrations to remain open during fuel movement in containment. The changes also eliminate the requirement to filter the exhaust from containment or the fuel building during refueling operations. Also proposed is a relaxation of the current containment design basis acceptance criteria to allow an interval of four hours following the design basis LOCA until containment is depressurized to subatmospheric conditions. We have reviewed the proposed TS changes relative to the requirements of 10 CFR 50.92 and determined that a significant hazards consideration is not involved. Specifically, operation of Surry Power Station with the proposed changes will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability remains unaffected since the accident analyses involve no change to a system, component or structure that affects initiating events for any of the accidents evaluated. The consequences of the reanalyzed events is expressed in terms of the TEDE [total effective dose equivalent] dose, which is not directly comparable to either the thyroid or whole body doses reported in existing analyses. However, even taking this comparison into consideration, any dose increase is not significant. Furthermore, the revised analysis results meet the applicable TEDE dose acceptance criteria for alternative source term implementation.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The implementation of the proposed changes does not create the possibility of an accident of a different type than was previously evaluated in the SAR [Safety Analysis Report]. The proposed Technical Specifications changes allow relaxation of these current requirements: (1) maintaining subatmospheric containment conditions following a LOCA; (2) filtration of containment & fuel building exhaust during fuel movement; (3) maintaining the personnel airlock, equipment access hatch & penetrations closed during fuel movement and (4) operability of containment purge isolation during refueling. These changes do not alter the nature of events postulated in the UFSAR [Updated Final SAR] nor do they introduce any unique precursor mechanisms. Therefore, there is no possibility for accidents of a different type than previously evaluated.

3. Involve a significant reduction in the margin of safety.

The implementation of the proposed changes does not reduce the margin of safety. The radiological analysis results, even though compared with the revised TEDE acceptance criteria, meet the applicable limits. These criteria have been developed for application to analyses performed with alternative source terms. These acceptance criteria have been developed for the purpose of use in design basis accident analyses such that meeting the stated limits demonstrates adequate protection of public health and safety. It is thus concluded that the margin of safety will not be reduced by the implementation of the changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Section Chief: Richard L. Emch.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: November 30, 2000.

Brief description of amendments: The amendments revise TS 5.5.13, ''Diesel Fuel Oil Testing Program,'' to relocate the specific American Society for Testing and Materials (ASTM) Standard reference from the Administrative Controls Section of TS to a licensee-controlled document, i.e., the Diesel Fuel Oil Program in the Technical Requirements Manual (TRM). In addition, the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to addition to storage tanks has been expanded to allow a water and sediment content test to be performed to establish the acceptability of new fuel oil in lieu of the ''clear and bright'' test.

Date of issuance: June 13, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 122, 122, 116, and 116.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 21, 2001.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 13, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: July 31, 2000.

Brief description of amendments: Revised Technical Specification (TS) Surveillance Requirement (SR) 4.5.1.d.1, concerning the operability of the Automatic Depressurization System, and relocated the existing requirements

in TS SR 4.5.1.d.1 and TS SR 4.5.1.d.2.c to the Technical Requirements Manual.

Date of issuance: June 12, 2001.

Effective date: As of date of issuance and shall be implemented within 30 days.

Amendment Nos.: 152 and 116.

Facility Operating License Nos. NPF–39 and NPF–85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 18, 2000 (65 FR 62389).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 12, 2001.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Beaver County, Pennsylvania

Date of application for amendment: November 8, 2000, as supplemented on February 6, and May 7, 2001.

Brief description of amendment: The amendment changed the technical specifications associated with the deletion of TS 3/4.4.1.6, ''Reactor Coolant Pump—Startup.''

Date of issuance: June 13, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No: 238.

Facility Operating License No. DPR–66: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 27, 2000 (65 FR 81917).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 13, 2001.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit 2, Berrien County, Michigan

Date of application for amendment: January 19, 2001, as supplemented April 20 and May 9, 2001.

Brief description of amendment: The amendment would change the TSs to extend surveillance intervals associated with the emergency diesel generator (EDG) engines and station batteries that are currently required to be completed beginning June 27, 2001. The license amendment would allow these requirements to be performed during the next refueling outage, but no later than December 31, 2001. This would preclude the need for a mid-cycle shutdown of the Unit.

Date of issuance: June 11, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 234.

Facility Operating License No. DPR–74: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** March 21, 2001 (66 FR 15926). The April 20 and May 9, 2001, supplemental letters, did not change the scope of the proposed action and did not change the Nuclear Regulatory Commission's (NRC's) preliminary no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 11, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: January 13, 2000, as supplemented March 7, March 30, and May 4, 2001.

Brief description of amendment: The amendment revises the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs) 3.6, ''Containment'' to add Limiting Condition for Operation (LCO) and Allowed Outage Times (AOT) for containment isolation devices. In addition, the amendment provides additional information, clarification, and uniformity to the bases of the associated TSs.

Date of issuance: June 8, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 155.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 21, 2001 (66 FR 11061). The March 7, March 30, and May 4, 2001, letters, provided clarifying information that was within the scope of the original application, did not change the NRC staff's initial proposed no significant hazards consideration determination, and did not expand the amendment beyond the scope of the original notice (66 FR 11061).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: January 26, 2001, as supplemented by letter dated March 13, 2001.

Brief description of amendment: The amendment changes Technical Specification Surveillance Requirement 3.7.9.2, ''Ultimate Heat Sink (UHS),'' by increasing the maximum allowable temperature of Lake Michigan water from 81.5 °F to 85 °F.

Date of issuance: June 4, 2001.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 202.

Facility Operating License No. DPR–20. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 7, 2001 (66 FR 13800).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 2001.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: August 3, 2000, as supplemented by letters dated November 17, 2000, and February 14, 2001.

Brief description of amendment: The amendment deletes Section 3.D, ''License Term,'' from the Fort Calhoun Station, Unit No. 1 operating license.

Date of issuance: June 6, 2001.

Effective date: June 6, 2001, to be implemented within 30 days from the date of issuance.

Amendment No.: 199.

Facility Operating License No. DPR–40: The amendment revised the operating license.

Date of initial notice in **Federal Register:** January 10, 2001 (66 FR 2019).

The November 17, 2000, and February 14, 2001, supplemental letters provided clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 6, 2001.

No significant hazards consideration comments received: No.

Southern California EdisonCompany, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: April 6, 2001 and supplemented by letter dated April 20, 2001.

Brief description of amendments: The amendments proposed to revise the San Onofre Nuclear Generating Station, Units 2 and 3 Technical Specification Surveillance Requirements 3.8.1.2, 3.8.1.3, 3.8.1.9, 3.8.1.10, and 3.8.1.19 to assure that an emergency diesel generator automatic voltage regulator (AVR) is operable and regularly tested. AVR operability would be demonstrated by conducting SR 3.8.1.2 and 3.8.1.3 within the past 60 days, and any one of SR 3.8.1.9, 3.8.1.10, or 3.8.1.19 within the past 24 months.

Date of issuance: June 8, 2001.

Effective date: June 8, 2001, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 2–179; Unit 3–170.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 2, 2001 (66 FR 22032).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 2001.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: August 17, 2000, as supplemented by letter dated April 2, 2001. The April 2, 2001, letter requested a new implementation date, but did not change the August 17, 2000, application and the initial proposed no significant hazards consideration determination.

Brief description of amendments: The amendments eliminate the need for the licensee to perform periodic response time testing of selected reactor trip system and engineered safety feature actuation system equipment as defined in Westinghouse report WCAP–14036–P–A, Revision 1, ''Elimination of Periodic Protection Channel Response Time Tests.''

Date of issuance: June 7, 2001.

Effective date: As of the date of issuance and shall be implemented on Unit 1 entry in Mode 3 for Cycle 18 following the 2001 fall refueling.

Amendment Nos.: 149 and 141.

Facility Operating License Nos. NPF–2 and NPF–8: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** January 10, 2001 (66 FR 2023). The supplement dated April 2, 2001, provided clarifying information that did not change the scope of the August 17, 2001, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 7, 2001.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: January 11, 2001.

Brief description of amendments: The amendments revise TS 5.5.17, ''Containment Leakage Rate Testing Program,'' to add an exception to Regulatory Guide 1.163 related to visual examination of containment concrete surfaces.

Date of issuance: June 6, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 122 and 100.

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 2, 2001 (66 FR 22033).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 6, 2001.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant , Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: November 6, 2000.

Description of amendment request: These amendments revised the Technical Specifications (TS) to allow four residual heat removal suppression pool cooling subsystems to be inoperable for 8 hours.

Date of issuance: June 8, 2001.

Effective date: June 8, 2001.

Amendment Nos.: 241, 272, and 230.

Facility Operating License Nos. DPR–33, DPR–52, and DPR–68. Amendments revised the TS.

Date of initial notice in **Federal Register:** November 29, 2000 (65 FR 71139).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 2001.

No significant hazards consideration comments received: No.

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: April 3, 2001.

Brief description of amendments: The amendments revise Technical Specification (TS) 3.3.6, ''Containment Ventilation Isolation Instrumentation,'' to modify the Note for Required Action B.1 such that it applies only to * * * Required Action and associated Completion Time of Condition A not met * * * This change is the result of the discovery of an error which occurred when the TSs were converted to the improved TS with issuance of License Amendment Nos. 64 and 64, for Comanche Peak Steam Electric Station, Units 1 and 2, on February 26, 1999.

Date of issuance: June 4, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 86 and 86.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** May 2, 2001 (66 FR 22034).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 4, 2001.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendment: September 27, 2000, as supplemented November 21 and December 18, 2000, and February 2, March 2, and May 21, 2001.

Brief description of amendment: These amendments add Technical Specification (TS) 3.7.14, TS 4.7.14, TS 3.7.15, TS 4.7.15, Figure 3.7.15–1, and Figure 3.7.15–2; and revise TS 5.3.1 and TS 5.6.1.1. The purpose of these amendments is to increase the limit on the fuel enrichment from the current limit of 4.3 weight percent U^{235} to a maximum of 4.6 weight percent U^{235}, establish TS Limiting Conditions for Operations for the Spent Fuel Pool (SFP) boron concentration and fuel storage restrictions, and eliminate the value of uncertainties in the calculation for K_{eff} in the SFP criticality calculation.

Date of issuance: June 15, 2001.

Effective date: As of the date of issuance and shall be implemented by December 21, 2001.

Amendment Nos.: 227 and 208.

Facility Operating License Nos. NPF–4 and NPF–7: Amendments change the Technical Specifications.

Date of initial notice in **Federal Register:** December 13, 2000 (65 FR 77929). The December 18, 2000, February 2, March 2, and May 21, 2001, supplements contained clarifying information only, and did not change the initial no significant hazards consideration determination, or expand the scope of the initial application.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 15, 2001.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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NUCLEAR REGULATORY COMMISSION

Preliminary Impact Assessment of Nuclear Industry Consolidation onNRC Oversight: Request for Comments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Request for comments.

SUMMARY: Economic deregulation of the electric utility industry has resulted in consolidation and restructuring of the nuclear power industry. The transformation of the once strictly regulated industry has led to separation of the generation, transmission and distribution sectors, corporate mergers and asset transfers, acquisitions by outright purchase, and a general transition to a nationwide competitive market. There have also been numerous nuclear power plant license transfer applications, which the NRC staff must review and approve before a license can be transferred to a new entity.

The NRC staff has identified and performed a preliminary assessment of the impacts of nuclear industry consolidation on the NRC and whether the NRC needs to change its regulations, policies, processes, guidance, or organizational structure to continue to meet its strategic public health and safety goals. The initial object of this effort is to identify impacts that need to be considered further.

The NRC staff has identified a number of consolidation and a few deregulation-related impacts on NRC oversight of the nuclear industry, grouped them by category, and performed preliminary impact assessments. The individual assessments follow this notice.

The NRC staff requests comments and suggestions from stakeholders on the identified issues and the preliminary impact assessments. The NRC staff will consider all comments received. A public workshop will be held at NRC Headquarters in the October/November 2001 timeframe to discuss the regulatory oversight issues attendant to industry consolidation, the staff's preliminary impact assessments, and the comments received from the stakeholders. Notice of this workshop will be published at a later date. Commenters should indicate their interest in attending and participating in this workshop.

The product of this effort will be staff recommendations of impacts that the Commission needs to consider further.

DATES: The comment period ends August 27, 2001. Comments received after this date will be considered if it is practical to do so, but the staff guarantees consideration only of comments received on or before this date.

ADDRESSES: Mail written comments to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments may also be sent by completing the online comment form at *http://www.nrc.gov/NRC/REACTOR/CONSOLIMPACT/index.html.*

Deliver comments to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

For further information contact Herbert N. Berkow, Mail Stop O 8 H–12, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 415–1485 and e-mail at HNB@NRC.GOV.

Dated at Rockville, Maryland, this 20th day of June 2001.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

Industry Consolidation Preliminary Impact Assessments

Categorization of Industry Consolidation Issues

Category 1 Plant Operational Safety

Issue 1.a Possible Cost-cutting Initiatives
Issue 1.b Technology-related Issues
Issue 1.c Spent Fuel Storage and Transportation
Issue 1.d Low-Level Radioactive Waste Management
Issue 1.e Emergency Preparedness
Issue 1.f Reliable Off-site Power

Category 2 Licensing

Issue 2.a License Transfer Process
Issue 2.b New License Applications, Site Approvals, and Reactivations of Deferred Plants
Issue 2.c License Renewal
Issue 2.d NRC Organizational Structure

Category 3 Inspection, Enforcement, and Assessment

Issue 3.a NRC Reactor Oversight Process
Issue 3.b Other NRC Inspection Programs
Issue 3.c NRC Enforcement Program
Issue 3.d NRC Allegation Program

Category 4 Decommissioning

Category 5 External Regulatory Interfaces

Category 6 Fuel Cycle Facilities

Category 7 Financial

Issue 7.a Foreign Ownership
Issue 7.b License Fee Structure
Issue 7.c Insurance
Issue 7.d Joint and Several Regulatory Responsibility
Issue 7.e Bankruptcy Protection
Issue 7.f Financial Qualifications

Category 8 Non-NRC Regulatory Considerations

Issue 8.a Grid Stability/Reliability
Issue 8.b Antitrust Considerations

Issue Category: 1. Plant Operational Safety

Issue: 1.a Possible Cost-Cutting Initiatives

Discussion

In a more consolidated, economically deregulated market, the nuclear power industry will be faced with new pressures to operate more efficiently. Cost controls could result in shorter outages (and thus longer run times), increased use of on-line maintenance, power uprate amendments, increased use of risk-informed technology and decisions and other changes that would result in lower costs and increased productivity.

Consolidated licensees will also seek to achieve economies of scale, which is a major potential benefit of consolidation. This will likely be manifested in organizational changes, both at the plant and corporate levels, to combine duplicative functions, optimize staff size, standardize best practices, and centralize functions. Organizational and operational philosophies may also be influenced by the prerequisites of economic deregulation, which often require existing utilities to separate power generation from transmission and distribution functions. Consolidation and economic deregulation will likely result in increased efforts by licensees to seek reductions in unnecessary regulatory burden. Licensees may also seek reductions in licensing fees beyond that relief already provided by Congress.

Preliminary Impact Assessment

Licensee efforts to operate more efficiently may result in net positive safety impacts. There is evidence, both domestic and foreign, to demonstrate that well run, efficiently operated plants are also the safest plants. Nevertheless, if carried to excess, cost-cutting measures to achieve short-term economic gains could result in longer-term adverse safety performance impacts.

Licensees are responsible to ensure that safety and regulatory compliance are not compromised by the industry goals to maximize operational efficiency and performance effectiveness. The NRC must stay focused on operational safety and have the capability to assess and react to industry activities in response to economic pressures that appear to have an adverse impact on safety. Augmented staff expertise beyond currently existing capabilities may be needed to effectively implement oversight responsibilities in the changing industry environment. The staff must assure that its safety assessment processes have adequate flexibility to detect and respond to adverse safety performance trends that result from competition-driven licensee actions. At the same time, the staff will have to remain sensitive to reducing unnecessary regulatory burden.

Recommended Followup

Continued staff monitoring of experience and feedback from current oversight processes should provide early identification of issues related to economics-driven licensee actions that need to be addressed. This, in turn, will define any needed staff reaction. No other special followup effort is recommended at this time.

Issue Category: 1. Plant Operational Safety

Issue Title: 1.b Technology-Related Issues

Discussion

While technology and process advances have continued to be developed and introduced to the design and operation of licensed nuclear facilities, industry consolidation and economic deregulation may provide additional incentives for such advances.

The NRC research-sponsored effort encompasses a variety of broad technological areas which may be involved in future developments related to industry consolidation and economic deregulation. The following are examples of such technological areas which the staff may have to deal with in the future.

1. Fuel integrity must be addressed in an integrated fashion considering longer operating cycles, ultra-high fuel burnups, new cladding materials, power uprates, and changes to operational conditions such as may result from load following. A stronger, consolidated industry may see advantages to moving to a simpler performance-based assessment rather than the present design-based method.

2. Human and organizational factors affected by industry consolidation and deregulation may need to be considered to address reduced staffing, modified maintenance strategies, and possible increased use of contractors.

3. Introduction of new technologies, such as advanced information technologies, evolution of digital instrumentation and control systems in existing facilities, and development of new reactor concepts may require new regulatory approaches. These types of issues are also pertinent to Issue 2.b.

The staff has on-going, or planned activities which will enable it to accommodate the technology-related issues arising from industry consolidation and deregulation. The following are examples of such activities:

1. Development of risk-based performance indicators (RBPIs) could provide an additional tool with which to assess plant safety performance on a plant-specific as well as industry-wide basis. The RBPIs, if successfully developed, would provide broader coverage of risk than the current performance indicators and would allow a more detailed assessment of the root causes of problems, whether or not they are related to consolidation or deregulation. Also, plant-specific thresholds based upon risk could be established.

2. Risk information is routinely used to assist in regulatory decisions regarding such issues as equipment and plant aging, fuel burnup and power uprates. The synergetic effects of such changes on the overall safety of operating plants may require re-evaluation of existing probabilistic risk assessments.

3. Advanced information technologies are likely to be employed in emergency preparedness programs (Issue 1.e). Areas of potential interest are possible consolidation-related impacts on the communications infrastructure and integrity of data used for making decisions during emergencies.

4. There is an increased focus on results-based regulatory decision-making. The staff has developed high-level guidelines for performance-based activities to facilitate implementation of such approaches while ensuring that adequate safety margins are maintained. Broader use of performance-based approaches may allow more direct observation of the effects of consolidation.

Preliminary Impact Assessment

The technology-related aspects of many of the potential issues that may arise from industry consolidation and deregulation require that more experience and operational information be incorporated into the staff's evaluations. While the staff is alert to possible safety concerns, the expectation is that the changes will also bring about safety improvements. However, impact assessments are premature at this point. The work being conducted by the staff on issues relevant to industry consolidation and deregulation provides confidence that technical challenges can and will be met effectively.

The generic issues program has dealt with a number of issues where safety considerations similar to those occurring with industry consolidation were addressed. A process exists for new information from industry consolidation to be fed back into the program and potentially trigger a re-evaluation of specific issues, if appropriate. So far, resolved issues in this area have not had to be re-evaluated, suggesting that the safety assessments conducted previously remain valid.

Recommended Followup

As experience with industry consolidation is limited at this time, the emphasis should be on monitoring operational information and being alert

to indications of an unexpected nature. NRC should continue to monitor the changes occurring within the nuclear industry and take these changes into account when considering modifications to its research activities.

Issue Category: 1. Plant Operational Safety

Issue: 1.c Spent Fuel Storage and Transportation

Discussion

U.S. nuclear power plants were not designed to store all the spent nuclear fuel generated throughout their operating lives. To date, utilities have been coping with the lack of spent fuel storage capacity by expanding the capacity of spent fuel pools through redesign (reracking) and by constructing independent spent fuel storage installations (ISFSIs) for at-reactor, above ground, dry storage. Prior to the increase in industry consolidation activities, Private Fuel Storage L.L.C, a company owned by eight U.S. utilities, applied for a license to receive, handle, transfer, and store spent nuclear fuel from commercial nuclear power plants at a privately owned ISFSI. This away-from-reactor ISFSI will be able to store as much as 40,000 MTU of spent fuel at one location. The purpose of the proposed facility is to satisfy the need for an interim storage facility that would serve as a safe, efficient, and economical alternative to continued spent fuel storage at reactor sites. NRC is aware of a potential application for a second away-from-reactor ISFSI (i.e., the Owl Creek site). As a result of industry consolidation and the good performance record of operating plants, it is expected that essentially all currently operating plants will seek license renewal. Since the availability of a permanent spent fuel repository is uncertain, there will likely be a need for additional temporary spent fuel storage as plants operate for extended lifetimes. At this point in time, it is premature to predict whether nuclear industry consolidation could increase the need to consolidate spent fuel storage either at selected reactor site ISFSIs or at new away-from-reactor ISFSIs. Further, there is no basis to say that consolidation will affect the amount of spent nuclear fuel that will need to be transported to or from reactor sites.

Preliminary Impact Assessment

The NRC has been able to successfully address applications for new ISFSI licenses and new spent fuel storage cask designs, as well as applications to amend existing licenses and cask certifications. Consolidation could result in an increased number of amendments to existing ISFSI licenses (to increase storage capacity), applications for new site-specific ISFSI licenses, applications for away-from-reactor ISFSIs, applications to amend existing Part 71 and 72 quality assurance programs, and amendments to existing certified cask designs (to permit storage of additional types of spent fuel and fuel with higher burnup). The staff currently interfaces with the licensees and industry groups (e.g., NEI) on a periodic basis to identify future submittals and thus aid in assessing future resource needs.

Existing Part 71 and 72 regulations, policies, and guidance are sufficient to support nuclear industry consolidation.

Recommended Followup

At this time, it appears that current ISFSI licensing and spent fuel storage cask certification regulations, policies, and procedures are sufficient to accommodate situations resulting from industry consolidation. Staff will continue to work with industry to obtain advance notice of future applications and thus predict future casework levels that may be generated by consolidations. Furthermore, there may be some unique, unanticipated circumstances that require changes to spent fuel storage or transportation policies or regulations. For either of these situations, the staff will utilize the PBPM process to address resource impacts or significant policy matters and make appropriate recommendations to NRC management.

Issue Category: 1. Plant Operational Safety

Issue: 1.d Low-Level Radioactive Waste Management

Discussion

Nuclear industry consolidation can affect how individual licensees address management of low-level wastes. Regulations applicable to waste management include operational radiation health and safety requirements applicable to all waste generator licensees and requirements for commercial facilities licensed to dispose of low-level radioactive wastes. The Low-Level Radioactive Waste Policy Amendments Act of 1985 provides a process for siting new low-level waste disposal facilities. Regulations are also in place for transportation of low-level radioactive wastes. Policy guidance for implementing these regulations has been prepared and issued as standard format and content guides, standard review plans, and branch technical positions.

Nuclear industry consolidation has the potential to strengthen low-level waste management programs within licensee organizations by consolidating management of waste disposal activities. The Envirocare disposal facility in Utah currently negotiates disposal charges on a case-by-case basis. Therefore, consolidation may also reduce disposal costs through the negotiation of larger volume contracts. Additional cost savings could also be implemented through the potential use of licensees' own low-level waste volume reduction and processing systems that may become economical for a larger number of plants, rather than contracting for this service. The construction and use of new volume reduction and waste processing systems would generally be implemented through 10 CFR 50.59, without the need for a license amendment. Incineration, however, would require licensing pursuant to 10 CFR 20.2004. Due to the controversial nature of incineration issues, intervention on any such license amendment applications would be likely.

Most nuclear power plants have developed on-site storage facilities as a contingency in the event of short-term interruptions in disposal site availability, as has occurred in the past. Industry consolidation could allow more optimal use of these storage facilities. However, because nuclear power plants generally are not licensed to accept wastes from off-site, license amendments would be required to implement optimized storage programs among several nuclear power plant sites. Indeed, the staff recently issued a license amendment to TVA that allows them to store low-level waste from the Watts Bar facility at Sequoyah. There would also be a need for transportation of wastes from the point of generation to the centralized storage facility. Due to the controversial nature of waste management and transportation issues, intervention on any license amendment applications is a likelihood. Centralization of storage facilities could require that licensees increase tracking of the origin of the wastes to ensure that State and compact waste generator reporting requirements are met.

There do not appear to be consolidation efforts among the low-level waste disposal licensees at this time. Programs at low-level waste facilities are driven primarily by external impacts (*e.g.*, decisions related to the closure of the Barnwell low-level waste site) rather than by consolidation. Currently, all low-level waste disposal site facilities are located in and licensed by Agreement States, and there are no

new applications projected to be submitted to the NRC.

Preliminary Impact Assessment

Regulations and policies addressing low-level waste management and transportation are sufficiently flexible to address license amendments to consolidate on-site storage operations or to use advanced volume-reduction technology. Industry consolidation should have no impact on the availability of low-level waste disposal sites or programs for handling and processing mixed wastes. There does not appear to be a need to revisit the Low-Level Radioactive Waste Policy Amendments Act of 1985 based solely on industry consolidation impacts, although the lack of progress in opening new low-level waste disposal sites, as documented by the General Accounting Office, may require amendment of that statute. DOE and State projections of low-level waste generation may be affected by nuclear power plant license renewals that occur from industry consolidation.

Recommended Followup

At this time, it appears that current low-level waste management regulations and policies are sufficiently flexible to accommodate situations resulting from industry consolidation. Therefore, industry consolidation appears to have no significant impact in the waste management area and no further effort is recommended. However, the NRC needs to consider the effects of license renewals when providing feedback on DOE and State projections of low-level waste generation.

Issue Category: 1. Plant Operational Safety

Issue: 1.e Emergency Preparedness

Discussion

Emergency preparedness (EP) programs, both on-site and off-site, are sensitive to the impacts of industry consolidation because of the dependence on relationships with State and local governments and facilities where the plants are located. Outcomes of industry consolidation have included centralization of staffs, functions, and facilities remote from individual site locations and the standardization of licensee EP programs and procedures. These outcomes can have both positive and negative impacts. Consolidation can strengthen licensees' programs or, conversely, create problems and deficiencies throughout multiple plant organizations or facilities. There are NRC staff resource implications and challenges to assure that regulations and policies continue to be satisfied and that the NRC's safety assessment processes provide sufficient focus on any proposed changes. Changes that impact offsite emergency preparedness are coordinated with the Federal Emergency Management Agency (FEMA) as well as affected State and local authorities.

Preliminary Impact Assessment

The NRC must be alert to potential safety impacts of EP program changes resulting from consolidation. Industry consolidation already has resulted in some centralized Emergency Operations Facilities (EOFs), with the corporate headquarters serving as the location for and source of personnel to staff the EOF. Shared Emergency News Centers are another result of consolidation, with licensee corporate personnel staffing these facilities. Efficiencies can result when one EOF is capable of effectively serving multiple nuclear sites.

Some concerns associated with centralized emergency preparedness facilities remote from the site area include the potential loss of expertise local to the facility and maintenance of local contacts with first responders. Corporate personnel may face challenges in maintaining knowledge of the plant(s), local organizations, and procedures. However, centralized, shared facilities and staffs can strengthen EP programs. Some communications capabilities have improved and the perception for the need for locating close to the site has been reduced in some locations. Consolidation of EOFs affecting multiple States and/or local authorities can present challenges in accommodating differences among these offsite entities and meeting the needs of local constituencies. A major factor in the location of the EOF is ensuring the capability for effective communication and response among the licensee, the State and local emergency response organizations, FEMA, and NRC relative to protective action decision-making and implementation of protective actions.

Another area of potential impact is the incentive for increased use of standardized emergency response procedures across multiple reactor facilities. Standardized procedures have positive and negative aspects. They can result in a better procedure and the ability to cross-utilize staff at multiple facilities. However, a licensee may be more reluctant to modify standardized procedures for needed changes, due to the number of facilities affected by procedure changes and potentially increased training needs.

NRC has reviewed industry requests for consolidation of emergency response facilities (ERFs), changes in emergency plans and procedures, Emergency Action Levels (EALs), and emergency organizations as a result of consolidation. The NRC evaluates proposals for centralized EP staffs, programs and facilities and, indeed, has approved such proposals in the past. Commission-level approval is required for centralized EOFs and EOFs located more than 25-miles from a nuclear power plant site. The NRC coordinates with FEMA and States when emergency planning changes are contemplated that affect offsite preparedness.

Recommended Followup

Given the ongoing industry consolidation, the potential exists that owners of multiple facilities will continue to seek consolidation of EP program functions and organizations. The staff recommends that NRC staff resource implications and challenges be assessed and trended to assure that regulations and policies continue to be satisfied and that the NRC's safety assessment processes provide sufficient focus on emergency preparedness.

Issue Category: 1. Plant Operational Safety

Issue: 1.f Reliable Off-Site Power

Discussion

As described in Issue 8.a., the primary concerns that arise with respect to off-site power reliability are a result of economic deregulation rather than industry consolidation. Stability and reliability of off-site power is a significant safety consideration in the regulation of nuclear power plants. The primary reason is that off-site power is the preferred source of electrical supply to operate decay heat removal systems. Hence, although highly reliable on-site emergency diesel generators will be available to assure capability to safely shut down the plant and provide for transfer of decay heat to the ultimate heat sink temporarily, a reliable off-site power supply is important for long-term safety. The NRC has a significant interest in monitoring challenges to the operation and management of the electric power grid so that appropriate actions can be taken to address concerns regarding reliability of off-site power.

From the perspective of plant operational safety, the potential challenges to the reliability of off-site power affect the use of probabilistic risk analyses in safety related decision-making. Increasingly, both licensees and the NRC staff use PRAs for risk-informed decision-making. Regulatory

Guide 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis'', provides the guidance needed for making licensing decisions using risk insights that may derive from the impacts of changes due to economic deregulation. New information based on grid experience after economic deregulation may have to be considered in estimating the frequency of initiating events where off-site power plays a role. Most of the information needed is likely to be readily available from the grid operators. This information is likely to be a part of submittals made by licensees in support of licensing actions.

In recognition of the importance of assuring the stability and reliability of off-site power the industry, as well as the NRC, has implemented programs and other initiatives to address this challenge. The NRC issued Regulatory Issue Summary 2000–24 on the subject in December 2000. NEI and INPO sponsored a workshop on offsite power reliability in April 2001, in which NRC staff participated. In 1999, INPO issued SOER 99–1, which provides guidelines for good practices in support of grid reliability and is currently conducting an audit of licensees to determine the degree of conformance to these good practices.

Preliminary Impact Assessment

Reliability of off-site power lately has been receiving considerable attention. The external stakeholders include other government agencies with regulatory responsibilities. Communication channels have been established with various stakeholders and are improving as experience is gained. The Institute for Nuclear Power Operations has developed the Equipment Performance and Information Exchange (EPIX) system, which should enable information needed to update PRAs to be easier to obtain.

Relative to operational safety matters, the body of regulations currently in force provides for safe operation, shutdown, and decay heat removal from nuclear power plants. The established lines of communication with industry and other stakeholders, especially those concerned with economic deregulation, are expected to provide timely information if safety issues arise. In addition, the NRC has in place the needed infrastructure (such as a Memorandum of Understanding with the Electric Power Research Institute) to obtain and assess information, affecting off-site power reliability.

Recommended Followup

The NRC should continue its ongoing efforts to monitor developments relative to grid operation. The monitoring should include keeping abreast of actions taken by other government agencies which may affect grid reliability, as well as nuclear power industry initiatives relative to assurance of grid reliability.

Issue Category: 2. Licensing

Issue: 2.a License Transfer Process

Discussion

The NRC responsibilities for the transfer of a license are set forth in 10 CFR 50.80, ''Transfer of Licenses.'' From 1998 through the present, the staff has received license transfer applications for about 80 nuclear power reactor units. Most of the reviews for these applications have been completed except for a few that were submitted recently. Applications for transfer of a license include information on the identity and technical and financial qualifications of the proposed transferee, as well as any additional information that the Commission requires, such as radioactive material safeguards protection, and certain information related to the purpose of the transfer and the nature of the transaction necessitating the transfer. The NRC must obtain, review, and assess all relevant organizational and financial information associated with each license transfer to determine whether the proposed transferee is qualified and the transfer is otherwise consistent with the law and NRC regulations. Transfer of the license is by issuance of an order and, where necessary, a conforming amendment.

A concern has been raised by some external stakeholders that once a licensee has decided to sell its nuclear plants that licensee may no longer have the incentive to invest in safety or maintenance improvements, or take necessary corrective action to address identified problems, pending transfer of responsibility and liability to the license transferee. The stakeholders' proposed resolution to this concern is that the NRC staff consider such indications in its license transfer reviews and make the correction of physical or performance problems a condition of transfer approval.

Preliminary Impact Assessment

The staff believes that the current license transfer process is effective. It appears likely that license transfer applications will continue to be submitted, and completed transfers will continue to be reviewed for lessons learned to improve the effectiveness of the process.

The concern that a licensee planning to sell its plant might no longer place a high priority on safety initiatives is accommodated by the staff's oversight process, as discussed in Issue 3.a. The NRC closely monitors the transfer process to ensure that NRC regulations and license requirements are met regardless of any pending sale. Further, the new license holder has a strong incentive to assure that the plant will meet NRC requirements upon completion of the transfer. Finally, it should be noted that the staff has had considerable experience with the license transfer process and has not seen any evidence to validate this concern.

Recommended Followup

No special followup effort is recommended at this time.

Issue Category: 2. Licensing

Issue: 2.b New License Applications, Site Approvals, and Reactivations of Deferred Plants

Discussion

A consolidated nuclear power industry consisting of larger, financially strong nuclear operators is more likely to consider new plant applications, standard design applications, power uprates, reactivation of deferred plants, and site approval applications. There already is industry consideration of new reactor design applications (such as the pebble-bed-type standard design) within the next few years.

With larger, more stable licensees, the costs associated with new nuclear power plant planning and construction can be more readily supported. These new units likely would serve as merchant power plants for the owner. New construction may also involve multiple corporations pooling their resources to build new facilities.

The NRC has been monitoring industry activities in this area. The Commission has stated in COMSECY–00–0026 (REVISED FY 2000–2005 STRATEGIC PLAN) that the staff has an important ongoing initiative to improve the regulatory infrastructure associated with new plant construction (10 CFR Part 52) and that improving this infrastructure should serve to improve the efficiency, effectiveness, predictability, and consistency of the combined license review process.

Preliminary Impact Assessment

The staff will need to assure that the necessary staff resources, expertise, organizational infrastructure, review

processes, and guidance are available to support future activities in this area. In addition, current regulations and processes may need to be reviewed. New guidance may be needed on the scope of the review, as well as for antitrust and foreign ownership issues. Additional resources may need to be reassigned to support future staff action in this area. The Commission has directed the staff in COMJSM–00–0003, ''Staff Readiness for New Nuclear Plant Construction and the Pebble Bed Reactor,'' to assess existing capabilities and identify needed enhancements to process an early site permit application, a license application, and construction of a new nuclear power plant. It also directed the staff to assess and identify needed enhancements to the regulatory infrastructure supporting applicable regulations, with emphasis on identification of regulatory issues and potential process improvements. In response to this directive, the staff has established a temporary Future Licensing Organization (FLO) within the Office of Nuclear Reactor Regulation. A principal function of the FLO is to coordinate an interoffice effort to assess the needed technical, licensing, and inspection capabilities to ensure that the agency can effectively carry out its future licensing activities.

Recommended Followup

Renewed interest in new license applications is attributable, at least in part, to industry consolidation. The Commission and staff have had meetings with industry representatives who are formulating plans for possible site and plant license application submittals in the next few years. The staff already has initiatives underway to prepare for such submittals. These ongoing initiatives appear to be sufficient and should be responsive to industry developments and evolving plans. Because industry's interest in pursuing new licenses only recently materialized, the current FY2002 budget estimate does not provide sufficient resources to accommodate emerging work for potential new license applications. The FLO is developing updated budget assumptions and resource needs. No specific additional followup effort is recommended at this time.

Issue Category: 2. Licensing

Issue: 2.c License Renewal

Discussion

The number of future license renewal applications is expected to increase as a result of consolidation. Some reactors that were not considered to be candidates for license renewal could be reevaluated as a result of consolidation. With larger, more financially stable nuclear power plant owners, increased competition in power generation, and because of cost benefits, there will be increased incentive to extend the licenses of currently operating nuclear power plants. License renewal is seen by licensees as a cost-effective means of adding capacity. It is anticipated that virtually all of the currently operating plants will seek license renewal.

The license renewal process for power reactors relies on a review of the licensing basis and plant design, scoping, and screening of structures and components that need to be subjected to an aging management review and evaluation of time-limited aging analyses.

Preliminary Impact Assessment

The staff recognizes the potential resource impacts of the receipt of an increased number of license renewal applications, some of which may not have been in the planning assumptions. The NRC has published Regulatory Issue Summary 2000–20, which encourages licensees to inform the staff as soon as possible of their plans for license renewal. The staff uses the PBPM process to budget for applications for which the staff has been notified of submittal dates and to respond to emergent work. However, license renewal is a voluntary initiative and the decision to renew an operating license is largely a business decision over which the NRC has no control. In addition, a greater number of renewal applications could result in already established submittal dates being changed as consolidated licensees re-evaluate and re-prioritize their license renewal plans.

Recommended Followup

No special followup effort is recommended at this time. As consolidation progresses, the NRC should stay engaged with the industry as to changing license renewal plans and schedules and modify resource planning assumptions accordingly.

Issue Category: 2. Licensing

Issue: 2.d NRC Organizational Structure

Discussion

Traditionally, licensees have operated within limited geographical service areas and have had to interface with just one regional office and one headquarters project directorate. As a result of consolidation, some licensees may have to interact with as many as four regional offices and headquarters project directorates. This is likely to introduce management challenges, both for the staff and the licensees, especially with respect to consistent, coordinated, efficient, and effective regulatory oversight.

The Commission stated in COMSECY–00–0026 (REVISED FY 2000–2005 STRATEGIC PLAN) that the staff needs to assure that NRC stakeholders recognize the importance the Commission places on regional consistency and coordination. With deregulation proceeding in the electric industry and with continuing applications for license transfers, the NRC will see an increase in the number of cross-regional licensees. While consistency and coordination between and among headquarters and the regions have been high priorities for the NRC, the increase in cross-regional licensees represents a growing challenge in these areas warranting greater management oversight.

Preliminary Impact Assessment

The industry is currently in a state of transition and significant consolidation is relatively recent. Thus, it is premature to identify potential challenges to the current NRC organization, or to consider alternative organizational structures.

With respect to the question of whether the existing regional boundaries and currently assigned licensee oversight responsibilities will facilitate efficient and effective regulation of those licensees that own and operate reactor facilities in multiple regions, the key is effective NRC management oversight to assure consistency in implementing its programs. Measures that have been developed to assure consistent application of oversight processes include various periodic meetings with regional and headquarters management to discuss program implementation issues, conducting annual self-assessments, development of metrics for inspection procedures, program office audits of regional inspection reports, and obtaining industry stakeholder feedback. Consistent application of the Significance Determination Process among regions will be particularly important. Increased communications, both formal and informal, among the respective regional staffs are necessary to share insights when programs and processes are transferred from one licensee to another. Increased communications and coordination among regional staffs may also result in a broader look at a particular performance issue.

Recommended Followup

Within the next few years, the regional and headquarters staffs will gain significant experience in regulating and otherwise interacting with consolidated licensees. This experience should be monitored so that a meaningful assessment of the impacts of consolidation on the NRC organization can be made at the appropriate time.

The recommended followup effort is to establish a consistent, agency-wide process to monitor and document relevant staff experience and stakeholder feedback and to establish meaningful assessment criteria for evaluating this experience and feedback. A principal objective of this effort should be an assessment of the impact of industry consolidation on both the efficiency and effectiveness of the agency's current organizational structure. Since there already are several cross-regional, consolidated licensees, this effort should be started in the near-term.

Issue Category: 3. Inspection, Enforcement, and Assessment

Issue: 3.a NRC Reactor Oversight Process

Discussion

In evaluating the potential impact of industry consolidation on effective implementation of the reactor oversight process (ROP), a number of issues need to be considered. One of the principal considerations is whether the ROP will provide the NRC with assurance that licensees are maintaining public health and safety in a consolidated/deregulated environment. The ROP is performance-based, meaning the level of NRC engagement is a function of licensee performance. It is also structured to be ''indicative'' rather than ''diagnostic'', meaning the inspection and assessment processes within the ROP are designed to provide an indication of licensee problems, e.g., performance indicators (PIs) and associated thresholds, rather than to determine the specific root causes for issues of lesser significance. This raises the question of whether the ROP enables the NRC to address adverse performance trends that might result from consolidation-related cost-cutting initiatives, which could be driven by financial pressures, or non-conservative changes to corporate policies, programs, and procedures, before they evolve into significant safety issues.

Industry consolidation could result in staffing reductions as licensees seek to increase their efficiency of operations by eliminating redundant functions and standardizing ''best practices''. If the staffing reductions are substantive, not targeted appropriately, and/or not managed well, problem identification and resolution functions could be impacted as key staff leave the company. Licensee efforts to increase operational efficiency could also result in changes to corporate policies, programs, and procedures. If these changes are non-conservative, the effectiveness of problem identification and resolution activities could be adversely affected. For example, a licensee could adopt a corrective action program with higher thresholds for initiating a root cause evaluation. This could result in more significant problems developing, as the root causes for lower level issues are not addressed. It is important to note that, while these postulated scenarios may be possible, experience to date with consolidated licensees has demonstrated that the opposite is true. Changes associated with the integration of individual facilities into a consolidated entities have generally been well managed and produced positive performance results.

The current situation in California, where the Southern California Edison and Pacific Gas and Electric companies are facing substantial financial difficulties, has generated a number of questions regarding the NRC's role in ensuring public health and safety. The NRC conducted focused inspections at these facilities in response to this situation. These inspections revealed that there was no adverse impact on safety as a result of the financial difficulties. Nevertheless, significant financial pressures on a licensee could result in decisions to reduce the workforce, revise the scope of and/or delay planned maintenance and modification activities, shorten or delay plant outages, terminate licensing classes or training initiatives, etc. While these decisions would likely result in performance problems, it is not clear how significant those problems would be and in what time frame they would emerge. Assuming that some licensee decisions would have short-term and substantive effects on performance and given that the NRC focus is on safety performance, a critical question is whether the NRC's safety assessment processes are structured to ensure that the NRC will be made aware of these performance issues in sufficient time to engage the licensee with the appropriate focus. For those licensee decisions that provide short-term financial relief but have a longer-term impact on performance, the question is how significant the associated performance issues would be when they first surface.

Another issue warranting consideration is whether the existing regional boundaries and currently assigned licensee oversight responsibilities will facilitate effective regulation, within the context of the ROP, for those licensees that own and operate reactor facilities in multiple regions (see Issue 2.d). Licensees that cross regional boundaries may present management challenges for the NRC with respect to consistency, coordination, and efficiency of oversight.

Preliminary Impact Assessment

There are two scenarios which need to be considered in evaluating what impact industry consolidation might have on the effectiveness of the ROP. The first scenario relates to longer-term manifestation of licensee performance problems stemming from consolidation-related activities, and the second scenario involves safety performance problems deriving from licensee actions in response to financial pressures.

Regarding the first scenario, one of the primary considerations is whether the ROP is conducive to identifying adverse performance trends that might result from consolidation-related activities such as cost-cutting initiatives and non-conservative changes to corporate policies, programs, and procedures. The NRC must be able to engage a licensee to ensure the underlying performance deficiencies are appropriately addressed before these deficiencies evolve into significant safety issues that challenge public health and safety. Licensee performance issues, particularly those relating to human performance and the corrective action program, should become evident at a lower level of significance. This affords the licensee the opportunity to correct the issues before more significant NRC action is necessary due to elevated safety performance problems. As noted earlier, by design, the ROP is ''indicative'' rather than ''diagnostic'', which means that as inspection findings and PIs become more safety significant, the ROP increases focus on why a particular performance problem has occurred. Thus, if a consolidation-related, cost-cutting initiative or non-conservative changes in corporate policies, programs, and procedures result in a performance issue, that issue would likely surface initially as a finding of lesser safety significance. The licensee should then determine the extent of the condition and implement appropriate corrective action. Assuming that consolidation-related activities continue to create performance problems because the licensee has not addressed the root

causes for the issues of lesser significance, those problems should develop into more safety-significant issues. The NRC would then detect this adverse performance trend and engage appropriately. This is not to say that licensee performance problems could not initially be evident at a higher level of significance, but this should be the exception if the licensee is aggressively addressing its lower level issues.

The corporate structure, ownership, and location of a particular plant should not impact the effectiveness of the ROP. While industry consolidation may offer efficiencies for the licensee, the assessment process under the ROP is based on performance results and not on how licensees gain efficiencies. Inspection activities under the baseline and supplemental inspection programs are sufficiently defined in terms of scope and objectives, that ownership or geographic location is not a factor in effective implementation of the inspection program. Similarly, the use of risk information to determine the safety significance of inspection findings by applying the Significance Determination Process (SDP) is independent of plant ownership or licensee size.

In assessing overall licensee performance, the ROP uses PI information in conjunction with the significance of inspection findings. The degree of regulatory engagement is dictated by the results of this assessment through the Agency Action Matrix. Each licensee is expected to submit quarterly PI information to the NRC for each plant owned by that licensee. If a licensee, for some reason, elects not to submit PI data for a specific plant, then the ROP has provisions for additional inspection activities to obtain the information captured by the PIs in order to fully assess licensee performance. As the ROP is further refined, each licensee will be expected to implement associated changes, e.g., revisions to the PI reporting criteria, at each of its facilities.

Regarding the second scenario, there is a concern among some stakeholders that a licensee, when faced with financial pressures, including potential bankruptcy, could make decisions that might have significant short- or long-term effects. With respect to substantial short-term effects, the question is whether the NRC's regulatory oversight framework, given its performance-based, indicative nature in contrast to a more diagnostic approach, could preclude the NRC from increasing the level of licensee oversight in a timely manner to assure that operational safety is being maintained. Rather than having a short-term impact, some licensee decisions to dramatically improve financial viability could generate performance issues that do not surface until several months after the decisions are implemented. These performance issues could be safety-significant, depending upon the activities affected by the financially-based decisions. While the NRC's limited experience with licensees facing financial pressures has not validated these concerns, it may be prudent for the NRC to adopt a preemptive approach by initiating a targeted inspection module to assess licensee response to financial pressures.

Recommended Followup

The ROP is expected to be transparent to industry consolidation. However, the NRC currently has limited experience with the effects of industry consolidation on effective implementation of the ROP. With additional experience, changes that may be needed to the ROP should become evident. The annual self-assessment process built into the ROP should serve as a vehicle to evaluate any needed changes. The NRC staff should continue to monitor consolidation activities and use the ROP self-assessment process to periodically evaluate the effectiveness of the ROP in light of the changing industry environment.

Further study should be initiated by the NRC to determine if an inspection module or ''contingency plan'' (similar to the ''strike contingency plans'' generated by some of the regional offices) needs to be developed to facilitate NRC evaluation of a licensee facing financial difficulties. This will help ensure that an enhanced level of NRC oversight is provided, if appropriate, in a timely manner to assure operational safety is being maintained, and that the longer-term performance impacts of licensee actions have been appropriately evaluated.

Issue Category: 3. Inspection, Enforcement, and Assessment

Issue: 3.b Other NRC Inspection Programs

Discussion

The NRC is in the process of developing revisions to the fuel cycle facility oversight process, including inspection, performance assessment, and enforcement. This process affects ten fuel cycle facilities: two gaseous diffusion plants, two highly enriched uranium fuel fabrication facilities, five low-enriched uranium fuel fabrication facilities, and one uranium hexaflouride production facility (See Issue Category 6). These facilities possess large quantities of materials that are potentially hazardous (radioactive, toxic, and/or flammable) to the workers, public, and environment. Similar to the reactor oversight process (ROP), the overarching objective in revising the fuel cycle facility oversight process is to establish a process that is more risk-informed and performance-based to focus on the more significant risks at fuel cycle facilities. The intent is to provide an objective and reliable basis for determining if a fuel cycle facility is safe and secure and to provide early indications of declining safety and safeguards performance.

The staff has interacted with external stakeholders through several public meetings and exchanges of documents. A work plan for revision of the fuel cycle facility oversight process, which lists the priority, sequence, and schedules for completing the oversight program revisions has been issued for stakeholder comment.

The NRC is also in the process of making the inspection program for independent spent fuel storage installations (ISFSIs) more risk-informed and performance-based. This is being accomplished in a phased approach. The short-term phase involves risk prioritizing the existing inspection procedures using available risk/consequence information and an expert panel approach, and applying inspection resources commensurate with risk and the performance history of the licensee. The longer-term phase is conceptualized to more closely align with the risk-informed inspection approach of the ROP. This would involve completing a probabilistic risk assessment (PRA) for ISFSIs and then using the PRA results to develop an inspection program, which is based on performance indicators and a significance determination process, similar to the ROP.

Preliminary Impact Assessment

Given that the fuel cycle facility oversight process is being revised using a framework similar to the ROP, it is reasonable to expect that the new oversight process will be able to accommodate potential impacts of consolidation (refer to Section 3.a. for a discussion of the impacts of industry consolidation on the ROP). In addition, the extensive outreach effort initiated by the NRC to exchange information and obtain stakeholder feedback provides an opportunity to discuss any expected impacts from the consolidation of fuel cycle facilities on the new oversight process. Similarly, since the ISFSI inspection program is being revised using a framework similar to the ROP,

it is reasonable to expect that the new program will be able to accommodate potential impacts of consolidation.

Recommended Followup

No additional staff action beyond that recommended under Issue 6 is recommended at this time.

Issue Category: 3. Inspection, Enforcement, and Assessment

Issue: 3.c NRC Enforcement Program

Discussion

The NRC derives its enforcement authority from the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. The NRC exercises its statutory authority to impose enforcement sanctions in accordance with its enforcement policy described in NUREG–1600, ''General Statement of Policy and Procedures for NRC Enforcement Actions''. Enforcement actions have been used as a deterrent to emphasize the importance of compliance with NRC requirements and to encourage prompt identification and prompt, comprehensive correction of violations of those requirements. Compliance with NRC requirements plays an important role in giving the NRC confidence that safety is being maintained. In the context of risk-informed regulation, compliance also plays an important role in ensuring that key assumptions used in underlying risk and engineering analyses remain valid.

With the development of the reactor oversight process (ROP), where the significance of individual non-compliance findings is evaluated using more objective criteria and the regulatory response to these findings is more predictable, the enforcement program was revised to better integrate with the ROP. This revision to the enforcement program consisted of categorizing violations into two groups. The first group consists of those violations that can be evaluated under the Significance Determination Process (SDP), with appropriate NRC action determined by the Agency Action Matrix. Issue 3.a. discusses the potential impacts of industry consolidation on the ROP. The second group includes violations related to willfulness, including discrimination; violations involving actual safety consequences, such as an overexposure to the public or plant personnel or a substantial release of radioactive materials; and violations that may impact the NRC's ability to oversee licensed activities. This issue discussion focuses on the impact of industry consolidation on the enforcement program as it pertains to violations in the second group.

As noted in other issue discussions, licensee efforts to increase efficiency of operations could result in changes to corporate policies, programs, and procedures. Since consolidation results in more reactor facilities under a single licensee's control, corporate-wide changes affect more reactor facilities and more employees. Depending upon how a licensee manages these changes, there could be an increased number of allegations, although there has been no evidence of such a trend in the industry consolidation that has taken place to date. Similarly, efforts to increase operational efficiency or actions in response to financial pressures could result in staffing reductions which could lead to more discrimination complaints. Increased numbers of allegations would translate to an increased enforcement workload, assuming that the NRC substantiates some percentage of these allegations, in whole or in part, based on the results of its investigations.

On the other hand, it is equally likely that consolidation may result in a reduced volume of enforcement actions because of stronger licensees and better managed regulatory programs. Staff experience to date with consolidated licensees has not shown any noticeable increases or decreases in discrimination complaints or other allegations or in related enforcement actions.

While measures and processes have been established to assure consistent application of the enforcement program among the regions, e.g., audits, enforcement panels, counterparts meetings, etc., those inconsistencies in implementing the enforcement program that may exist will be more apparent to cross-regional licensees. These inconsistencies may involve different thresholds for issuing non-cited violations, distinguishing between minor and Severity Level IV violations, and reaching conclusions on alleged discrimination. This may necessitate more oversight from the Office of Enforcement to ensure similar issues are treated consistently among the regions.

Another area potentially impacted by consolidation relates to the possible employment by a licensee of an individual who was terminated at one facility, based on poor performance or wrongdoing (whether or not the individual had been issued an NRC order prohibiting his involvement in licensed activities), at another facility if the second employer is unaware of the performance or wrongdoing problem at the first facility. This would be less likely to occur in a consolidated industry with fewer licensees.

Preliminary Impact Assessment

The impact of industry consolidation on the NRC's enforcement program relates to implementation issues vice policy issues. It appears that the NRC can address these implementation issues within the context of the existing enforcement program framework/infrastructure. The Office of Enforcement may decide to increase its audit activities in an effort to minimize inconsistencies among the regions in implementing the enforcement program. More coordination and communication between the regions and program office can help assure that the same thresholds are applied for determining if discrimination violations occurred, as well as distinguishing between cited and non-cited violations and between minor and Severity Level IV violations. Regarding the potential increase in enforcement workload stemming from a greater number of technical allegations and discrimination complaints, this situation will need to be monitored to determine if additional resources are warranted.

Recommended Followup

Experience with the effects of industry consolidation on effective implementation of the enforcement program is limited. The NRC should continue to monitor the enforcement workload associated with discrimination complaints and technical-related allegations to determine if industry consolidation activities are influencing this workload and make resource decisions based on the monitoring results. The Office of Enforcement should maintain its oversight activities of regional enforcement program implementation to minimize inconsistencies.

Issue Category: 3. Inspection, Enforcement, and Assessment

Issue: 3.d NRC Allegation Program

Discussion

The allegation program was established to provide a mechanism for individuals to identify safety and regulatory issues directly to the NRC. An allegation is defined as a ''declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activities, the validity of which has not been established.'' The allegation program is structured to provide a comprehensive response to an alleger's concerns in a timely manner. It includes provisions to protect the identity of the alleger; to

provide timely resolution of the issues specific to an allegation; and to communicate the staff's understanding of those issues, status of the staff's review efforts, and ultimate resolution of the issues in a timely manner. Industry consolidation could potentially impact these and other aspects of the allegation program.

As discussed in Issue 3.c., licensee efforts to increase efficiency of operations could result in changes to corporate policies, programs, and procedures. Since consolidation results in more reactor facilities under a single licensee's control, corporate-wide changes would affect more reactor facilities and more employees. The impact of these changes could result in larger numbers of allegations. Similarly, corporate cultural initiatives such as maintaining a safety conscious work environment (SCWE), could have a bigger impact on safety given the increased number of affected reactor sites. Additional NRC inspection may be necessary to evaluate whether a SCWE exists or was adversely affected by changes in corporate policies, programs, or procedures. In addition, reductions in licensee staff could result in an increased number of discrimination allegations.

As is the case with enforcement actions (Issue 3.c), it is equally likely that consolidation may result in a reduced number of allegations because of stronger licensee management and more effective regulatory programs. However, staff experience to date with consolidated licensees has not shown any noticeable increase or decrease in allegations.

Under the current program, the NRC may elect to refer a particular allegation to the licensee for evaluation with the licensee reporting back to the NRC on the results of its review, or decide to conduct an independent inspection to determine the validity of the allegation. If a consolidated licensee crosses regional boundaries, absent some coordinating efforts on the part of the NRC, one regional office could decide to follow up an allegation with inspection to protect the alleger's identity, while another regional office could decide to refer a similar allegation from another employee to the licensee for followup. With different approaches to following up on similar allegations, NRC staff in the respective regions may reach a different conclusion on the validity and disposition of the allegation issues, although this is unlikely. These and other potential inconsistencies in implementing the allegation program would be more apparent to cross-regional licensees.

The roles and responsibilities of NRC staff in implementing the allegation program are another area potentially impacted by consolidated licensees that cross regional boundaries. If the NRC receives an allegation concerning a programmatic issue which cross-cuts regional boundaries because it pertains to activities at multiple sites in different regions, there must be a standard method for determining which NRC organization would take the lead for followup.

Preliminary Impact Assessment

While industry consolidation may impact some aspects of the NRC's allegation program, as described above, the impact relates to implementation issues vice policy issues. It appears that the NRC can address these implementation issues within the context of the existing NRC allegation program framework/infrastructure. For example, NRC follow-up action to address similar allegations received in different regions, stemming from corporate-wide changes to policies, programs, and procedures, may require coordination of efforts among regional offices to ensure consistency and alleger identity protection. Allegations involving programmatic issues which cross-cut regional boundaries, i.e., pertain to activities at multiple sites in different regions, can be effectively addressed by defining which internal NRC organization has the lead responsibility for follow-up. The potential increased number of allegations, including those involving discrimination complaints, as well as increased inspection activities to validate corporate cultural issues, e.g., SCWE, may require additional resources dedicated to the allegation program.

Recommended Followup

While experience to date with the effects of industry consolidation on effective implementation of the allegation program is limited, there appears to be the need for developing guidance to assure consistent treatment of similar allegations received in different regions, and to define which organization should take the lead in addressing programmatic issues that cross-cut regional boundaries. In addition, the NRC should continue to monitor the number of allegations received to determine if industry consolidation activities are influencing this workload, through an increased or decreased number of allegations, and make resource decisions based on the results of this monitoring.

Issue Category: 4. Decommissioning

Discussion

Nuclear industry consolidation can affect individual licensee decommissioning planning, financial assurance, and schedules for dismantling power reactor and fuel cycle facilities. Regulations applicable to decommissioning include radioactivity cleanup criteria for unrestricted and restricted release, financial assurance that funds will be available to decommission the site, decommissioning planning, and procedures for submitting applications requesting license termination. Decommissioning policy guidance for implementing the above regulations has been prepared and issued as standard format and content guides and standard review plans.

The potential impacts from nuclear industry consolidation on decommissioning planning, scheduling, and funding can vary. The most likely outcome is that industry consolidation will strengthen licensee business conditions to encourage license renewal or avoid early license termination. For example, strengthened business conditions from consolidation have allowed power reactor licensees to continue operations at some plants (e.g., Oyster Creek) that were previously being considered for decommissioning. Consolidation has and will likely continue to result in an increased interest in license renewal. Actions that extend the operation of nuclear power plants will, in general, increase the available time to fund decommissioning if sinking funds are used.

Consolidation may also result in decommissioning schedule stretch-outs to accommodate consolidated company-wide decommissioning programs. Licensees may seek process and funding alternatives not specifically addressed or allowed in current regulations, and possibly request an increased number of exemptions. Licensees may also seek financial assurance rule changes to allow stretch-outs in the time required to fully fund decommissioning trusts, on the basis that consolidated decommissioning schedules can reduce the need for full funding if plant dismantlement will take place further in the future. Adverse impacts of delaying decommissioning include uncertainties in the availability of future low-level waste disposal sites that could result in higher decommissioning costs and the possible lack of licensed disposal facilities at the time decommissioning activities take place.

Nuclear power plant licensees that are no longer rate-regulated are required by

the NRC's regulations to provide means of assuring any estimated unfunded decommissioning cost through some surety, insurance, or equivalent method. The staff evaluates such changes either through license transfer applications pursuant to 10 CFR 50.80 or through biennial reports on decommissioning funding status required to be submitted by licensees.

Preliminary Impact Assessment

License termination regulations apply to planned and premature decommissioning activities. Because regulations allow nuclear power plant licensees 60 years after permanently ceasing operations to complete decommissioning, there is substantial flexibility already allowed for consolidated utilities to delay decommissioning to take advantage of operational efficiencies. NRC staff has been able to successfully address cases involving immediate dismantlement, partial dismantlement, and delayed decommissioning alternatives.

Fuel cycle facility license termination regulations do not allow delayed decommissioning because studies have shown that delaying decommissioning of these facilities does not have a financial or radiological safety benefit. Thus, fuel cycle facility shutdowns due to industry consolidation efforts do not appear to introduce unique circumstances that require new license termination processes.

Power reactor decommissioning financial assurance regulations allow the use of sinking funds where licensees are either rate-regulated or can recover costs through the rate base (currently all States allow recovery of decommissioning costs through various rate base mechanisms; otherwise, full funding or guarantee of full funding would be required under NRC regulations). In premature decommissioning cases, full funding may not be available at the time of shutdown. However, experience with actual cases has not identified unresolvable funding issues. Reviews of power reactor licensee ownership changes include consideration of decommissioning funding. No decommissioning regulation or policy changes, other than the rulemaking to standardize trust fund provisions currently underway, appear necessary at this time to reflect industry consolidation impacts.

Fuel cycle licensee decommissioning financial assurance regulations should not be affected by industry consolidation because the regulations ensure that full funding would be available if a licensee is unable to complete decommissioning, for example due to bankruptcy or premature shutdown.

Recommended Followup

At this time, it appears that current decommissioning regulations and policies are sufficiently flexible to accommodate situations resulting from industry consolidation. Therefore, industry consolidation appears to have no significant impact in the decommissioning area and no further effort is recommended. Some unique, unanticipated circumstances may arise in the future that result in requests for exemptions or require changes in decommissioning regulations or policies. For these situations, staff will continue to identify significant policy matters and make appropriate recommendations to NRC management.

Issue Category: 5. External Regulatory Interfaces

Discussion

The Commission issued the ''Final Policy Statement on the Restructuring and Economic Deregulation of the Electric Utility Industry'', 62 Fed. Reg. 44071 on August 19, 1997. The policy statement established the NRC's expectations for, and intended approach to, power reactor licensees as the electric utility industry moved from an environment of rate regulation toward greater competition. In its policy statement, the Commission anticipated changes, including consolidation, in the electric utility industry. The policy statement states:

> The electric utility industry is entering a period of economic deregulation and restructuring that is intended to lead to increased competition in the industry. Increasing competition may force integrated power systems to separate (or 'disaggregate') their systems into functional areas. Thus, some licensees may divest electrical generation assets from transmission and distribution assets by forming separate subsidiaries or even separate companies for generation. Disaggregation may involve utility restructuring, mergers, and corporate spinoffs that lead to changes in owners or operators of licensed power reactors and may cause some licensees, including owners, to cease being an 'electric utility' as defined in 10 CFR 50.2.[1]

In its policy statement, the Commission recognized the primary role that State and federal economic regulators have served, and in many cases will continue to serve, in setting rates that include appropriate levels of funding for safe operation and decommissioning. The NRC took a number of actions to increase cooperation with State and federal rate and financial regulators to promote dialogue and minimize the possibility of rate deregulation or other actions that would have an adverse effect on safety. The policy further elaborated on NRC's intent to continue to work and consult with the State public utility commissions, individually or through the National Association of Regulatory Utility Commissioners (NARUC), and with the Federal Energy Regulatory Commission (FERC) and other federal agencies to coordinate activities and exchange information. This increased level of interaction and consultation has also been beneficial to the NRC in industry consolidation efforts.

Several regulatory agencies at the federal and State level have jurisdiction over, or interest in, nuclear industry consolidation. Issues concerning nuclear industry consolidation and license transfers (see Issue 2.a.) involve a number of entities besides the NRC, including, as appropriate, State public utility commissions, the Department of Justice (DOJ), FERC, the Securities and Exchange Commission (SEC), and the Federal Trade Commission (FTC).

Traditionally, State public utility commissions have had jurisdiction over electric utilities with the general responsibility to assure safe, reasonable and adequate service at rates which are just and reasonable to customers and the utilities. DOJ is responsible for maintaining competitive markets by enforcing federal antitrust laws. Among other things, FERC has responsibility for regulating the transmission and sale of wholesale electricity. SEC administers federal securities laws that seek to provide protection for investors and to ensure that securities markets are fair and honest. The role of the FTC is to maintain the competitive enterprise and to prevent the free enterprise system from being fettered by monopoly or restraints on trade or corrupted by unfair or deceptive trade practices. The NRC has worked with FERC, SEC and DOJ to develop methods by which the NRC can minimize the duplication of effort on antitrust reviews and still carry out its statutory responsibilities. For example, NRC recently amended its regulations to clarify that it will no longer require owners of operating nuclear power plants to include

[1] Section 50.2 defines ''electric utility'' as ''any entity that generates or distributes electricity and which recovers the cost of this electricity, either directly or indirectly, through rates established by the entity itself or by a separate regulatory authority. Investor-owned utilities, including generation and distribution subsidiaries, public utility districts, municipalities, rural electric cooperatives, and State and federal agencies, including associations of any of the foregoing, are included within the meaning of ''electric utility.''

antitrust information in license transfer applications, eliminating duplication of a review performed by other federal and State agencies. However, NRC continues to require antitrust information for new license applications (see Issue 8.b.). NRC is supporting legislation to eliminate its antitrust review mandate. Other such jurisdictional issues (i.e., antitrust and merger reviews by multiple jurisdictions) between regulatory authorities may emerge as a result of further industry consolidation.

In addition, industry consolidation may affect NRC's interfaces with other federal and or State agencies having collateral jurisdiction, responsibility or interest in nuclear licensees. Potential consolidation issues discussed elsewhere in this document have external regulatory interface elements. These issues include: high-level radioactive waste and low-level radioactive waste management (see Issue 1.d.—Department of Energy (DOE), Environmental Protection Agency (EPA) and State agencies), spent fuel storage and transportation (see Issue 1.c.—DOE, Department of Transportation and State agencies), decommissioning (see Issue 4.—EPA and State agencies) emergency preparedness (see Issue 1.e.—Federal Emergency Management Agency and the associated State agencies) and grid stability and reliability (see Issues 1.f. and 8.a.—DOE and FERC).

Nuclear industry consolidation may also have additional impacts on NRC's interactions with external regulatory agencies. For example, new license applications (see Issue 2.b.) and license renewals (see Issue 2.c.) require consultation or interaction with a number of federal, State and local governmental agencies in the preparation of the environmental impact statement. In the event of bankruptcy (see Issue 7.e.), to ensure that NRC's interests and responsibilities and a licensee's obligations with respect to public health and safety are properly recognized, NRC would ask DOJ to intervene on behalf of the NRC in any bankruptcy proceeding.

Preliminary Impact Assessment

As identified in the Commission's policy statement, the NRC took a number of actions to increase cooperation with State and federal rate and financial regulators to minimize the possibility that rate deregulation or other actions would have an adverse effect on safety. This open dialogue with these regulators has been helpful in minimizing potential adverse effects on nuclear safety as a result of electric utility industry deregulation and restructuring by assuring appropriate levels of funding for safe nuclear power plant operation and decommissioning. As electric utility industry consolidation continues, a reassessment may be needed of its impact on NRC's interfaces with other regulatory bodies at the federal and State levels in approving license transfers.

Recommended Followup

There does not appear to be a need for any additional near-term action to address the potential impacts of industry consolidation on NRC's external regulatory interfaces. However, NRC interaction and dialogue with other federal and State regulatory authorities, including national associations representing these authorities, as well as foreign regulatory authorities, should continue in order to identify emerging policy issues related to new trends in industry consolidation. In addition, NRC should continue to consult with its stakeholders to identify emerging policy issues that could affect NRC's interfaces with other State and federal regulatory bodies in approving license transfers.

Issue Category: 6. Fuel Cycle Facilities

Discussion

Industry consolidation activities are occurring throughout the entire fuel cycle as global market conditions become more competitive and force companies to eliminate excess capacity and less economically beneficial operations. Consolidation of fuel cycle facilities has occurred in the past, as most recently experienced in the Westinghouse and ABB merger, which is resulting in the closure of the former ABB fuel fabrication operation (CE Nuclear Power) in Hematite, MO. Other significant past consolidations include Westinghouse and BNFL, Framatome's purchase of the B&W fuel operation, and the reorganization of GE with its Japanese shareholders to create Global Nuclear Fuels (GNF).

Even in light of this recent flurry of consolidations within the nuclear fuel cycle, this consolidation trend appears to be continuing. The staff is currently reviewing an application for the transfer of ownership and control of a materials license as a result of the planned merger of the world-wide nuclear businesses of Siemens AG (Siemens) and Framatome S.A. (Framatome). Also, information from licensees indicates that the Honeywell facility will be acquired by General Electric; and the fact that the United States Enrichment Corporation (USEC) is planning on closing portions of the enrichment cascade at the Portsmouth Gaseous Diffusion Plant and turning them over to the Department of Energy within the next year, coupled with the expiration of USEC stock ownership restrictions in July 2001, may make them a target for acquisition. In addition, due to low uranium market prices, uranium mining and milling companies throughout the world are discussing consolidation, which may lead to further consolidation or possible closure of U.S. fuel cycle facilities that are not fiscally viable under increased global competition. New construction may also involve multiple corporations pooling their resources to build new fuel facilities, as evidenced by Duke, Cogema, and Stone & Webster's plan to build a mixed oxide (MOX) fuel fabrication facility at the Savannah River site.

All commercial nuclear fuel facilities in the United States are required to be licensed or certified by the NRC. Existing domestic fuel facilities are divided into three groups: those that involve the processing of uranium ore into uranium hexaflouride (UF_6); those that enrich the UF_6 in the ^{235}U isotope; and those that fabricate enriched uranium into nuclear reactor fuel. The NRC issues and maintains licenses or certificates for fuel facility operators to authorize their possession and use of source, special nuclear, and byproduct material in accordance with the requirements promulgated in 10 CFR Parts 40, 70, 73, 74, and 76 upon NRC approval of the license or certificate applications. Certain facilities are also subject to Agreement State regulation for source and byproduct materials.

The potential impacts from further fuel cycle industry consolidation will depend on the licensee and the objectives of the consolidation. In cases where a consolidated facility can operate in a more profitable environment, license renewal applications may be submitted to the NRC. Recent inquiries during the ongoing Siemens/Framatome merger indicate that the consolidated company may want to license both facilities under one license, thereby avoiding an additional license fee. Staff is currently preparing a Commission paper that describes the NRC fee methodology and associated constraints on agency action in order to reduce unnecessary burden, while making regulatory improvements, especially for a declining licensee population. In other cases, the economics of the newly formed conglomerate may lead to facilities closing down, as in the case of the Westinghouse/CE Hematite merger, which would require decommissioning on an earlier schedule than previously forecasted.

In addition, the staff is currently considering whether to realign the fuel cycle inspection program partly because of the trend in industry consolidation, but also to attain improved efficiency and effectiveness. This may involve a range of options, including consolidation of the program in a region, consolidation within NMSS, or maintenance of the status quo.

Preliminary Impact Assessment

The NRC has addressed fuel cycle consolidations in the past, and in all cases the existing regulations and NRC staff resources have been sufficient to ensure the safety of the facilities involved in the mergers. However, due to the consolidation and decommissioning of fuel cycle facilities, there is now only one domestic source of uranium ore conversion to UF_6 (Honeywell), and within the next fiscal year there will only be one domestic source of UF_6 enrichment (Paducah Gaseous Diffusion Plant). If either of these plants were to close, there could be significant impact on the three remaining civilian nuclear fuel fabricators, and likewise on the entire nuclear industry due to domestic fuel unavailability.

Although the fuel fabrication field has become fairly narrow, with only a handful of fuel cycle facilities now in operation, further consolidation of companies is not out of the question. The international conglomerates BNFL and Cogema have been aggressively acquiring a wide range of fuel cycle operations around the world, which would seem to indicate that they intend to become the predominant companies in the marketplace. Although foreign ownership and transfer of companies is not uncommon in the fuel cycle, complete reliance on foreign sources for nuclear fuel may need to be addressed. This may have national security implications, as noted by Congress and by the FY2001 Energy and Water Appropriations Act, which required DOE to assess the implications for uranium conversion and enrichment.

There are other impacts of fuel cycle facility industry consolidation on NRC oversight and regulation of the industry. For example, although the Commission approved staff plans to proceed with a rulemaking to establish a stand-alone, risk-informed, and performance-based rule for uranium recovery in August 2000, because the number of facilities to which the rule would apply has reduced significantly since the staff originally made the recommendation, and the potential future for uranium recovery is bleak over the next several years, the Commission has directed the staff to develop guidance rather than rulemaking.

Recommended Followup

Many of the impact assessments discussed in other areas are applicable to licensed fuel cycle facilities as well as licensed reactor sites. NRC experience in handling past and pending consolidations within the fuel cycle industry has demonstrated that the existing regulations, guidance, and processes have been able to handle the various consolidation efforts. No obvious impacts from industry consolidation were identified that could affect the staff's future ability to regulate fuel cycle facilities. However, two followup efforts are recommended. Staff should consider options to consolidate the fuel cycle inspection program, in parallel with efforts to revise the oversight process and the ongoing Phase II Byproduct Materals Review. Staff should also stay aware of pending competition-related business decisions by licensees such as those to shut down portions of operations and outsource that work, similar to what is currently happening at Global Nuclear Fuels-Americas, which is shutting down its uranium recovery circuit and is planning on sending their waste for processing by other facilities. This is to enable the staff to plan for the necessary resources to process the licensing actions that may follow such decisions.

Issue Category: 7. Financial

Issue: 7.a Foreign Ownership

Discussion

This issue addresses potential unique concerns associated with foreign ownership of reactor facilities that might occur as a result of industry consolidation.

The Atomic Energy Act of 1954, as amended, and the NRC's regulations in 10 CFR 50.38 provide that any person who is a citizen, national, or an agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license. The NRC staff evaluates license transfer applications that involve foreign ownership considerations by using the Final Standard Review Plan (SRP) on Foreign Ownership, Control, or Domination, which was issued on September 28, 1999. In addition, the NRC is required to make a finding that the approval and issuance of a licensing action, including license transfers, would not be inimical to the common defense and security of the United States.

Ownership of domestic operating nuclear power plants has been explored by several foreign utilities. One joint venture, AmerGen, was formed to buy domestic nuclear power plants. This venture was structured as a joint partnership with a U.S. utility owning 50% and a foreign entity owning 50%.[2] Based on a ''negation action plan'' developed pursuant to the SRP to mitigate foreign ownership, control, or domination, the NRC found that the foreign partner did not control or dominate the safety-related decision making related to the plant. Based on this assessment, the NRC was able to approve AmerGen's purchase of Three Mile Island, Unit 1, as well as subsequent license transfers involving AmerGen. The NRC has similarly analyzed proposals by other entities with some degree of foreign involvement. As industry consolidation progresses, it is anticipated that there will be additional situations in which foreign organizations seek to acquire domestic nuclear power plants and domestic utility organizations. However, the Atomic Energy Act significantly inhibits any foreign acquisitions and the NRC's review will be performed within these constraints as reflected in the Commission's regulations and the SRP. Since 1999, the Commission has developed and submitted proposed legislation that would remove restrictions on foreign ownership. Senator Domenici has introduced in the current session of Congress, S. 472, ''Nuclear Energy Electricity Assurance Act of 2001,'' which, among other things would eliminate the foreign ownership restrictions for nuclear power plants.

Preliminary Impact Assessment

Industry consolidation is not likely to have an impact on the complexity of the NRC's process for evaluating foreign ownership, control, or domination. An applicant for several plant licenses would be required to meet the same standards as a single-plant applicant to address any foreign ownership, control, or domination issues in a negation action plan pursuant to the SRP. For example, AmerGen has bought three U.S. nuclear plants so far and has bid on several others. The NRC's review of AmerGen's additional acquisitions essentially followed the same template laid out in AmerGen's initial acquisition. A suitable negation action

[2] Other than 100 percent ownership by a foreign entity of a U.S. nuclear reactor, there is no pre-established limit above which foreign ownership would be absolutely prohibited.

plan would also likely allow the NRC to make its required findings.

At this time, it appears that current financial regulations and policies are sufficiently flexible to accommodate situations associated with foreign ownership resulting from industry consolidation, within the provisions of current law.

Recommended Followup

No further effort is recommended at this time.

Issue Category: 7. Financial

Issue: 7.b License Fee Structure

Discussion

Since FY 1991, the NRC has been required by the Omnibus Budget Reconciliation Act of 1990 to recover approximately 100 percent [3] of its budget, less any amount appropriated to the Commission from the Nuclear Waste Fund and the General Fund, by assessing fees. Additionally, in recent Appropriations Acts, Congress has permitted NRC to perform certain limited activities that are not subject to fee recovery.

The NRC assesses two types of fees to recover its budget authority. First, license and inspection fees, established in 10 CFR Part 170 under Title V of the Independent Offices Appropriation Act of 1952, recover NRC's costs for special services rendered to an individual licensee or applicant. These services include things like inspections and review of applications for the issuance of licenses (new, amended, or renewal). Second, annual fees, established in 10 CFR Part 171 under the authority of the Omnibus Budget Reconciliation Act of 1990, recover generic and other regulatory costs not recovered through 10 CFR Part 170 fees. The generic and other regulatory costs are allocated to classes of licensees on an annual basis.

Continued consolidation is expected to result in fewer owners having more licenses under their domain. It does not appear that industry consolidation will have an effect on the total number of licenses held by the industry.

Preliminary Impact Assessment

NRC's assessment of fees is based on the filing of a request for NRC review and approval, or the existence of an NRC license or approval for individual facilities or licenses. There does not appear to be a need to change NRC's fee structure at this time due to industry consolidation.

Recommended Followup

Since there is no significant impact, no further effort is recommended at this time.

Issue Category: 7. Financial

Issue: 7.c Insurance

Discussion

This issue is concerned with whether industry consolidation will affect the availability and maintenance of insurance and indemnity for both off-site and on-site coverage.

The Atomic Energy Act of 1954, as amended, and the NRC's regulations at 10 CFR Part 140 require licensees to provide financial protection for the off-site consequences of accidents at nuclear power plants. Insurance and indemnity programs have been developed to provide coverage for third-party liability claims that may arise from any accidents that may occur. Coverage includes $200 million of primary insurance from commercial insurers. In addition, each power reactor licensee is required to provide secondary financial protection through an agreement to pay a retrospective premium that would, if necessary, be assessed against each power reactor licensee up to a maximum of $88 million per reactor per accident, with an annual cap of $10 million per reactor. The total available financial protection currently available is about $9 billion per accident.

In an August 1998 report to Congress, the NRC recommended that consideration be given to doubling the current retrospective premium from $10 million to $20 million annually (as well as raising the $200 million primary level of private insurance). The NRC was concerned that the 1998 forecast of a significant number of early plant shutdowns would decrease contributions to the retrospective pool. However, in his May 2001 Congressional testimony related to renewal of the Price-Anderson Act, Chairman Meserve reversed the 1998 recommendation in light of the much more optimistic current industry projections for license renewal.

In addition to Price-Anderson, 10 CFR 50.54(w) requires power reactor licensees to provide on-site property damage insurance of $1.06 billion per unit. The NRC imposed this requirement after the Three Mile Island, Unit 2, accident in order to ensure that licensees had sufficient funds to stabilize and clean up a reactor site after an accident. The insurers and insured in the industry adopted a retrospective premium methodology (similar to Price-Anderson) to reduce the up-front premiums associated with on-site insurance. The insurers have performed their own assessments of license transfer applicants' ability to pay retrospective premium assessments. The NRC's policy has been to accept, although not necessarily endorse, the use of retrospective premiums for on-site insurance since it was developed in the early 1980s.

Preliminary Impact Assessment

With respect to Price-Anderson liability coverage, each reactor that a licensee owns will expose it to a potential retrospective premium assessment of $10 million per year. For example, in the event of a major accident, a licensee with 20 reactors could be required to pay retrospective premiums of $200 million annually for about 9 years. If a major accident forced the shutdown of a class of reactors for safety reasons, a consolidated licensee could lose a portion of its primary source of revenue for paying its retrospective premiums.

With respect to on-site insurance, licensees are also exposed to potential retrospective premium payments. These payments would be in addition to the retrospective premium payments required to be made under the Price-Anderson system and could impose additional financial stress on some licensees. Licensees with several plants will likely have access to a greater revenue stream than licensees with fewer plants. Nevertheless, the impact of being required to pay retrospective premiums for many units could be significant if a licensee was otherwise financially stressed.

The NRC has programs in place to evaluate a licensee's or license applicant's ability to pay retrospective premiums for both liability and on-site insurance. With respect to license transfers, this evaluation is part of the safety evaluation that the staff prepares to support approval (or denial) of license transfer applications. In addition, licensees are required pursuant to 10 CFR 140.21 to demonstrate annually that they are able to pay retrospective premiums for their reactors that may be assessed under the Price-Anderson system.

However, for those licensees not involved in license transfers, there is no requirement similar to that under 10 CFR 140.21 for licensees to demonstrate annually their ability to pay on-site

[3] In order to address fairness and equity concerns related to charging NRC licensees for agency expenses that do not provide a benefit to the licensee, the FY 2001 Energy and Water Development Appropriations Act requires that 98 percent of the NRC's new budget authority, less the appropriations from the Nuclear Waste Fund and from the General Fund, be collected from fees in FY 2001, decreasing by 2 percent per year to 90 percent by FY 2005.

insurance premiums. With industry consolidation, the potential burden of such retrospective payments on licensees, especially when coupled with Price-Anderson retrospective payments, could be significant.

Recommended Followup

Since a potentially significant impact has been identified, consideration should be given to developing a rulemaking to establish an annual requirement to demonstrate the licensee's ability to pay on-site retrospective insurance premiums specified in 10 CFR 50.54(w), in parallel with those in 10 CFR 140.21.

Issue Category: 7. Financial

Issue: 7.d Joint and Several Regulatory Responsibility

Discussion

The NRC views all co-owners as co-licensees who are responsible for complying with the terms of their licenses. Co-owners and co-licensees generally divide costs and output from their facilities by using a contractually-defined, pro rata share standard. The NRC has implicitly accepted this practice in the past and believes it should continue to be the operative practice. Most power reactor owners and operators believe that each co-owner should be limited to its pro rata share of operating costs and decommissioning expenses and that the NRC should not look to one owner to ''bail out'' another owner by imposing joint and several liability on the co-owners. Joint and several liability refers to the legal doctrine of holding all or any one of the co-owners financially responsible for the default of any co-owner.

The Commission addressed the issue of joint and several liability by nuclear power reactor licensees in its ''Final Policy Statement on the Restructuring and Economic Deregulation of the Electric Utility Industry'' 62 FR 44071 (August 19, 1997). The Commission stated that it

> reserves the right, in highly unusual situations where adequate protection of public health and safety would be compromised if such action were not taken, to consider imposing joint and several liability on co-owners of more than *de minimis* shares when one or more co-owners have defaulted.

On July 25, 2000, the Commission denied a petition for rulemaking to amend the regulations to preclude the imposition of joint and several liability. 65 FR 46661 (July 31, 2000). The Commission emphasized its already articulated policy not to impose operating and decommissioning costs on co-owners in a manner inconsistent with their agreed-upon shares, except in highly unusual circumstances when required by public health and safety considerations, and that it would not seek more than pro rata shares from co-owners with *de minimis* ownership. The Commission stated, however, that granting the petition would unnecessarily limit the Commission's flexibility when highly unusual circumstances affecting the public health and safety would require action by the Commission. The Commission also noted that the term ''joint and several liability'' may have connotations for contract law that it did not intend to convey and that the term ''joint and several regulatory responsibility'' more accurately reflects the Commission's intent. Thus, the Commission stated that it will use the term ''joint and several regulatory responsibility'' in lieu of ''joint and several liability.'' Id. at 46663. The Commission's policy on joint and several regulatory responsibility applies only to nuclear power reactor licensees.

Preliminary Impact Assessment

In its recent denial of the petition for rulemaking, the Commission addressed this issue in the midst of the trend toward industry consolidation. It, therefore, is unlikely that the issue warrants reconsideration in the near future. Indeed, the trend toward consolidation arguably makes it even more important to maintain the Commission's position.

Recommended Followup

Since there is no significant impact, no further effort is recommended.

Issue Category: 7. Financial

Issue: 7.e Bankruptcy Protection

Discussion

This issue addresses whether industry consolidation raises unique concerns with respect to licensee bankruptcy. The provisions in 10 CFR 50.54(cc) require a licensee to notify the NRC when a voluntary or involuntary petition for bankruptcy is filed under Title 11 of the United States Code against it or its parent or affiliate. Notifications of petitions for bankruptcy are required for fuel cycle facilities under 10 CFR 40.41(f)(1) and 70.32(a)(9)(i) and for spent fuel storage licenses under 10 CFR 72.44(b)(6)(i). The NRC needs information with respect to bankruptcy filings against its licensees in order to determine whether additional action is warranted. Specifically, the NRC must be able to participate in bankruptcy proceedings when necessary to ensure the adequate protection of the public health and safety.

Preliminary Impact Assessment

Industry consolidation, in and of itself, is not expected to increase or decrease the frequency of bankruptcy filings by licensees. However a bankruptcy filing (either under Chapter 7 or Chapter 11 of the U.S. Bankruptcy Code) by a licensee with several plants could have more wide-ranging effects than a licensee with only one or a few plants. It is likely that the NRC's reactor oversight process will detect declining plant performance caused by financial stress, including bankruptcy. However, a bankrupt licensee with several plants, each of which could possibly require increased NRC oversight, could place additional burdens on the NRC oversight process.

Additionally, a bankrupt licensee with few assets other than its nuclear plants might have difficulty in obtaining necessary funds to operate and decommission its nuclear plants even with, as is likely based on previous experience, positive actions by a bankruptcy court. (Presumably, a licensee that only owns nuclear assets would file for bankruptcy protection only because the revenues received from its power sales in an unregulated market were insufficient to cover its overall production costs. In such a situation, a bankruptcy court could do little to improve a licensee's cost structure beyond relieving it of some portion of its debt burden.) In a worst case situation, the NRC could be required to shut down the nuclear plants of a bankrupt licensee if sufficient operating funds were unavailable.

Licensees with only nuclear assets would almost certainly not be subject to rate regulation. As such, these licensees are required under NRC regulations to have decommissioning costs prepaid or otherwise guaranteed in an amount either based on NRC-stipulated generic formulas or on site-specific estimates, if greater than the formula amounts. Although unlikely, if the cost estimates did not reflect the full cost to decommission because of unforeseen difficulties in the decommissioning process, the bankruptcy of a licensee could have adverse impacts on the timing and completion of decommissioning.

Recommended Followup

The NRC will continue to monitor licensees' financial health using the reports filed under 10 CFR 50.71(b) and financial trade press resources to determine whether any bankruptcy

filings appear to be imminent. As in the past, if a licensee files for bankruptcy protection, the NRC will work to ensure that health and safety interests are adequately represented in bankruptcy proceedings. No additional action appears to be necessary at this time.

Issue Category: 7. Financial

Issue: 7.f Financial Qualifications

Discussion

The provisions of 10 CFR 50.33(f) require that power reactor licensees demonstrate that they are financially qualified to construct and operate their nuclear plants safely. Licensees that are ''electric utilities'' are exempt from demonstrating financial qualifications at the operating license stage pursuant to 50.33(f). Currently, the provisions of § 50.33(f) require licensees or applicants to demonstrate financial qualifications, in essence, by showing that projected revenues exceed expenses over the first five years following the licensing action. Additionally, applicants for the transfer of the Three Mile Island, Unit 1, Pilgrim, Clinton, and other plants recently sold have provided parent company guarantees of additional operating expenses. NUREG–1577, Rev. 1, provides additional information on how licensees and applicants may demonstrate financial qualifications for initial licensing and license transfers. The issue is whether industry consolidation will affect the ability of applicants and licensees to demonstrate financial qualifications.

Preliminary Impact Assessment

As industry consolidation proceeds, licensees with a large number of reactor units may be vulnerable to financial stress if a significant number of their units are shut down at one time or are otherwise unable to operate over sustained periods at costs less than revenues received for output from the plants. This situation could be exacerbated for licensees that are no longer diversified companies with substantial non-nuclear assets (e.g., transmission lines, distribution networks, non-nuclear generating units) to provide offsetting revenues. On the other hand, industry consolidation may actually reduce some financial risk by spreading out risk among several units—that is, it is unlikely that several nuclear units would be shut down at the same time. The remaining operating units could provide sufficient funds to cover expenses for the shutdown plants. Of course, if a consolidated licensee had reactors predominantly of one design, and that design was found to have sufficient safety concerns to cause an extended shutdown of all the units of that design, the financial stress would likely increase significantly.

Once a plant is permanently shut down and enters decommissioning status, financial qualification for operations is no longer a health and safety issue. Rather, the issue then concerns the adequacy of decommissioning funds. However, the ability to provide safety expenditures during the transition period between a permanent shutdown and decommissioning could be affected if the licensee is financially stressed. It is not clear, at present, whether industry consolidation would positively or negatively affect access to funds during such a transition period. However, this issue has been raised in license transfer cases by petitioners to intervene.

In 1997, in SECY–97–253, the staff proposed to conduct a rulemaking, among other things, to require sufficient financial resources in certain reactor license transfer cases to assure funding for the transition from cessation of operations to the beginning of decommissioning, but the Commission did not approve the proposal. In SECY–98–153, the Commission again considered the issues related to reactor financial qualifications in light of industry restructuring and decided to delay that rulemaking in its SRM dated December 9, 1998. The current standard review plan (SRP), based on the current rules, requires only that the non-utility license transfer applicant comply with the same financial qualifications standards as for a non-utility operating license applicant: it must submit estimates of annual operating costs for each of the first 5 years of operation of the facility and indicate a source of funds to cover the operating costs.

However, the current de facto situation is different. One entity, Amergen, has ''voluntarily'' set up a $200 million reserve for the plants it has or is planning to acquire. Within the $200 million it has apparently established specific funds for specific reactors, and it has pointed to those funds in State Public Utility Commission proceedings as ''assurance that at least that amount will be available specifically to assure for the transition from cessation of operation of Vermont Yankee to the beginning of its decommissioning.'' (Nucleonics Week, Volume 41, Number 23, June 8, 2000, at page 5.) The Commission, in its recent license transfer decisions has specifically acknowledged the staff practice of capturing these ''voluntary'' offers in license conditions.

Recommended Followup

The potential impacts of industry consolidation on licensees' financial qualifications are uncertain at present. There doesn't appear to be a need for any immediate response, but the NRC should continue to evaluate its financial qualification requirements for the transition period between permanent plant shutdown and decommissioning to determine whether any changes are needed to 10 CFR 50.33(f).

Issue Category: 8. Non-NRC Regulatory Considerations

Issue: 8.a Grid Stability/Reliability

Discussion

As discussed in Issue 1.f, reliability of off-site power and grid stability are safety-significant issues. There is a large and diverse combination of situations possible when the issues of nuclear industry consolidation, economic deregulation, and separation of generation and transmission functions are considered simultaneously. A consolidation of companies may occur with or without economic deregulation. The parties involved in a deregulated electrical industry could include companies generating electricity, regulated entities such as an Independent System Operator in charge of transmission and distribution, and regulatory agencies such as the Federal Energy Regulatory Commission which may have significant impacts on the market environment in which nuclear power plants operate. Given the complex range of possibilities coming into play in a market environment, the effects on grid stability/reliability cannot be predicted with any confidence. It is prudent to monitor grid stability around nuclear power plants and anticipate scenarios that may require NRC actions.

Deregulation and restructuring of the electric power industry prompted the NRC to conduct studies and initiate interaction with entities such as the National Electricity Reliability Council. A Commission paper was issued on May 11, 1999, on ''Effects of Electric Power Industry Deregulation on Electric Grid Reliability and Reactor Safety'' (SECY–99–129). A study was commissioned at the University of Wisconsin to examine how deregulation has worked in other industries relative to safety. The staff also responded to grid-related events that have occurred at some plants by getting stakeholders such as the Nuclear Energy Institute and Institute of Nuclear Power Operations involved in discussions regarding industry-sponsored initiatives, and the adequacy

of the existing regulatory requirements, such as those in General Design Criterion 17. On the basis of the insights gained so far, it appears that grid reliability issues are primarily a consequence of economic deregulation rather than industry consolidation. This was demonstrated by the California experience of the 2000–2001 time period.

Preliminary Impact Assessment

Experience in other industries has shown that the transition phase from a regulated to a de-regulated activity is often accompanied by unanticipated difficulties. This may be the case with the impacts of deregulation on electrical grid performance. Prior to consolidation and economic deregulation, licensees of nuclear power plants were ''utilities'' who controlled both the generating plants and the distribution grid. With consolidation and economic deregulation, these two functions are generally within separate corporate entities. Thus, NRC licensees may no longer have direct control of the grid; and NRC regulations which addressed grid reliability by the licensee would not apply to the grid operator.

At this time, operational experience appears to indicate that grid stability/reliability will be strained without additional capacity in transmission and generation. In a deregulated market, if sufficient economic incentives are not provided for maintaining adequate reserve capacity, cost control will lead to a decrease in reserve capacity with corresponding problems during peak periods, power system disturbances, etc. The heavy cost burden of maintaining sufficient spinning reserve that does not produce revenue may or may not be transferrable to the consumer.

Reductions in system reserve margins and unregulated fluctuations may increase the likelihood of trips that can challenge safety systems in ways not considered in the plant's probabilistic risk assessment (PRA). Grid stability/reliability responsibility may move from the licensees to independent grid operators. The frequency and voltage level under degraded grid conditions may present safety concerns relative to supporting safety system operations. Licensees must assure that they have adequate procedures to monitor grid reliability and stability, and deal with their effects on plant operations.

Experience has shown that nuclear power plants that perform well tend to be low cost producers, thus offering strong economic incentives for the licensee to keep operations proceeding smoothly. As a consequence, licensees are likely to pay close attention to conditions outside the immediate confines of the plant. This may increase the likelihood that grid disturbances will be noticed by licensees and that they will anticipate potential problems. Additionally, if a licensee operates plants at multiple sites which feed power into a grid, there would be an incentive to assure grid stability on a company-wide basis. This is likely to lead consolidated licensees to coordinate activities among their sites to improve grid stability. For example, on-line maintenance performed at each of the sites may be coordinated to reduce the probability that more than one plant might trip off-line.

The NRC has sufficient regulatory and inspection mechanisms in place to identify and respond to nuclear safety concerns that may develop as a result of grid-related stability and reliability issues. As experience is gained with the deregulated industry, changes to the regulatory framework may be required. The NRC has informed the industry stakeholders of its concerns and has observed that organizations such as Nuclear Energy Institute and the Institute for Nuclear Power Operations are responding with their own initiatives to address the concerns. Any proposals to change the regulatory framework will be based on information from the NRC's monitoring activity as well as assessments of operational experience.

Recommended Followup

The NRC has established communication channels with industry stakeholders and other government and non-governmental institutions to obtain accurate and timely information. The recommended followup is to monitor the developments unfolding in different parts of the country and continue the current efforts to assimilate information.

Issue Category: 8. Non-NRC Regulatory Considerations

Issue: 8.b Antitrust Considerations

Discussion

On June 18, 1999, the Commission issued a Memorandum and Order in the Wolf Creek license transfer proceeding dismissing a petition to intervene on antitrust grounds. Kansas Gas and Electric Co. (Wolf Creek Generating Station, Unit 1), CLI–99–19, 49 NRC 441 (1999) (Wolf Creek). In Wolf Creek, the Commission ''concluded that the Atomic Energy act does not require or even authorize antitrust reviews of post-operating license transfer applications, and that such reviews are inadvisable from a policy perspective.'' The Commission directed the staff to initiate a rulemaking to clarify the Commission's regulations to remove any ambiguities and ensure that the rules clearly reflect the views set out in the Wolf Creek decision. On August 18, 2000, the final rule became effective. The Commission stated that ''because the Commission is not authorized to conduct antitrust reviews of post-operating license transfer applications, or at least is not required to conduct this type of review and has decided that it no longer will conduct them, no antitrust information is required as part of a post-operating license transfer application. Because the previous regulations did not clearly specify which types of applications are not subject to antitrust review, these clarifying amendments bring the regulations into conformance with the Commission's limited statutory authority to conduct antitrust reviews.'' 65 Fed. Reg. 44649 (July 19, 2000).

The Wolf Creek decision and the clarifying rule, which apply only to post-operating license transfers, eliminate antitrust reviews for transfers of facility operating licenses which occur *after* the issuance of the initial operating license for the facility. They do not affect the Commission's continuing statutory obligation to conduct antitrust reviews of applications for new facility operating licenses. The Commission has repeatedly sought legislation to eliminate all Commission antitrust reviews, but such legislation has not been enacted. Therefore, antitrust reviews for new facilities must continue to be conducted.

Preliminary Impact Assessment

The Commission's decision in the Wolf Creek case, and the final rule affirming that decision, reflect the Commission's conclusion that the trend toward increased consolidation and deregulation in the nuclear power industry warranted a close look at the limited antitrust authority conferred upon the Commission by the Atomic Energy Act. The result was the Commission's conclusion that the Act does not require antitrust reviews for post-operating license transfers and, even if they are authorized, they no longer will be conducted as a matter of sound policy. Although that result applies only to operating license transfers occurring after the initial operating license has been issued, the Commission's policy reasons for eliminating those reviews which it was not required to conduct under the Atomic Energy Act apply equally to antitrust reviews of initial operating license applications for new facilities. It

is, therefore, likely that the Commission will continue to seek legislation to eliminate all Commission antitrust reviews because such reviews duplicate responsibilities of other agencies that have more expertise in this area. Until and unless such legislation is enacted, however, antitrust reviews for new facilities must continue to be conducted. In a consolidated and deregulated industry, and where licensees are not electric utilities, those reviews could be more complex for an applicant that already owns a number of nuclear (and other electric generating) facilities. If so, the antitrust reviews conducted by the staff may require more resources than have been used for such reviews in the past.

Recommended Followup

No further effort is recommended at this time, except that projected resource needs for new applications should account for more complex antitrust reviews.

[FR Doc. 01–16104 Filed 6–26–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (SFBC International, Inc., Common Stock, $.001 Par Value and Warrants) File No. 1–16119

June 21, 2001.

SFBC International, Inc., a Delaware corporation (''Company''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $.001 par value, and its redeemable warrants (''Securities''), from list and registration on the American Stock Exchange LLC (''Amex'').

The Company represents that trading in the Securities began on the Nazdaq National Market, and ceased concurrently on the Amex, at the opening of business on June 19, 2001. In making the decision to withdraw the Securities from listing on the Exchange, the Company considered the liquidity to be provided by its inclusion on the Nazdaq National Market and the likelihood of attracting institutional investors.

The Company stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Company's application relates solely to the Securities' withdrawal from listing on the Amex and shall affect neither their approval for listing on the Nasdaq National Market nor their obligation to be registered under section 12(g) of the Act.[3]

Any interested person may, on or before July 13, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16108 Filed 6–26–01; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending June 15, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–9941.

Date Filed: June 14, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC31 South 0111 dated 15 June 2001 r1–r5; PTC31 South 0110 dated 8 June 2001 (Report); PTC31 South Fares 0027 dated 15 June 2001 (Tables); Intended effective date: October 1, 2001.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 01–16180 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending June 15, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2001–9918.

Date Filed: June 13, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 5, 2001.

Description: Application of C.A.L. Cargo Airlines Limited, pursuant to 49 U.S.C. 41302 and part 211 and subpart B, requesting an amendment for an initial foreign air carrier permit authorizing it to provide scheduled foreign air transportation of property and mail betweenTel Aviv, Israel; New York (JFK) and Chicago (O'Hare) via Luxembourg; Gander,New Foundland (technical stop) and Liege, Belgium.

Docket Number: OST–2001–9936.

Date Filed: June 14, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 5, 2001.

Description: Application of Ukrainian Cargo Airways, pursuant to 49 U.S.C. 41302, (representing the recodified version of section 402 of the Federal Aviation Act of 1958 ''Act'', as amended), part 211 of the Department of Transportation's (''Department'') EconomicRegulations, and Subpart B of the Department's Rules of Practice, hereby applies for a foreign air carrier permit to engage in all-cargo charter

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(g).

[4] 17 CFR 200.30–3(a)(1).

service between Ukraine and the United States.

Docket Number: OST–2001–9945.

Date Filed: June 15, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 6, 2001.

Description: Application of Air Nevada Airlines, Inc. d/b/a Pacific Wings, pursuant to 49 U.S.C. 41102 and subpart B, requesting a transfer of its certificate of public convenience and necessity to Pacific Wings, LLC to engage in interstate scheduled air transportation.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 01–16179 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Mountain Bird, Inc. d/b/a/ Salmon Air

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2001–6–18) Docket OST–00–8059.

SUMMARY: The Department of Transportation is proposing to find that Mountain Bird, Inc. d/b/a Salmon Air is fit, willing, and able, to provide commuter air service under 49 U.S.C. 41738.

RESPONSES: Objections and answers to objections should be filed in Docket OST–00–8059 and addressed to the Department of Transportation Dockets, PL–401, 400 Seventh Street, SW., Washington, DC 20590, and should be served on all persons listed in Attachment A to the order. Persons wishing to file objections should do so no later than July 5, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2343.

Dated: June 21, 2001.

Robert S. Goldner,

Special Counsel, Office of Aviation and International Affairs.

[FR Doc. 01–16085 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–00–8254]

Application of Orlando Air Link, Inc. for Issuance of Commuter Air Carrier Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 2001–6–19).

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding that Orlando Air Link, Inc., is fit, willing, and able, to provide commuter air carrier service under 49 U.S.C. 41738.

DATES: Persons wishing to file objections should do so no later than July 10, 2001.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–00–8254 and addressed to Department of Transportation Dockets (SVC–124, Room PL–401), 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Serig, Air Carrier Fitness Division (X–56, Room 6401) U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4822.

Dated: June 21, 2001.

Robert S. Goldner,

Special Counsel, Office of Aviation and International Affairs.

[FR Doc. 01–16178 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–9939]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Numbers 2115–0637, 2115–0054, and 2115–0585

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of three Information Collection Requests (ICRs). The ICRs comprise (1) Voyage-Planning for Tank-Barge Transits in the Northeast United States, (2), Welding and Hot-Work Permits; Posting of Warning Signs, and (3), Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks. Before submitting the ICRs to OMB, the Coast Guard is requesting comments on the items described below.

DATES: Comments must reach the Coast Guard on or before August 27, 2001.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2001–9939], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for these requests. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete ICRs are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on these documents; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document [USCG 2001–9939], and give the reason for the comments. Please submit all comments and attachments in an unbound format no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Request

1. *Title:* Voyage-Planning for Tank-Barge Transits in the Northeast United States.

OMB Control Number: 2115–0637.

Summary: The information collected for a voyage plan serves as a preventive measure and assists in ensuring the successful execution and completion of a voyage in the First Coast Guard District. This rule [33 CFR 165.100] applies primarily to towing vessels engaged in towing certain tank barges carrying petroleum oil in bulk as cargo.

Need: The information for a voyage plan will provide a mechanism for assisting vessels towing tank barges to identify those specific risks, potential equipment failures, or human errors that may lead to accidents.

Respondents: Owners and operators of towing vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 439 hours a year.

2. *Title:* Welding and Hot-Work Permits; Posting of Warning Signs.

OMB Control Number: 2115–0054.

Summary: The information collected here helps ensure that waterfront facilities and vessels are in compliance with safety standards. A permit must issue before welding or hot work on certain waterfront facilities; and the posting of warning signs is required on certain such facilities.

Need: The information is needed to ensure safe operations on certain waterfront facilities and vessels.

Respondents: Owners and operators of certain waterfront facilities and vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 226 hours a year.

3. *Title:* Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks.

OMB Control Number: 2115–0585.

Summary: The information helps us evaluate the safety of proposed alterations to marine portable tanks and of non-specification portable tank designs used to transfer hazardous materials during offshore operations, such as those on drilling rigs. Respondents will be those who wish to alter existing marine portable tanks or use non-specification portable tanks.

Need: Approval by the Coast Guard of alterations to marine portable tanks ensures that the altered tanks retain the level of safety to which they were originally designed. Further, rules' allowing for the approval of non-specification portable tanks ensures that the rules do not frustrate innovation and new designs.

Respondents: Owners of marine portable tanks and owners and designers of non-specification portable tanks.

Frequency: On occasion.

Burden Estimate: The estimated burden is 18 hours a year.

Dated: June 15 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–16185 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at San Antonio International Airport, San Antonio, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at San Antonio International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 27, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies tot he FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Kevin Dolliole, Manager of San Antonio International Airport at the following address: Mr. Kevin Dolliole, Director of Aviation, San Antonio International Airport, 9800 Airport Boulevard, San Antonio, TX 78216–9990.

Air carriers and foreign air carries may submit copies of the written comments previously provided to the Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person a this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at San Antonio International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal aviation Regulations (14 CFR part 158).

On June 19, 2001 the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 16, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: November 1, 2001.

Proposed charge expiration date: November 1, 2009.

Total estimated PFC revenue: $102,524,363.

PFC application number: 01–01–C–00–SAT.

Brief description of proposed project(s):

Projects To Impose PFC's

1.1 Residential Noise Attenuation Program
1.4 Construct ARFF Training Facility
1.5 Construct Three High-Speed Taxiways (Runway 12R/30L)
1.6 Extend Runway 21
1.10 Construct Concourse B
1.12 Construct Concourse B Elevated Roadway

Projects To Impose and Use PFC's

1.3 Construct RW 30L Holding Apron
1.7 Modify Wash Rack
1.8 Relocate Remain Over Night Apron
1.9 Terminal 1 and 2 Modifications
1.11 Reconstruct Perimeter Road

Proposed class or classes of air carriers to be exempted from collecting PFC's: Air Carriers holding a part 135 certificate and Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch,

ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at San Antonio International Airport.

Issued in Fort Worth, Texas on June 19,2001.

Joseph G. Washington,

Acting Manager, Airports Division.

[FR Doc. 01–16182 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Texarkana Regional Airport, Texarkana AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Texarkana Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 27, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Stephen Luebbert, Manager of Texarkana Regional Airport at the following address: Mr. Stephen Luebbert, Airport Director, Texarkana Regional Airport, 201 Airport Way, Texarkana, AR 71854.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Texarkana Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 19, 2001 the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 11, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: August 1, 2004.

Proposed charge expiration date: June 1, 2005.

Total estimated PFC revenue: $125,891.

PFC application number: 01–03–C–00–TXK.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Enclose Drainage Ditch
2. Rehabilitate Apron
3. Rehabilitate Runway 4/22 Lighting
4. Acquire Airfield Sweeper
5. PFC Administrative Fees

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Texarkana Regional Airport.

Issued in Fort Worth, Texas on June 19, 2001.

Joseph G. Washington,

Acting Manager, Airports Division.

[FR Doc. 01–16183 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Williamson County, Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in the City of Franklin in Williamson County Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Doctor, Field Operations Team Leader, Federal Highway Administration, 640 Grassmere Park, Suite 112, Nashville, Tennessee 37211, Telephone: (615) 781–5788.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to extend State Route 397 (Mack Hatcher Parkway) in the City of Franklin in Williamson County, Tennessee. The proposed project will extend the existing Mack Hatcher Parkway circumferentially around the westside of the City of Franklin and will be constructed on new alignment for a distance of approximately 12.8 kilometers (8.0 miles). The extension will be constructed as a four lane divided, partial control of access highway.

The proposed extension of Mack Hatcher Parkway to the west is being developed as a transportation facility that will be capable of safely handling anticipated levels of future traffic growth within the study area. The proposed project is located within one of the fastest growing counties in Tennessee. This growth has placed a heavy burden on the existing transportation system and will continue to do so as projected development occurs within the study area. The completed circumferential route will help improve the overall local flow of traffic for the City of Franklin. The proposed extension will be developed to continue the geometry and operational characteristics of the existing parkway. Alternatives under consideration include (1) taking no action (no-build) (2) constructing a four-lane divided highway on new locations to complete the circumferential route and (3) other reasonable alternatives that may arise from public and agency input.

Initial coordination letters describing the proposed action and soliciting

comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A public hearing will be held upon completion of the Draft EIS and public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing. An agency scoping meeting and a public involvement meeting is planned as part of the scoping process for this project.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: June 18, 2001.

Charles S. Boyd,

Division Administrator, Tennessee Division, Nashville, Tennessee.

[FR Doc. 01–16144 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2001–9876]

Notice of Request To Renew Approval of an Information Collection:OMB No. 2126–0015 (Designation of Agents, Motor Carriers, Brokers and Freight Forwarders)

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

ACTION: Notice and request for comments.

SUMMARY: This notice announces that FMCSA intends to submit a request to the Office of Management and Budget (OMB) for renewed approval of the information collection described below. This information collection allows registered motor carriers, property brokers, and freight forwarders a means of meeting process agent requirements. This notice is required by the Paperwork Reduction Act.

DATES: Your comments must be submitted by August 27, 2001.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at *http://dmses.dot.gov/submit.* Be sure to include the docket number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comment is received, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Lee, (202) 358–7028, Insurance Compliance Division (MC–ECI), Federal Motor Carrier Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

OMB Approval Number: 2126–0015.

Background: The Secretary of Transportation is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FMCSA. Registered motor carriers, brokers, and freight forwarders must designate (1) an agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303); and (2) for every state in which they operate, agents on whom process issued by a court may be served in actions brought against the registered transportation entity (49 U.S.C. 13304). Regulations governing the designation of process agents are found at 49 CFR 366. This designation is filed with the FMCSA on Form BOC–3.

Respondents: Motor carriers, freight forwarders, and brokers.

Estimated Burden: The estimated average burden per response for Form BOC–3 is 10 minutes. The estimated total annual burden is 5,000 hours for Form BOC–3 based on 30,000 filings per year.

Frequency: Form BOC–3 must be filed when the transportation entity first registers with the FMCSA. Subsequent filings are made only if the motor carrier, broker, or freight forwarder changes process agents.

Public Comments Invited: We invite you to comment on any aspect of this information collection, including, but not limited to (1) whether the collection of information is necessary for the proper performance of the functions of the FMCSA, including whether the information is practical and useful; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the information collected.

Electronic Access and Filing: You may submit or retrieve comments online through the Docket Management System (DMS) at *http://dmses.dot.gov/submit.* Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8). The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site. You may also download an electronic copy of this document from the DOT DocketManagement System on the Internet at *http://dms.dot.gov/search.htm*. Please include the docket number appearing in the heading of this document.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.73.

Issued on: June 21, 2001.

Brian M. McLaughlin,

Acting Deputy Administrator.

[FR Doc. 01–16083 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements With Community-Based Organizations To Support Seat Belt and Child Safety Seat Use Among Sport Utility Vehicle Occupants

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of Discretionary Cooperative Demonstration Projects in

conjunction with the Buckle Up America Campaign to increase seat belt and child restraint education and use among occupants of sport utility vehicles.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a cooperative agreement program to provide funding to two communities in support of the Buckle Up America (BUA) campaign. The goal of this campaign is to increase the national seat belt use rate from 71 percent (November 2000) to 90 percent by 2005. NHTSA solicits applications from community-based organizations or coalitions interested in developing and implementing a community demonstration project characterized by a public information and education program coupled with highly visible law enforcement efforts designed to increase seat belt and child restraint use among occupants of sport utility vehicles (SUVs). Community-based organizations or coalitions of community organizations, state and local government agencies and non-profit organizations that promote injury prevention and safety programs are encouraged to apply.

DATES: Applications must be received by the office designated below on or before 2 p.m. on Wednesday, August 1, 2001.

ADDRESSES: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Dianne Proctor, 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–05257.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Dianne Proctor, Office of Contracts and Procurement, by e-mail at *dproctor@nhtsa.dot.gov,* or by phone at (202) 366–9562. Programmatic questions should be directed to Dr. Joseph Tonning, Occupant Protection Division, NHTSA (NTS–12), 400 7th Street, SW., Washington DC 20590, by e-mail at *jtonning@nhtsa.dot.gov,* or by phone at (202) 366–2695. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

SUPPLEMENTARY INFORMATION:

Background

In April 1997, the Buckle Up America (BUA) Campaign was established to increase the seat belt and child safety seat use rate nationwide. The current goals of the campaign are to increase the national seat belt use rate to 90 percent and to reduce the number of child occupant fatalities (0–4 years of age) by 25 percent (using 653 fatalities in 1996 as a baseline) by 2005. Traffic crashes are the single leading cause of death for Americans 1–24 years old and the third leading cause of death for Americans 25–44 years old. On average, every 13 minutes, someone in America dies in a traffic crash; every 10 seconds, someone is injured. Each year, these crashes result in $150 billion in economic costs, including $17 billion in medical care and emergency services expenses and $107 billion in lost productivity and property loss. The BUA Campaign advocates a four-part strategy: (1) Building public-private partnerships; (2) enacting strong legislation; (3) maintaining high visibility enforcement; and (4) conducting effective public education. Central to the campaign's success is the implementation of two major law enforcement mobilizations each year. These mobilizations, known as Operation ABC: America Buckles Up Children, are held in conjunction with the Air Bag & Seat Belt Safety Campaign in May and November, during the Memorial Day and Thanksgiving Day holidays.

Of the 32,061 vehicle occupant fatalities that occurred in 1999 in passenger cars and light trucks, 3,016 (9 percent) occurred in sport utility vehicles (SUVs). Concerns about the safety of SUVs have been publicized for several years. These concerns mainly deal with the increased propensity for rollover crashes in SUVs. Most SUVs have a higher center of gravity (due to a higher ground clearance) than other vehicle types. This higher center of gravity makes SUVs more likely to roll over. According to a 1998 NHTSA report, SUVs are twice as likely to roll over in a crash than passenger cars. Crash data in 1999 show that rollovers occurred in 37.8 percent of SUV crashes involving fatalities, compared to 25.7 percent of fatal pickup truck crashes and 18.6 percent of fatal van crashes. Among various vehicle types, passenger cars had the lowest rollover occurrence in fatal crashes: 15.8 percent.

Not only do SUVs have a higher rollover rate compared to passenger cars, SUVs also have a higher fatality rate in these rollover crashes. Sixty-three percent of SUV occupants killed in 1999 died when their vehicle rolled over, compared to 23 percent of passenger car occupants when their vehicle rolled over. Moreover, rollover deaths among passenger car occupants decreased between 1999 and 2000, but rollover deaths among occupants of SUVs increased 2.8 percent from 1,898 in 1999 to 1,951 in 2000. Light trucks (such as SUVs) also have a higher ejection rate in crashes compared to other vehicle types. NHTSA data from 1996–99 show that, for fatal crashes, the ejection rate for occupants of light trucks is twice that for occupants of passenger cars. Many fatalities seen among SUV occupants could have been prevented had more of these occupants been restrained in seat belts or age-appropriate child safety seats. Of the 3,016 SUV occupants who died in 1999, two-thirds (1,997) were completely unrestrained.

A 2000 NHTSA report found that for occupants of light trucks, lap/shoulder seat belts, when used, reduce the risk of fatal injury by 60 percent and moderate-to-critical injury by 65 percent. Seat belts are even more effective in reducing fatalities in rollover crashes: this same report estimates that seat belts, when used, are 80 percent effective in decreasing fatalities in these crashes. Rollover crashes claimed the lives of 1,898 SUV occupants in 1999—almost two-thirds of all SUV occupant fatalities that year. Despite the effectiveness of seat belts in reducing fatalities and injuries, however, the national seat belt use rate among occupants in the front seating positions of SUVs/vans in November 2000 was only 74 percent. This rate of seat belt use varies significantly among geographical regions: 82 percent in the West, 72 percent in the South, 71 percent in the Northeast, and 70 percent in the Midwest.

A 1998 survey revealed some demographic information about SUV purchasers/leasers. The average SUV customer is male (64 percent), married (76 percent), aged 45 years, in a household with an income of $94,400, and the head of the household (84 percent). A 1998 NHTSA telephone survey indicated that 67 percent of SUV owners surveyed had completed at least some college. Although the primary SUV customer is male, women are beginning to enter the SUV market because of their perception that SUVs are safer and provide better visibility. Owners of minivans and SUVs are more likely to have children than owners of any other automotive category.

Occupants of SUVs historically have had relatively high rates of seat belt use, compared to occupants of other vehicle types. However, increasing seat belt use among SUV occupants is important because SUVs are an increasingly popular form of transportation in America. The SUV market accounted for 7 percent of vehicle sales in 1990, compared to 19 percent in 1999, and is

expected to continue as one of the fastest growing segments of the motor vehicle industry. The growth in SUV sales, the increased rollover risk, and the higher likelihood of children being transported in these vehicles all lend support to the importance of this initiative in helping to meet the goals of the BUA Campaign.

Objectives

To help achieve the goals of the BUA Campaign, NHTSA is planning two cooperative demonstration projects designed to increase seat belt and child restraint use among owners and occupants of SUVs. Cooperative Agreements will be awarded in two geographically separate communities for this purpose. Each project will consist of a two-part strategy of public information and education supported by a highly visible law enforcement component. The objective of increasing restraint use and decreasing fatalities and injuries of SUV occupants will be met by:

1. Developing and Implementing a Community-Wide Public Information and Education Campaign. The cooperative agreement recipient will be expected to coordinate an intense, community-wide public information and education campaign that focuses on the effectiveness of seat belts and child safety seats in preventing deaths and injuries in motor vehicle crashes. This campaign should convey the importance of being properly restrained whenever riding in any vehicle, but the need for SUV occupants to be properly restrained at all times shall be given special emphasis due to the increased risk of rollover crashes in SUVs. A major element of this campaign will be that motorists must adhere to their State's seat belt and child passenger safety laws to avoid receiving a traffic citation. The public information and education campaign should also contain messages regarding safe driving techniques for SUVs to avoid rollover crashes and should discuss factors (such as sharp curves or adverse weather conditions) which can increase the chances of a rollover crash. The recipient will be expected to form partnerships with representatives in educational, judicial, law enforcement, public health, and media agencies and organizations within the community to disseminate these campaign messages. Additional partnerships with local business, medical, and emergency services communities should also be developed. Such agencies and organizations can then work within their respective professional areas to provide education and generate support for the campaign. Partnerships should also be established with organizations representing diverse populations within the community. All public information and education materials and campaign messages must be approved by NHTSA's Contracting Officer's Technical Representative (COTR) prior to release. For more information on effective public information and education campaigns to increase seat belt use, visit *http://www.nhtsa.dot.gov/people/injury/airbags/buckleplan/cases/NorthCarolina.html.*

2. Periodic ''Waves'' of High Visibility Enforcement. In addition to the community-based public information and education campaign described above, a plan that emphasizes periodic waves of high visibility enforcement of seat belt and child restraint laws will be developed. Indeed, strong, highly visible enforcement of restraint laws by local agencies will be at the core of this demonstration project to increase seat belt and child restraint use. No State has ever achieved a high seat belt or child restraint use without strong enforcement of such laws. To forge such a plan, this cooperative demonstration project should seek assistance from the Governor's SHSA representative, State police, and local law enforcement officials in the demonstration community. Enforcement activities shall focus on increasing restraint use among occupants of all vehicle types. It should be emphasized that, during enforcement waves and throughout this program, SUVs shall not be targeted for restraint use violations more than other vehicle types. However, law enforcement personnel will also be informed about the increased risk of rollover crashes in SUVs and the effectiveness of restraints in preventing deaths and injuries and, as a result of the public information and education campaign, law enforcement officers will be better able to give a rationale for a traffic stop when SUV occupants are not restrained. During such stops, law enforcement officers can (1) reiterate the 80 percent effectiveness of seat belts in reducing fatalities in SUV rollover crashes and (2) remind SUV drivers of safe driving techniques to avoid rollover crashes. Enforcement activities shall include, but shall not be limited to, participation in the national Operation ABC Mobilizations held each May and November. The case for conducting highly visible enforcement is well documented. The increase in Canada's seat belt use rate, after well-publicized enforcement efforts, is an excellent example of enforcement success: in July 2000, the seat belt use among drivers of passenger cars in Canada was 92.2 percent.

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 administration of the cooperative agreements and to approve all campaign and public information materials prior to release;

2. Provide information and technical assistance from government sources, within available resources and as determined appropriate by the COTR;

3. Act as a liaison between the cooperative agreement recipients and with other government and private agencies as appropriate; and

4. Stimulate the exchange of ideas and information among the cooperative agreement recipients through periodic meetings.

Availability of Funds and Period of Support

It is anticipated that two cooperative agreements will be awarded for a period of 24 months. The application should address what is proposed and can be accomplished during this period which includes evaluation and preparation of the final report. Funding will be in the amount of $350,000 for each demonstration, with $75,000 provided in fiscal year 2001 for each demonstration and the remaining $275,000 for each demonstration to be provided in fiscal year 2002, subject to the availability of funds. NHTSA estimates that the award of the two cooperative agreements will occur by September 30, 2001.

Federal monies allocated for cooperative agreements are not intended to cover all of the costs that will be incurred in the process of completing a demonstration project. Therefore, applicants should describe their commitment of financial and/or in-kind resources that will be used to complete their proposed demonstration project. Allowable uses of federal funds shall be governed by the applicable federal cost principles.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement program, an applicant must be an agency or organization poised to conduct a community-wide public information and education campaign and to participate in or coordinate law enforcement mobilizations designed to

increase seat belt and child restraint use. Community-based coalitions or organizations that promote injury prevention, especially traffic safety may apply. Such community coalitions/organizations include, but are not limited to: law enforcement agencies, public health and safety organizations, education organizations, media groups, organizations representing diverse populations, local private-sector organizations, and non-profit organizations. Applicants must represent a demonstration community with a population of at least 200,000 but not exceeding 600,000 based upon Census 2000 data of the U.S. Census Bureau.

Application Procedure

Each applicant must submit one original and two copies of their application package to: NHTSA, Office of Contracts and Procurement (NAD–30), ATTN: Dianne Proctor, 400 7th Street, SW., Room 5301, Washington, D.C. 20590. Submission of four additional copies will expedite processing, but is not required. Applications must be typed on one side of the page only. Applications must include a reference to NHTSA Cooperative Agreement Program No. DTNH22–01–H–05257. Only complete application packages received on or before 2:00 p.m. on Wednesday, August 1, 2001 will be considered.

Application Contents

1. The application package must be submitted with OMB Standard Form 424 (Rev. 7–97), Application for Federal Assistance, including 424A, Budget Information—Nonconstruction Program, and 424B Assurances—Nonconstruction Programs, with the required information filled in and the certified assurances included. The OMB Standard Forms SF–424, SF–242A and SF424B may be downloaded directly from the OMB website at *http://www.whitehouse.gov/omb/grants/.* While the Form 424–A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed costs. A supplemental sheet should be provided which presents a detailed breakdown of the proposed costs (direct labor, including labor categories, level of effort and rate; direct material, including itemized equipment; travel and transportation, including projected trips and number of people traveling; subcontracts/subgrants with similar cost detail, if known; and overhead costs), as well as any resources which the applicant and/or other coalition participant proposes to contribute in support of this effort. The budget should be a two-year plan.

2. The application package must also include a program narrative statement which does not exceed 25 pages, excluding letters of endorsement and resumes, and which addresses the following:

a. A description of the demonstration community which includes demographic information and a description of law enforcement agencies that have traffic enforcement jurisdiction in the community. The proportion of SUVs in the demonstration community in relation to other vehicle types (pickup trucks, passenger cars, and minivans) in that community should be provided based on data regarding the number of registered vehicles in the community.

b. A detailed explanation of the proposed plan to develop and conduct a community-wide public information and education campaign regarding the extreme importance of seat belt use among occupants of all vehicle types, but especially among SUV occupants. The plan shall identify strategies for participation in Operation ABC Mobilizations and plans to conduct waves of highly publicized seat belt and child passenger safety enforcement. A description of efforts to address training needs (i.e., differential enforcement or diversity sensitivity) should be included; such knowledge would help law enforcement officers in partnering with the community when the demonstration project is underway. This section shall include a list of project activities in chronological order to show the schedule or planned accomplishments and their target dates. The applicant shall identify the various participating community agencies/organizations and their involvement in the demonstration project. Letters of support from participating community partners shall be included. Documentation of existing public and/or political support must be included (e.g., endorsement of applicable law enforcement agencies, community health organizations, Mayor or other chief executive officer, etc.). In addition, a letter demonstrating support and coordination with State plans must be provided by the Governor's Representative or his/her designee in the State Highway Safety Agency (SHSA).

c. An evaluation section which describes how the recipient will evaluate and measure the project activities and outcomes. Increases in observed seat belt and child safety seat use among SUV occupants are the ultimate measures of success. However, evaluation of the specific elements of the public education and information component and law enforcement component of the program should be performed to provide an assessment of the program's effectiveness.

(1) Data for measuring the activities and effectiveness of the public information and education campaign include, but are not limited to: (i) Level of earned media coverage; (ii) level of paid media coverage, and (iii) results of pre- and post-program surveys (on-site or telephonic) regarding awareness of occupant restraint issues, especially those for SUV occupants. Data sources should be identified and collection and analysis approaches should be described. Sample data collection forms and instructions (in-person, telephone, and seat belt observation survey forms) are available from NHTSA that can be customized by the recipient. A booklet entitled Achieving a High Seat Belt Use Rate: A Guide for Selective Traffic Enforcement Programs is available at *http://www.nhtsa.dot.gov/people/injury/research/index.html.*

(2) Data for measuring the activities and effectiveness of law enforcement efforts include, but are not limited to: (i) The number of seat belt and child safety seat citations issued; (ii) the number of officer hours or special enforcement efforts during the mobilization or enforcement periods, DWI arrests, and other non traffic related crimes; (iii) increases in the number of law enforcement personnel trained to enforce occupant protection laws; (iv) community participation in Operation ABC Mobilizations; (v) increased perception of ongoing enforcement and public education activities (may be obtained from the on-site or telephone surveys conducted to measure effectiveness of the PI&E campaign in the preceding paragraph); (vi) incentive programs to complement enforcement efforts, and (vii) pre- and post-program observational seat belt surveys. Data sources should be identified and collection and analysis approaches should be described.

d. A detailed description of the applicant's previous involvement in community-based coalitions to promote injury prevention and especially traffic safety in the past and how this experience will assist the applicant in the demonstration project. The applicant should describe any prior media campaigns and/or work with media professionals in conducting public outreach, as well as any past participation in highly publicized enforcement or participation in Operation ABC Mobilizations. Prior

experience in working with educational, judicial, law enforcement, and public health and safety organizations within the community should be described, as well as partnerships with organizations representing diverse populations within the community.

e. A personnel section which identifies the proposed project coordinator and other key personnel necessary to perform the public information campaign, enforcement activities and evaluation component shall be provided. This section shall include a description of their qualifications, the nature of their contribution, their respective organizational responsibilities, and the proposed level of their effort.

Review Process and Criteria

Initially, each application will be reviewed to confirm that the applicant meets the eligibility requirements and that the application contains all of the information required by the Application Contents section of this notice. Each complete application from an eligible applicant will then be evaluated by a NHTSA Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. Project Plan: The overall soundness and feasibility of the demonstration community project plan and the potential effectiveness of the described public information and education campaign and highly visible law enforcement activities to increase seat belt and child safety seat use among occupants of sport utility vehicles (SUVs) (50 percent).

2. The applicant's planned partnerships with other community agencies/organizations promotes the requisite participation among those groups considered necessary to conduct an effective community demonstration project. In addition, the applicant's prior successful experience with community-based coalitions demonstrates the necessary organizational skills to effectively coordinate the proposed project (30 percent).

3. The proposed personnel resources demonstrate effective project coordination capability and the requisite breadth of expertise to successfully perform the described activities that will result in increasing seat belt and child safety seat use among occupants of sport utility vehicles (SUVs) (20 percent).

Terms and Conditions of Award

1. Prior to award, the recipients must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restriction on Lobbying, and 49 CFR part 29, Department of Transportation Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

2. During the effective period of the cooperative agreements awarded as a result of this Notice, the agreements shall be subject to NHTSA's General Provisions for Assistance Agreements (7/95).

3. Reporting Requirements and Deliverables

a. Quarterly Reports, which shall be due 15 days after the end of each quarter, shall be submitted to document project efforts and results. The reports should include up-to-date information summarizing accomplishments during the quarter including: data gathered to-date (such as earned and paid media events, observation and awareness surveys, and enforcement data); obstacles or problems encountered and proposed solutions; noteworthy activities, events or successes; and funds and in-kind contributions expended to date. The quarterly reports will form the basis for the final report to disseminate the lessons learned and successes of the recipient. The COTR will approve invoices upon receipt of each quarterly report.

b. Draft Final Report: The recipient shall prepare a draft Final Report that includes a complete description of the overall project implementation, including a project time-line; the activities conducted, including partners; data collection efforts; evaluation methodology; and findings from the program evaluation. In terms of information transfer, it is important to know what worked and what did not work, under what circumstances, and what can be done to avoid potential problems in future projects. The report should provide information that will be helpful in assembling a ''Best Practices'' guide for use by other communities. 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.

c. 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. For the final report, the Grantee shall supply the COTR:

—A camera ready version of the document as printed.

—A copy, on appropriate media (diskette, Syquest disk, etc.), of the document in the original program format that was used for the printing process.

Note: Some documents require several different original program languages (e.g., PageMaker was the program format for the general layout and design and Power Point was used for charts and yet another was used 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, Power Point files should be clearly identified by both a descriptive name and file name (*e.g.,* 1994 Fatalities—chart1.ppt).

—A complete version of the assembled document 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 in the PDF format that will actually be placed on the WWW. The document would be completely assembled with all colors, charts, side bars, photographs, and graphics. This can be delivered to NHTSA on a standard 1.44 diskette (for small documents) or on any appropriate archival media (for large documents) such as a CD ROM, TR–1 Mini cartridge, Syquest disk, etc.

—Four additional hard copies of the final document.

d. The recipients may be requested to conduct an oral presentation of their respective project activities for the COTR and other interested NHTSA personnel. For planning purposes, assume that these presentations will be conducted at the NHTSA Office of Traffic and Injury Control Programs, Washington, D.C. An original and three copies of briefing materials shall be submitted to the COTR.

Issued on: June 21, 2001.

Susan Gorcowski,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 01–16040 Filed 6–26–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–00–7666; Notice 2]

Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipelines)

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: OPS has been meeting with representatives of the natural gas pipeline industry, research institutions, State pipeline safety agencies and public interest groups, to understand how integrity management principles can best be applied to improve the safety of gas pipelines. A public meeting was held on February 12–14, 2001, in Arlington, VA, to present the results of analyses and discussions, identify issues, and obtain public comments. By this notice we are seeking further information and clarification, and inviting further public comment about integrity management concepts as they relate to gas pipelines. This notice also announces commencement of an electronic public discussion forum on gas pipeline integrity management issues on the office of Pipeline Safety's internet home page.

DATES: Interested persons are invited to submit written comments by August 13, 2001. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Submit written comments by mail or delivery to the Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. The Dockets Facility is located on the plaza level, Room PL–401, of the US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. It is open from 10 a.m. to 5 p.m., Monday through Friday, except federal holidays. All written comments should identify the docket and notice numbers stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard.

Electronic Access

The Internet address for the electronic discussion forum is http://ops.dot.gov/forum. The electronic discussion forum is discussed below under the subheading ''More Information Needed on Gas Integrity Management Program.''

You also may submit written comments to the docket electronically at the following web address: http://dms.dot.gov. To file written comments electronically, after logging onto http://dms.dot.gov, click on ''Electronic Submission.'' You can read comments and other material in the docket at this Web address.

FOR FURTHER INFORMATION CONTACT: Mike Israni (tel: 202–366–4571; E-mail: mike.israni@rspa.dot.gov). General information about our pipeline safety program is available at this Web address: http://ops.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

We have stated previously (most recently at 66 FR 848; Jan. 4, 2001), that we are issuing integrity management program requirements for pipelines in several steps. RSPA began the series of rulemakings by issuing requirements pertaining to hazardous liquid operators. A final rule applying to hazardous liquid operators with 500 or more miles of pipeline was published on December 1, 2000 (65 FR 75378). This rule applies to pipelines that can affect high consequence areas (HCAs), which include populated areas defined by the Census Bureau as urbanized areas or places, unusually sensitive environmental areas, and commercially navigable waterways. We have proposed a similar rule for hazardous liquid operators with less than 500 miles of pipeline (66 FR 15821; March 21, 2001).

We are now considering integrity management concepts that could most effectively be applied to gas transmission pipelines. OPS has been meeting with representatives of the gas pipeline industry, research institutions, State pipeline safety agencies and public interest groups, to gather the information needed to propose an integrity management program rulemaking pertaining to gas operators. Since January 2000, there have been nine meetings with State agencies, representatives of the Interstate Natural Gas Association of America (INGAA), the American Gas Association (AGA), Battelle Memorial Institute, the Gas Technology Institute (GTI), Hartford Steam Boiler Inspection and Insurance Company, and operators covered under 49 CFR Part 192. (See DOT Docket No. 7666 for summaries of the meetings.) We also have met separately with Western States Land Commissioners, National Governors Association, National League of Cities, National Council of State Legislators, Environmental Defense Fund, Public Interest Reform Group, and Working Group on Communities Right-To-Know.

On February 12–14, 2001, we held a public meeting in Arlington, VA, on integrity management in high consequence areas for natural gas pipelines and enhanced communications about hazardous liquid and gas pipelines. At this meeting, reports on the status of industry and government activities on how to improve the integrity of gas pipelines were featured and meeting attendees participated in in-depth discussions on the integrity of gas pipelines. The reports can be found in the DOT docket (#7666) and the OPS web site under Initiatives/Pipeline Integrity Management Program/Gas Transmission Operators Rule.

At the public meeting, industry and State representatives presented their perspectives on a number of issues relating to integrity management. Several members of the public also made comments. Presentation topics included:

- Considerations for defining HCAs affected by gas pipelines
- Evaluation of design factors currently used for gas transmission pipelines
- Evaluation of performance history and experience with the impact zone in gas transmission failures
- Integrity management best practices and relationship between incident causes and industry practices
- Options for various forms of direct assessment of the integrity of gas pipelines; their costs and effectiveness
- Basis for establishing test pressure intervals
- Appropriateness of using pressure (stress) to differentiate integrity standards for pipelines
- Status of research activities
- Status of development of new national consensus standards

These presentations can be viewed on the OPS web site under Initiatives/Pipeline Integrity Management Program/Gas Transmission Operators Rule.

Objectives

RSPA's objective in developing a rule on gas pipeline integrity management is to evaluate and address threats posed by pipeline segments in areas where the consequences of potential pipeline accidents pose the greatest risk to people and their property and to provide additional protections in these areas. We had a similar objective when we developed the recently issued rules on liquid pipeline integrity management programs, although environmental protection also played a larger role in those rules. We also want to minimize any actual adverse impact of a new safety requirements on the supply of natural gas to customers.

Scope of an Eventual Gas Integrity Management Rule

Our current thinking is that any standards we eventually propose on gas integrity management will apply to all gas transmission lines and support equipment, including lines transporting petroleum gas, hydrogen, and other gas products covered under Part 192.

Elements of an Eventual Gas Integrity Management Rule

We believe that to fulfill our objectives, any rule that we propose on integrity management programs for gas operators would need to address the following seven elements. We used similar elements in developing the liquid integrity management rules. Our treatment of these elements will be based on certain hypotheses that are discussed below. We welcome comment about these elements and hypotheses.

1. Define the areas where the potential consequences of a gas pipeline accident may be significant or may do considerable harm to people and their property. (We are calling these high consequence areas).

• Data from sites where gas pipelines have ruptured and exploded have shown that the range of impact of such explosions is limited. Therefore, the area in which near by residents may be harmed or their property damaged by potential pipeline ruptures can be mathematically modeled as a function of the physical size of the pipeline and the material being transported (typically, but not exclusively, natural gas).

• Because gas pipeline operators are required to maintain data on the number of buildings within 660 feet of their pipelines, the definition of potentially high consequences areas where additional integrity assurance measures are needed should incorporate these data.

• The range of impact from the rupture and explosion of very large diameter (greater than 36 inches) high pressure (greater than 1000 psi) gas pipelines is greater than the 660 feet currently used in the regulations.

• Special consideration must be given to protect people living or working near gas pipelines who would have difficulty evacuating the area quickly (*e.g.,* schools, hospitals, nursing homes, prisons).

• Because of the relatively small radius of impact of a gas pipeline rupture and subsequent explosion, and the behavior of gas products, environmental consequences are expected to be limited. At this time, OPS has little information that would indicate the definition of high consequence areas near gas pipelines should include environmental factors.

• Given that pipeline operators maintain extensive data on the distribution of people near their pipelines, OPS intends for operators to use these data, together with a narrative definition of a high consequence area (that OPS will define), to identify the specific locations of high consequence areas. For OPS to map high consequence areas for public and regulatory use, operators will have to provide data (hard copy or digital) on the location of people living near their pipelines as an attribute associated with the pipeline geospatial features. For any operator not able to provide these data, OPS would, instead, rely on census data to complete the maps of high consequence areas to be used for gas integrity purposes. OPS is using this data to map the high consequence areas defined in the liquid integrity management rule.

2. Identify and evaluate the threats to pipeline integrity in each area of potentially high consequences.

• Effective integrity management begins with a comprehensive threat-by-threat analysis. One approach divides potential threats to pipeline integrity into three categories: time dependent (including internal corrosion, external corrosion, and stress corrosion cracking); static or resident (including defects introduced during fabrication of the pipe or construction of the pipeline); and random (including third party damage and outside force damage). In addition, human error can influence any or all of these threats.

• Identification and evaluation of the significance of threats to pipeline integrity must involve the integration of numerous risk factors. Such risk factors include, but are not limited to, pipe characteristics (*e.g.,* wall thickness, coating material and coating condition; pipe toughness; pipe strength; pipe fabrication technique; pipe elevation profile); internal and external environmental factors (*e.g.,* soil moisture content and acidity, gas operating temperature and moisture content); operating and leak history (*e.g.,* pipe failure history, past upset conditions that have introduced moisture into the gas); land use (*e.g.,* active farming, commercial construction, residential construction); protection history (*e.g.,* corrosion protection data, history of third party hits and near misses, effectiveness of local One Call systems); and the degree of certainty about the current condition of the pipeline (*e.g.,* age of the pipe, completeness of integrity-related records, available inspection data).

• Pipelines having threats that represent higher risks should generally be assessed sooner than those with threats that represent lower risk.

• Numerous studies and analyses on leak vs. rupture thresholds of natural gas pipelines have shown that pipelines that operate at a stress level less than 30% SMYS fail differently (i.e., leak rather than rupture) from those operating at higher stress. Therefore, different integrity assurance techniques may be appropriate.

3. Select the assessment technologies best suited to effectively determine the susceptibility to failure of each pipe segment that could affect an area of potentially high consequences.

• An integrity baseline needs to be established for all pipe segments that could affect an area of potentially high consequences. An operator will need to evaluate the entire range of threats to each pipeline segment's integrity by analyzing all available information about the pipeline segment and consequences of a failure on a high consequence area. Based on the type of threat or threats facing a pipeline segment, an operator will choose an appropriate assessment method or methods to assess (i.e., inspect or test) each segment to determine potential problems.

• Time dependent threats will also require periodic inspection to characterize changes in their significance.

• Acceptable technologies for assessing integrity include in-line inspection, pressure testing and direct assessment. None of these technologies individually is fully capable of characterizing all potential threats to pipeline integrity.

• OPS is co-sponsoring with industry and state agencies an evaluation of direct assessment technology to determine the conditions under which direct assessment is effective in assessing external corrosion. The validity of direct assessment in assessing other threats (*e.g.,* internal corrosion, stress corrosion cracking) is also being explored.

• Static threats will require pressure testing at some time during the life of the pipeline. If significant cyclic stress, such as that caused by large pressure fluctuations, is present, then pressure testing, or an equivalent technology, will be required periodically throughout the life of the pipeline.

• Random threats will require the use of two parallel integrity management approaches. The vast majority (over 90%) of ruptures caused by random threats occur at the time when the threat is imminent (*e.g.,* when the excavator hits the pipeline). Therefore, the use of risk management practices (or technologies) to prevent damage or to immediately identify the potential for damage would be more effective than looking for evidence of past damage. Secondly, since some random threats do not result in immediate pipeline rupture, technologies that look for evidence of past damage after the threat

has occurred should be focused in areas where delayed failure is most likely.

• Threats related to human error will be addressed largely, but not completely, through the new Operator Qualification Rule. An integrity management rule may need to address more specific problems.

4. Determine time frames to conduct a baseline integrity assessment and to make any needed repair using a graded (tiered) approach where assessment and repair are prioritized according to risk.

• The time frame for conducting the baseline assessment should be based on a graded or tiered approach where pipeline segments are prioritized for assessment according to the level of risk they pose. Thus, highest risk segments would be scheduled for assessment first, lowest risk last. A schedule for taking remedial action on the pipeline segment after the assessment would also be based on risk factors.

• The time frame for conducting the baseline assessment should, among other factors, consider the impact on gas supply to residents. This could also be a factor in determining if a variance from the required time frame is warranted.

• The sequence in which the segments are prioritized for assessment should be determined by considering information such as, how much pipe is in areas of potentially high consequences, which of these pipe segments represent the highest risk, which threats for these segments represent significant risks, how much time will be needed to develop the infrastructure to perform the required assessments (e.g., validate the required assessment technologies, develop consensus standards for the application of these technologies, expand the industry capability to deploy and effectively use these technologies to assess pipeline integrity). If the assessment finds potential problems, the schedule for making the repairs would also be based on risk factors.

5. Identify and implement additional preventive and mitigative measures appropriate to manage significant threats.

• Assuring a pipeline's integrity requires more than simple periodic inspection of the pipe. Most threats, including passive threats such as third party damage, require active management to prevent challenges to integrity. Therefore, active integrity management practices are necessary. Some operators already go beyond the current pipeline safety regulations by implementing integrity management practices such as ground displacement surveys, soil corrosivity analysis, gas sampling and sampling and analysis of liquid removed from pipelines at low points.

• Preventive and mitigative measures include conducting a risk analysis of the pipeline segment to identify additional actions to enhance public safety. Such actions may include damage prevention practices, better monitoring of cathodic protection, establishing shorter inspection intervals, installing Remote Control Valves (RCVs) or Automatic Shut-Off Valves (ASVs) on pipeline segments. Some operators, particularly hydrogen pipeline operators, have voluntarily installed ASVs on their pipelines at short intervals as a mitigative measure.

6. Continually evaluate and reassess at the specified interval each pipeline segment that could affect an area of potentially high consequences using a risk-based approach. The evaluation considers the information the operator has about the entire pipeline to determine what might be relevant to the pipeline segment.

• Managing a pipeline's integrity requires periodic reassessment of the pipeline. The time frame appropriate for this reassessment depends on numerous factors (see Element 2 above). In the current class location change regulation, gas pipeline operators are required to replace pipe segments with thicker-walled or stronger pipe (or decrease pressure) as the near-by population increases above threshold levels. This requirement for thicker-walled or stronger pipe in areas of higher population might indicate that a longer reassessment interval would be appropriate where corrosion is the dominant threat.

• If critical risk factor data are not available to support evaluation of risks, then the reassessment interval should be appropriately shortened to reflect that absence of knowledge.

• If an operator has developed a comprehensive picture of past and anticipated threats, including detailed information on risk factors and records of multiple assessments carried out over several years, the operator might be able to justify a longer reassessment interval.

• The periodic evaluation is based on an information analysis of the entire pipeline.

7. Monitor the effectiveness of the management process designed to provide additional assurance of integrity in areas where the consequences of potential pipeline accidents are greatest.

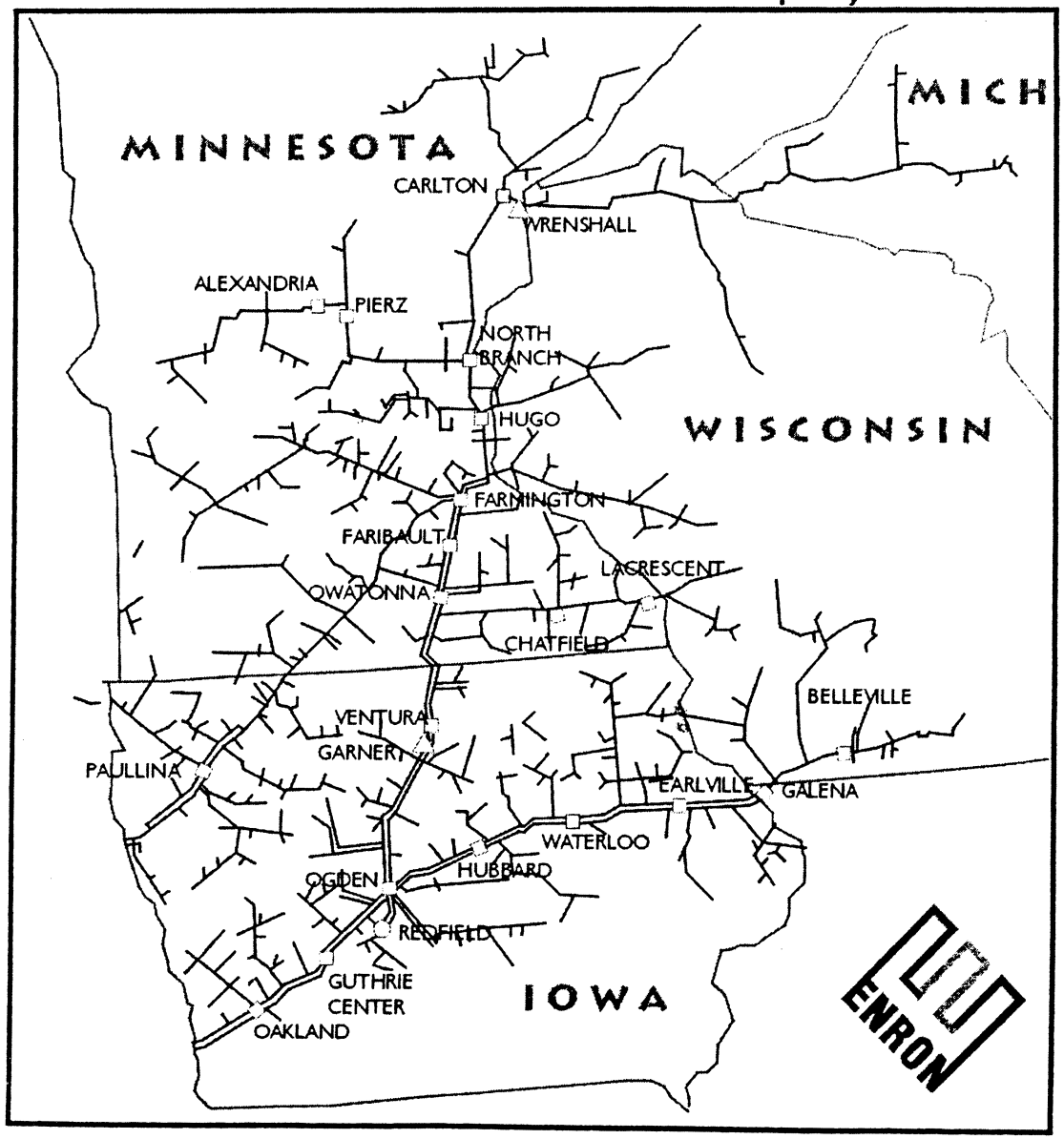
• Measures can be developed to track actual integrity performance as well as to determine the value of assessment and repair activities.

• Application of integrity management technologies that exceed current regulations is cost effective because many companies have made the decision to implement such programs.

Consideration of Impact on Gas Supply

Recent events, particularly in California and the Midwest, have highlighted the limitations of energy supply in certain parts of the country. Assessing pipelines using any of the technologies being considered may result in a restricted gas supply because of pipelines being taken out of service or by reduction in throughput. Some types of repairs will also require lines to be taken out of service. To illustrate, we have included a map (see sketch 1) of Northern Natural Gas Company's gas transmission pipeline, which supplies gas to the states of Iowa, Minnesota, Wisconsin, and Michigan. If an upstream segment of this gas transmission pipeline were put out of service temporarily for the test or repair, many communities located at the end of branch lines, which have sole source feed (i.e., have no other tie-in's from an alternative source), would be affected by the restricted gas supply. Therefore, in developing the time frames for the baseline assessment and continual reassessment intervals (or for allowing a variance), and the schedule for repairs, we will need to consider, among other factors, the actual adverse impact on the public of a restricted gas supply.

ENRON TRANSPORTATION SERVICE COMPANY
Northern Natural Gas Company



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Consideration of Impact on Gas Supply
(Sketch 1)

More Information Needed on Gas Integrity Management Program

We have summarized the areas where OPS is seeking further information in developing a proposed integrity management program rule for gas operators. The information needs are organized under nine categories, seven of which are the elements we see as essential to any integrity management program rule. We have added two other categories to identify areas where we need information to evaluate the effect of an integrity management rulemaking on costs and gas supply, both seasonally and regionally.

To help promote discussion of these issues, we have also developed an electronic discussion forum on OPS's Internet home page. The Internet address for this forum is http://ops.dot.gov/forum. Because of the way we have interspersed numerous questions throughout this document with extensive background and technical information, some commenters may find it difficult to find the areas they would like to comment on. The electronic forum will list all the areas where we have asked for comment so that commenters can easily focus on those areas of interest to them. The electronic forum will allow real-time electronic discussion for 45 days. We hope it will increase the breadth of participation in the commenting process. A transcript of the electronic discussion forum will be placed in the docket.

1. Define the Areas of Potentially High Consequence

Because the environmental consequences of a gas pipeline accident tend to be localized, OPS's approach to defining areas of potentially high consequences has focused on populated areas, particularly, areas of high population and areas where groups of people reside who may have difficulty evacuating an area.

Presently gas pipeline regulations are structured to provide increasing levels of protection, consistent with predetermined thresholds, where resident population is greater. Accordingly, operators of gas pipelines are required to monitor the number of dwellings within 660 feet of the pipeline, and either to lower operating pressure or to replace the pipe with one having greater wall thickness or strength as the number of dwellings increases above predefined thresholds.

The consequences of these requirements are that—

• Gas pipeline operators have excellent data on populations near their pipelines, and

• Pipelines operating in areas of higher population density (called Class 3 & 4) typically have thicker or stronger walls than those in lower population areas (called Class 1 & 2).

These factors, among others, differentiate gas pipelines from those that carry hazardous liquids.

In the technical sessions at the Public Meeting, INGAA and AGA presented a model that related gas pipeline diameter and operating pressure to the physical boundaries of the area impacted by the heat from a gas pipeline rupture and subsequent fire (*i.e.*, the heat affected zone). C–FER, a research and consulting organization from Canada, developed the model. C–FER validated this model by comparing the predicted heat affected zones with those actually observed in several historic gas pipeline accidents.

The model predicted that the extent of the heat affected zone for pipelines of up to 36 inches diameter and operating at pressures up to 1000 psi would be less than 660 feet. Rupture of larger pipelines that are operating at a higher pressure would lead to a larger heat affected zone. To develop both the 660-foot and the 1000-foot limits, C–FER used a mathematical model of a burning jet of natural gas emitted from a ruptured pipeline. Using the results of the model, INGAA and AGA suggested High Consequence Areas be defined as—

• All Class 3 & 4 locations as presently defined in the pipeline safety regulations;

• All locations where within 660 feet of the pipeline there are facilities housing people with impaired mobility (e.g., schools, day care centers, assisted living facilities, prisons, and hospitals);

• All locations where within 1000 feet of a pipeline that operates at pressures exceeding 1000 psi and has diameter greater than 30 inches there are facilities housing people with impaired mobility.

Critical Heat Flux

The INGAA/AGA analysis (developed by C–FER) used 5000 btu/hr-ft^2 as the critical heat flux for defining the impact radius. However, National Fire Protection Association (NFPA) Standard 59A and 49 CFR Part 193 both use 4000 btu/hr-ft^2 as the critical heat flux value. OPS recognizes that the critical heat flux is only one element in the equation that relates pipe diameter and maximum operating pressure to the extent of the heat affected zone, and that C–FER validated this equation by comparing the predicted heat affected zones with those actually observed in several past gas pipeline incidents. However, additional information would be useful on—

• The source of the critical heat flux used in the analysis.

• Other standards in which the 5000 btu/hr-ft^2 value is used, as well as standards in which the 4000 btu/hr-ft^2 is used.

• The size of the heat affected zone in the vicinity of a ruptured hydrogen pipeline.

Housing

INGAA advocated that a high consequence area be limited to areas within an impact zone (discussed above) where there are more than 25 houses or a facility housing people with impaired mobility. OPS would like comment on whether an impact zone should be so limited, and if so, whether 25 houses is a reasonable number.

Other Considerations

OPS is seeking information to evaluate the reasonableness of including or excluding in a definition of high consequence areas—

• All populous areas where the impact radius of a pipeline rupture would be predicted to exceed 660 feet.

• High traffic roadways, railways, and places where people are known to congregate (churches, beaches, recreational facilities, museums, zoos, camping grounds, etc.). For example, the recent gas pipeline rupture near Carlsbad, New Mexico occurred in an unpopulated area. Twelve people died in that incident.

• Areas of environmental significance. Although environmental consequences of a gas pipeline incident may be localized, we recognize, nonetheless, that a gas release can ignite and cause damage to wildlife species (animal and plants), and their habitat in the area. We seek information to determine what, if any, environmental considerations need to be addressed. Also of importance is whether these areas can be readily identified so that they can be mapped—similar to how OPS is mapping unusually sensitive environmental areas for the liquid pipeline high consequence areas.

Mapping

OPS is creating the National Pipeline Mapping System (NPMS), a database that contains the locations and selected attributes of natural gas transmission lines and hazardous liquid trunk lines and liquified natural gas facilities operating in the United States. Submission of this information has been voluntary. At present, OPS has been provided data on pipe locations for 82% of liquid pipelines but only 40% of gas

pipelines. OPS has also been mapping for hazardous liquid operators the high consequence areas defined in the liquid integrity management rule. These areas include populated areas, unusually sensitive environmental areas, and commercially navigable waterways.

These maps are useful to pipeline operators and for community and state needs. OPS is committed to continuing to provide this information. OPS intends to map the high consequence areas that it defines in a gas integrity management rule, similar to how it is mapping these areas for the liquid operators. OPS expects operators to provide their pipeline data on both high consequences areas and non-high consequence areas. This information could be in digitized form or in hard copy. OPS would expect gas operators to submit the high consequence area data as an attribute associated with the pipeline geospatial features. For operators not supplying the population data, OPS is considering using the census data that it used to map the population component of the high consequence areas for the liquid integrity rule. If an operator relies on this census-based data, the operator should be required to supplement the census data with other pertinent data in identifying gas high consequence areas. Operators would submit all data according to the NPMS standards. OPS seeks input on the impact of this strategy. OPS would also like comment on whether local distribution companies (LDCs) would prefer to use this census-based population data to define their high consequence areas.

2. Identify and Evaluate the Threats to Pipeline Integrity in Each Area of Potentially High Consequences

One of the key concepts advanced at the Public Meeting was the need to select the right assessment tool for each significant threat. In the INGAA presentation, threats were divided into three categories: time dependent (e.g., internal and external corrosion), static or resident (e.g., cracking introduced during fabrication of the pipe or construction of the pipeline), and random (e.g., third party damage or outside force damage). INGAA further maintained that each category of threat has technologies (or practices) useful for managing the associated risk. For example, time dependent threats would require periodic inspection and static threats would require hydrostatic testing at some time during the life of the pipeline (assuming that no significant cyclic stress—such as strong pressure fluctuations—was present). For random threats, such as third party damage and outside force, INGAA said that the right tool would involve use of risk management technologies (or practices) to prevent damage or to immediately identify the potential for damage, rather than to look for evidence of past damage. Preventive technologies or practices might include third party damage prevention and monitoring of ground movement. INGAA argued that preventive technologies and practices are needed for these random threats because the likelihood of immediate rupture when the event occurs dominates the risk.

Before an appropriate technology can be selected to assess each significant threat, a determination or definition of what constitutes a significant threat has to be made. OPS would like comment on what best defines a threat as significant.

Corrosion

The most prevalent time-dependent threat is corrosion. Several technologies exist or are in development both to prevent corrosion and to identify the potential for damage from corrosion. OPS is seeking information on the factors or combinations of factors that provide the clearest indication that corrosion is a significant risk to pipeline integrity.

Third Party Damage

The most significant threat in areas of high population is third party damage. The vast majority (over 90%) of ruptures caused by third party damage occur when the threat occurs (i.e., when the excavator hits the pipeline). However, a small fraction of third party damage failures do occur well after the impact. Therefore, technologies that look for evidence of past damage after the threat has occurred should be focused in areas where delayed failure is most likely. OPS is seeking further information on the combination of material properties and/or operating conditions that could increase the susceptibility of pipelines to delayed failure following third party damage. For example, thick walled, high toughness pipe can sustain a strike from a third party with a much lower likelihood of immediate rupture than other pipe. In combination with some source of cyclic fatigue, such pipe can be much more susceptible to delayed rupture from third party damage. Pipelines with these characteristics in areas where the likelihood of third party damage is high need to be assessed for residual damage.

OPS also is seeking information on pipeline industry efforts to explore new technologies capable of recognizing or preventing third party damage and to incorporate proven technologies into company integrity management plans.

Special Conditions

The presence of one or more critical risk factors often indicates a significantly increased likelihood of other failure modes or threats. For example, pre-1970 ERW piping is known for seam cracking and subsequent rupture. Such seam cracking is difficult to detect using standard pigging technologies. In addition, thick walled, high toughness pipe can sustain a strike from a third party with a much lower likelihood of immediate rupture than other pipe. In combination with some source of cyclic fatigue, such pipe can be much more susceptible to delayed rupture from third party damage. Further, some pipelines operating at elevated temperature in a potentially corrosive environment may be especially susceptible to stress corrosion cracking. OPS is seeking information on any special characteristics that can influence pipeline risk and mode of failure. The presence of these special characteristics may necessitate the use of specially designed assessment technologies.

Erosion

Some commenters have pointed out soil erosion as a potential threat to pipeline integrity. OPS is seeking information on the conditions under which soil erosion has been a significant failure mode, including the possibility of erosion exposing the pipeline to external damage from passing water-born debris, and on the practices useful to prevent failure resulting from soil erosion.

Operator Error

Several questioners at the public meeting emphasized the need to address operator error in compromising pipeline integrity. INGAA responded that the new Operator Qualification Rule addresses the primary impacts of operator error on pipeline integrity. INGAA further said that each of the three categories of failure causes (i.e., time-dependent, random, and static or resident), the summary of failure causes developed by Kiefner and Associates, and the preventive and mitigative practices documented by Hartford Steam Boiler address operator error. (The Kiefner and Hartford Steam Boiler reports can be viewed on the OPS web site under Initiatives/Pipeline Integrity Management Program/Gas Transmission Operator Rule). Given these initiatives to address operator error, OPS is seeking information on how best to address remaining integrity-related human error

concerns in an integrity management rule. In particular, OPS is interested in—

- The potential for increased error in conducting assessments and interpreting results resulting from the expanded application of assessment technologies and interpretation of assessment results that are likely to result from an integrity management rule, and
- Increased demands on the time of experienced staff to integrate risk factor information to identify significant threats requiring assessment.
- How to increase reporting of error within a company.
- How to ensure that lessons are learned from error and incidents.

Treatment of Storage Fields

Storage fields have been the source of pipeline integrity problems for decades. OPS is seeking information to help identify the cause of and prevent piping-related failures associated with storage fields that could affect high consequence areas.

OPS is also interested in information on the gas pipeline industry's efforts to reinvigorate the National Association of Corrosion Engineers' (NACE) standard setting or develop guidance focused on gas storage fields.

Low Stress Pipelines

The American Gas Association (AGA) and American Public Gas Association (APGA) maintain that—

- Pipelines operating at a stress level below 20% specified minimum yield strength (SMYS) are of low enough risk that they should not be covered by a gas integrity management program rule, and
- For pipelines operating between 20% and 30% SMYS, integrity management practices other than internal assessment, hydrostatic testing and direct assessment are adequate. (Direct assessment is a term coined by the gas pipeline industry. The term is described in greater detail below).

OPS is seeking the following information to determine how best to treat low stress pipelines in an integrity management rule.

- Actual data on the leak and rupture history (presented by failure mode) of natural gas pipe operating below 20% SMYS and between 20% and 30% SMYS.
- Comparisons of this leak and rupture history information with the corresponding information for higher stress piping (by failure mode).
- A more thorough discussion of the process that AGA is advocating for companies operating low stress pipelines to follow to provide added assurance of integrity. Questions to be addressed include—
- Are risk profiles to be developed and maintained for low stress pipe segments that could affect high consequence areas?
- How would such risk profiles be used to support decisions on which segments require application of more extensive assessment technologies?
- What actions would be taken in response to findings?
- What means should be used to evaluate the potential consequences associated with pipe segments that fail by leaking? (e.g., Where does the potential for accumulation of leaked gas increase the likelihood of an explosion ultimately occurring as a result of an undetected leak?)
- What would be appropriate baseline and reassessment intervals for low stress lines (for those operating below 20% SMYS and those operating between 20–30% SMYS)?

3. Select Appropriate Assessment Technologies

INGAA maintains that gas pipeline integrity can be effectively assessed using one or more of three approaches: in-line inspection, hydrostatic testing and the direct assessment process. (The direct assessment process is discussed below). INGAA further maintains that selecting an assessment technology should be based on an analysis of all relevant risk factors to determine which threats represent the most significant risks.

Correspondence Between Threats and Assessment Technologies

To ensure that integrity management programs are designed to address the full spectrum of failure causes (threats), OPS is seeking information on the correspondence between assessment technologies and the threats they are designed to detect. Available information on the range of effectiveness of each technology would also be beneficial.

Experience With In-Line Inspection

OPS is seeking information on experience with using in-line inspection (ILI) technology. Relevant information would include the number, type and severity of features or defects discovered as a function of the technology employed, risk factors that were present, and when and how the defects were acted on. These data could help us in determining the potential number of incidents prevented through the use of ILI technology. We are also seeking data on estimated costs associated with implementing ILI technology.

Effectiveness of Pressure Testing

INGAA contends that a pressure test conducted at any time during the life of a pipeline provides adequate assurance that so-called static or resident defects (e.g., cracking introduced during fabrication or construction) are no longer an integrity concern. The premise behind this position is that gas pipelines do not typically operate under cyclic pressure loading of sufficient magnitude to promote crack growth. Therefore, a hydrostatic or pressure test conducted at any time during the life of the pipeline will forever eliminate any concern about the risk from static or resident defects. INGAA has not claimed that a once-in-a-lifetime pressure test will eliminate concern for other types of threats such as time-dependent (e.g., corrosion) or random (e.g., third party damage). OPS is seeking information on conditions (other than changes in cyclic pressure loading) in which the premise that a once-in-a-lifetime pressure test will eliminate the risk from static or resident defects does not apply.

Incentives To Increase the Piggability of Lines

OPS is interested in promoting the appropriate expanded use of in-line inspection (or pigging) technologies. Therefore, OPS is seeking information on the current and near-term expected mileage of gas transmission lines that can be pigged, as well as on financial (or feasibility) barriers to making other lines piggable.

Direct Assessment

Direct assessment is a structured process for assessing pipeline integrity. While OPS focus on direct assessment at this stage is on assessing external corrosion, work is in process to explore its application to internal corrosion and stress corrosion cracking. The process has four basic steps:

1. A comprehensive integrative analysis of risk factor data is used to determine whether direct assessment will apply, what threats are likely to be significant, where these significant threats are likely to be present, and what tools are best suited to characterize pipe condition. Candidate data for integration include:
- Pipe characteristics (e.g., wall thickness, coating material and condition, pipe toughness, pipe strength, pipe fabrication technique, pipe elevation profile);
- Internal and external environmental factors (e.g., soil moisture content and acidity, gas operating temperature and moisture content);
- Operating and leak history (e.g., pipe failure history, past upset

conditions that have introduced moisture into the gas);

• Land use (e.g., active farming, commercial construction, residential construction);

• Protection history (e.g., cathodic protection system and history, history of third party hits and near misses, effectiveness of local One Call systems);

• The degree of certainty about the current condition of the pipeline (e.g., age of the pipe, completeness of integrity-related records, available inspection data).

2. An above ground examination is made of the pipeline using one or more direct assessment tools to identify areas where coating defects (holidays and disbondment) are likely to exist and whether or not active corrosion is likely to be present.

3. Excavation (digging bell holes) is used to expose the pipe in areas suspected to be experiencing active corrosion, then the pipeline is examined visually, and other evaluative techniques such as ultrasonic testing are used.

4. Information from all available excavations is integrated and generalized to determine whether and where additional bell holes should be dug to seek out additional potential active corrosion.

Validation Process and Research & Development Efforts on Direct Assessment

The individual technologies employed in direct assessment have been utilized for pipeline integrity assessment for many years. However, the use of these technologies in an integrated process that includes analysis of risk factor data is new. Also, some new tools such as Direct (or Alternate) Current Voltage Gradient (DCVG or ACVG), Pipeline Current Mapper, C-Scan and C-Spin are being introduced. Therefore, the industry has undertaken a validation process designed to determine both the conditions under which direct assessment is most effective and the effectiveness of the overall process. OPS is providing funding for this project along with extensive project oversight. Process effectiveness will be evaluated by comparing the results from direct assessment technologies with the results from bell hole examinations and with the results from in-line inspection of the same segments. Between 15–25 pipeline operators are participating in this validation study by contributing existing assessment data and developing new data from application of the technologies. State agencies are involved in reviewing the data.

OPS is seeking the following information on the direct assessment process:

• How direct assessment can be validated and applied for external and internal corrosion, including applications for dry and wet gas lines;

• The need where there are multiple threats on the same segment of pipeline for complementary supporting assessment techniques, or for additional corrective and mitigative actions, to address the multiple threats;

• Whether there are conditions where direct assessment may not be possible or may not give accurate information;

• The statistical basis for validating the external and internal corrosion direct assessment process as well as the justification for this basis;

• How direct assessment can be applied and evaluated for stress corrosion cracking;

• Available standards to support the use of all types of direct assessment that are envisioned;

• The most important risk factors that should be considered in analyzing the applicability of each direct assessment technology to each threat.

• The process for information integration as it relates to direct assessment.

• The application of direct assessment to uncoated pipeline.

Local distribution companies

AGA and APGA contend that because local distribution company (LDC) transmission pipelines are typically so closely coupled to the distribution system, hydrostatic testing would result in significant service interruptions, and pigging would be highly uneconomical if even possible. In a white paper released since the public meeting, AGA and APGA have described what alternative technologies are available, and why alternatives provide adequate protection for these lines. (This paper can be found on the OPS web site under Initiatives/Pipeline Integrity Management Program/Gas Transmission Operator Rule and in the DOT docket.)

4. Determine Time Frames To Conduct a Baseline Integrity Assessment and To Complete Repairs Following an Assessment Using a Graded (Tiered) Approach That Prioritizes Pipeline Segments Based on Risk

A time frame will have to be determined for operators to conduct a baseline assessment of their pipe segments using a graded or tiered approach. Under this approach, an operator would prioritize all applicable pipeline segments for assessment based on the risk the segments pose to the high consequence areas. The risk would be determined from risk factors. A schedule for completing repairs of the segments after the assessment would also be based on risk factors. One of the factors in developing the required time frame, or establishing variances from the required time frame, would be the need to maintain gas supply to the public.

Baseline Assessment

The INGAA presentation did not discuss a time frame for a baseline assessment. To help develop a required baseline assessment schedule that considers the various risk levels for each pipe segment to be assessed, OPS is seeking the following information.

• Practical considerations of establishing a graded (or tiered) approach for conducting a baseline assessment. A graded approach is one where baseline assessments of the highest risk pipeline segments are conducted as soon as possible with baseline assessments for lower risk segments completed subsequently. Risk would be determined from risk factors, whether specified, operator-developed or a combination.

• The time required for the industry to mobilize (e.g., develop models and perform needed risk analysis, complete demonstration of needed technologies, train and qualify the resource base needed to support a baseline assessment).

• Information on the impacts to the gas supply and to the cost of gas if a time frame for completing a baseline assessment were required, for example, a time frame of 5, 10 or 15 years.

• Repair criteria currently being considered. Criteria would include time frames for competing repairs following an assessment.

5. Identify and Implement Additional Preventive and Mitigative Measures

INGAA submitted a report (prepared by the Hartford Steam Boiler Inspection and Insurance Company) that summarizes the range of threats identified as causing failure in gas pipelines, the management practices industry is using to manage these threats, and the research contributing to the understanding of the threats. (This report is available in the DOT docket and on the OPS web site under Initiatives/Pipeline Integrity Management Program/Gas Transmission Operator Rule.)

• OPS is seeking unattributed examples of typical decision processes that an operator uses to manage threats to pipeline safety by implementing discretionary preventive or mitigative technologies or practices such as those

discussed in the Hartford Steam Boiler report.

As part of the integrity management process, an operator would need to take additional measures to prevent and mitigate the consequences of a pipeline failure in high consequence areas. In the liquid integrity management rule, operators are required to conduct a risk analysis of each pipeline segment to identify additional measures to enhance safety and environmental protection. For gas pipelines, additional preventive and mitigative measures could include actions such as damage prevention best practices, better monitoring of cathodic protection, establishing shorter inspection intervals, and installing Remote Control Valves (RCVs) and Automatic Shutdown Valves (ASVs) on pipeline segments.

• OPS is seeking information on the effectiveness, technical feasibility, economic feasibility, and reduction of risk with RCVs and ASVs.

6. A Process for Continual Evaluation and Assessment to Maintain a Pipeline's Integrity

Integrity assurance involves periodic assessment of the integrity of each pipeline segment within a high consequence area, periodic evaluation of the entire pipeline to determine threats relevant to the pipeline segment, and repair of problems.

Periodic Reassessment

Times frames need to be developed for an operator to periodically assess the integrity of its pipeline segments. At the public meeting, INGAA recommended a periodic reassessment interval for all technologies (i.e., in-line inspection, direct assessment and hydrostatic testing) of 10 years for pipe of thickness typically used in Class 1 & 2 locations, and 15 years for pipe of thickness typically used in Class 3 & 4 locations. INGAA said these reassessment intervals were conservative estimates of the maximum time between pipeline inspections to prevent failure of the largest defect and that they were developed based on very conservative assumptions on corrosion growth rate that were checked against both analysis and experience data. INGAA further explained that these reassessment intervals assumed that at the beginning of the interval, the pipe thickness was not less than that of new pipe appropriate for the class location. Thus, there would be variations in the actual reassessment interval depending on the assessment technology. INGAA noted that an operator might be able to extend the reassessment interval based on its knowledge of and demonstrated control over the principal risk factors for its pipeline, but that if any of the data on key risk factors were missing, then an operator would need to develop a shorter reassessment interval.

OPS is seeking information to help it determine appropriate periodic reassessment intervals. This information could include examples detailing a proposed reassessment interval following a successful baseline assessment and repair of problems found during the assessment. These examples could use the INGAA proposed intervals or any other, such as those required in the liquid pipeline integrity management rules. The examples could also factor in repair criteria used to re-mediate problems found during the baseline assessment.

In some cases pipelines have been designed for placement in Class 3 and 4 locations by using steel with greater toughness and strength rather using pipe having greater wall thickness. These pipelines are no less susceptible to corrosion damage; therefore, OPS is considering whether a reassessment interval should be defined by the wall thickness rather than by the Class location for a pipeline segment. OPS would also like information on how a reassessment interval would factor in the impact of increased ligament strength where higher strength pipe is used rather than thicker pipe.

Repairs

Following the reassessment, an operator would have to schedule repairs on the pipeline segments. This would be done by prioritizing the anomalies found during the assessment for evaluation and repair. The schedule, which would be risk-based, would need to provide time frames for evaluating and completing repairs. In the liquid integrity management rule, we provided time frames for an operator to complete repair of certain conditions on a pipeline following an assessment. For those conditions not specified, we allowed the operator to provide time frames for evaluating and completing the repairs. The schedule was to be based on specified and pipeline-specific risk factors.

Comment is sought on the time frames to complete needed repairs and factors that need to be considered in establishing these time frames. One factor could be the impact on the gas supply. If no other guidance is available on scheduling repairs, OPS may develop a repair schedule similar to that used in the liquid integrity management rule.

Evaluation

A periodic evaluation looks at all available information about the entire pipeline to determine what could be relevant to the pipeline segment being examined. The frequency at which evaluations are conducted could be based on risk factors, either specified factors, operator-developed or a combination. We seek comment on how to determine frequency and how to ensure that information is analyzed on all threats to a segment.

Direct Assessment

OPS is seeking information on the logistics of rapidly expanded use of Direct Assessment technologies, particularly on whether the current pool of trained and qualified assessors would pose any constraint to industry's ability to rapidly expand the use of these technologies. This issue should also be considered in conjunction with any input on the best strategy for establishing a baseline assessment interval.

7. Monitor the Effectiveness of Pipeline Integrity Management Efforts

OPS is seeking information on how it could best monitor the effectiveness of operator integrity management efforts. Information is needed both on specific direct performance measures and on indirect measures derived from analysis of assessment results and corrective actions taken.

OPS and the industry have been criticized for an ineffective system that assembles incident data, analyses it for possible implications to other pipelines, communicates across the industry the general lessons and implications of the these incidents, and follows up to evaluate the effectiveness of operator incorporation of the general lessons from these incidents. Some work to address this issue is ongoing, such as revised reporting criteria. OPS is seeking input on potential additional actions that could be taken jointly by OPS and the industry to address this concern.

8. Consideration of Impact on Gas Supply

OPS needs information to evaluate the effect of new safety requirements on gas supply to residents. This is one of many factors that OPS will need to consider in establishing a baseline assessment time frame. Information is needed on how gas supply would be affected with baseline assessment time frames of 5, 10 and 15 years. The same information is needed for reassessment intervals of 5, 10, 15 and 20 years.

9. Other Issues Including Those Related to Cost/Benefit

Scope of Integrity Management Planning

Earlier in this document OPS explained its current thinking about the scope of a proposed integrity management rule. OPS would like comment about its underlying assumptions.

Cost Benefit Analysis

To support its cost benefit analysis, OPS is seeking additional information on the following topics:

- Benefits and costs of a company's active-in-line inspection and pressure testing programs. Information could include the results on safety such as the reduction of accidents or leaks.
- Benefits and costs of a company's integrity assessment program employing direct assessment technologies. Information could include the types of direct assessment that have been used or considered. The costs associated with the technologies. The results related to safety, such as the reduction of accidents or leaks reduced.
- The total mileage of gas transmission pipeline. The number of miles of gas transmission pipelines that have been hydrostatically tested to current standards. The number of miles of gas transmission pipelines that have been pigged at least once.
- The estimated average cost per mile to hydrostatically test a gas transmission pipeline. The fraction of this cost that is associated with taking the line out of service. Ways to minimize the cost associated with taking the line out of service, such as using existing looping.
- The estimated average cost per mile to internally inspect a gas transmission pipeline. The fraction of this cost that is associated with taking the line out of service. Ways to minimize the cost associated with taking the line out of service, such as using existing looping.
- The percentage of an operator's pipelines that are not capable of being pigged. The reasons the pipeline is not piggable, for example, because it is telescopic, has sharp radius bends, or has less than full opening valves The costs to make the line piggable.
- Impacts on small businesses. The impacts an integrity management rulemaking will have on the company. Include any special concerns that RSPA should consider in addressing impacts on small businesses. Include whether there are alternative requirements for small businesses that are less onerous.
- The estimated average cost per mile to use direct assessment on a gas transmission pipeline. The assumptions this estimate includes on the number of bell holes required per mile.
- The estimated average cost per mile to change out a gas transmission pipeline to comply with existing class location regulations. The number of miles per year that are typically replaced to comply with this regulation.
- The best available data on the actual costs associated with reported gas pipeline incidents.
- An inventory of pipeline mileage for pipe having diameter greater than or equal to 30 inches and MAOP greater than or equal to 1000 psi.

Standards

During the public meeting, INGAA stated that consensus standards represent a practical way to institutionalize both the use of new technology and the effective application of existing technology. INGAA said that standards currently being developed should provide detailed information for operators in implementing any integrity management rule that is eventually issued.

OPS is seeking information on the schedule the Standards Organizations have for completing the various standards that relate to integrity management that are expected to be prepared, particularly the standards on conducting integrity assessments and repair criteria. The current ''draft'' Schedule on Standards is found at the end of this Notice.

Industry Data Analysis

We believe that data sources outside OPS incident data should be considered in developing risk analysis and assessment intervals. OPS seeks to better understand the extent to which data beyond these incident histories, including data from all incidents and near misses, were used to validate industry positions.

Issued in Washington, DC, on June 19, 2001.

Jeffrey D. Wiese,

Acting Associate Administrator for Pipeline Safety.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–492 (Sub–No. 2X)]

Fillmore Western Railway Company—Abandonment Exemption—in Fillmore County, NE

Fillmore Western Railway Company (FWRY) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to abandon a line of railroad between: (a) milepost 1.7 near Fairmont and milepost 10.0 near Geneva, NE; and (b) milepost 8.1 near Fairmont, NE, and milepost 23.0, near Milligan, NE, a distance of approximately 23.2 miles in Fillmore County, NE.[1] The line traverses United States Postal Service Zip Codes 68354, 68401, 68361, and 68406.

FWRY has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line in the past 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 27, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR

[1] Pursuant to 49 CFR 1150.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. While the applicant initially indicated a proposed consummation date of June 10, 2001, because the verified notice was filed on June 7, 2001, consummation may not take place prior to July 27, 2001. Applicant's representative has subsequently confirmed that the correct consummation date is on or after July 27, 2001.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 9, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 17, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: T. Scott Bannister, 1300 Des Moines Building, 405—Sixth Avenue, Des Moines, IA 50309.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

FWRY has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 2, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), FWRY shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by FWRY's filing of a notice of consummation by June 27, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: June 15, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15630 Filed 6–26–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Availability of Annual Report

Under section 10(b) of Public Law 92–463 (Federal Advisory Committee Act) notice is hereby given that the Fifth Annual Report of the Advisory Committee on the Readjustment of Veterans has been issued. The Report provides an assessment of veterans' readjustment needs, a review of the Department of Veterans Affairs' (VA) services and programs available to meet these needs and VA's comments regarding the actions recommended by the Committee.

It is available for public inspection at two locations:

Mr. Edward L. Malone, Jr., Federal Advisory Committee Desk, Library of Congress, Anglo-American Acquisition Division, Government Documents Section, Room LM–B42, 101 Independence Avenue, SE, Washington, DC 20540–4172,

and

Department of Veterans Affairs, Readjustment Counseling Service, VA Central Office, Suite 854, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: June 13, 2001.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–16107 Filed 6–26–01; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Wednesday,
June 27, 2001

Part II

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, et al.; Establishment of Marketable Quantity and Allotment Percentage; Reformulation of Sales Histories and Other Modifications Under the Cranberry Marketing Order; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Docket Nos. FV01–929–2 FR and FV00–929–7 FR]

Cranberries Grown in the States of Massachusetts, et al.; Establishment of Marketable Quantity and Allotment Percentage; Reformulation of Sales Histories and Other Modifications Under the Cranberry Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes a marketable quantity of 4.6 million barrels and an allotment percentage of 65 percent for the 2001–02 cranberry season which begins September 1. The marketable quantity is the total amount of fruit that handlers may purchase from, or handle for, growers during the season. Fresh and organically-grown cranberries are exempt from the volume limitations to facilitate marketing of these products. This final rule also modifies the way growers' sales histories are calculated (including deducting fresh sales), streamlines the sales history appeals procedure, adds a deadline for transfers of sales histories, clarifies the outlets for excess cranberries, and withdraws a proposed reinstatement of the June 1 allotment notification date. These actions are designed to stabilize cranberry market conditions, improve grower returns, provide for a more equitable allocation of the marketable quantity among growers, and improve the administration of the cranberry producer allotment program.

EFFECTIVE DATE: This final rule becomes effective June 28, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, DC Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, Suite 2A04, Unit 155, 4700 River Road, Riverdale, Maryland 20737; telephone: (301) 734–5243, Fax: (301) 734–5275; or Kathleen M. Finn, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 929 (7 CFR part 929), as amended, regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

Question and Answer Overview

When Will This Final Rule Be Effective?

The final rule is effective on June 28, 2001, and the volume regulation will apply to the 2001–2002 crop year which begins on September 1, 2001, and ends on August 31, 2002.

Who Will Be Affected by This Action?

Cranberry growers and handlers/processors located in the 10-State production area will be affected by this action. The 10-State production area covers Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Why Is Volume Control Being Implemented This Year?

In recent years, cranberry production has exceeded market demand, resulting in building inventories and dramatic declines in grower prices. In 2000, the Cranberry Marketing Committee (Committee) recommended the use of volume regulation to bring supplies more in line with demand. The Committee recommended using regulation again in the upcoming season to continue the effort to restore economic health to the cranberry industry.

The use of volume control is not the only avenue that is being used to address the current oversupply situation. The industry is also looking into methods of increasing demand by developing new markets, both domestic and foreign, developing new products, and increasing promotion efforts.

What Is Marketable Quantity and Allotment Percentage?

Marketable quantity is defined as the number of pounds of cranberries needed to meet total market demand and to provide for an adequate carryover into the next season. The marketable quantity for the 2001–2002 crop year is being established at 4.6 million barrels. Sales of fresh and organically-grown fruit are exempt from the volume regulation.

The allotment percentage equals the marketable quantity divided by the total of all growers' sales histories. Total growers' sales histories were set by the Committee at 7.1 million barrels. Using the formula established under the order (4.6 million barrels divided by 7.1 million barrels), the annual allotment percentage is 65 percent.

How Are Growers' Annual Allotments Calculated?

A grower's annual allotment is the result of multiplying the individual grower's sales history by the 65 percent allotment percentage.

How Will Sales Histories Be Calculated This Year?

The Committee is responsible for calculating each grower's sales history on an annual basis. The way sales histories are being calculated for the 2001–2002 season is modified so that the marketable quantity is apportioned more equitably among producers.

For growers with 7 or more years of sales history, a new sales history will be computed using an average of the highest 4 of the most recent 7 years of sales. For growers with 6 years of sales history, a new sales history shall be computed by averaging the highest 4 of the most recent 6 years.

For growers with 5 years of sales history, a new sales history will computed by averaging the highest 4 of the 5 years. Additional sales history will be added for acreage planted in 1995 or later in accordance with a formula developed by the Committee.

For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history will be computed by averaging the highest 4 of the 5 years and adjusting in accordance with the established formula. For growers whose acreage has 4 years of sales history, the sales history will be computed by averaging all 4 years and adjusting in accordance with the established formula. For growers whose acreage has 1 to 3 years of sales history, the sales history will be computed by dividing the total years' sales by 4 and adjusting in accordance with the established formula.

For growers with acreage with no sales history or for the first harvest of replanted acres, the sales history will be 75 barrels per acre for acres planted or replanted in 2000 and first harvested in 2001, and 156 barrels per acre for acres

planted or replanted in 1999 and first harvested in 2001.

In addition, fresh sales will be deducted from each grower's sales history. This is because fresh fruit sales are exempt from volume regulation.

Do Growers Have Recourse if They Are Not Satisfied With Their Sales History Calculation?

If growers are dissatisfied with their sales history as calculated by the Committee, they can appeal to the appeals subcommittee appointed by the Committee. If growers are not satisfied with the decision by the appeals subcommittee, they may further appeal to the Secretary of Agriculture. All decisions by the Secretary will be final.

Growers may appeal if they believe the figures used in the sales history calculation are incorrect or if they believe the calculation was incorrectly performed by the Committee staff.

Appeals should be filed with David N. Farrimond, General Manager, Cranberry Marketing Committee, 266 Main Street, Wareham, Massachusetts 02571; Telephone: (800) 253–0862; or Fax (508) 291–1511.

Executive Orders 12866 and 12988

The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order provisions now in effect, a marketable quantity and allotment percentage may be established for cranberries during a crop year. This rule establishes the quantity of cranberries that handlers may purchase from, or handle for, growers during the 2001–2002 crop year beginning September 1, 2001, through August 31, 2002. This rule also modifies the way growers' sales histories are calculated; streamlines the sales history appeal process; adds a deadline for transfers of sales histories; clarifies provisions pertaining to the use of excess cranberries; and withdraws a proposed reinstatement of the June 1 allotment notification date. This action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition.

The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Introduction

The U.S. cranberry industry is experiencing an oversupply situation. Recent increases in acreage and yields have resulted in greater supplies, while demand has remained fairly constant. The result has been building inventories and reduced grower returns.

In recent years, the Committee has been considering ways in which the marketing order could be used to address this situation. After much debate, the Committee recommended the use of volume regulation (in the form of producer allotments) during the 2000–01 season for the first time in over 30 years.

Based on industry experience during the 2000–01 season, the Committee recommended late last year to change some provisions of the order's rules and regulations pertaining to the producer allotment program. This was done to prepare for the possibility that volume regulation would be needed again in the 2001–02 season. The changes recommended were to modify the way in which growers' sales histories are calculated, clarify the fresh fruit exemption, modify the outlets for excess cranberries, and reinstate the June 1 allotment notification date. These changes were proposed in a rule published in the **Federal Register** on January 12, 2001 [66 FR 2838]. Comments on that proposed rule were due on February 12, 2001.

Subsequently, in a meeting held March 4–5, 2001, the Committee recommended establishing a marketable quantity of 4.7 million barrels and an allotment percentage of 67 percent for the 2001–02 season (with an exemption for fresh and organically-grown fruit). At that meeting, the Committee also recommended a further revision in the way sales histories are calculated, establishing a deadline for transfers of sales histories, and streamlining the sales history appeals procedure. These recommendations were included in a proposed rule published in the **Federal Register** on May 14, 2001 [66 FR 24291]. Also included in that rule were alternative proposals to establish a marketable quantity of 4 million barrels with an allotment percentage of 54 percent and no exemptions for fresh or organically-grown fruit; and to establish no volume restrictions for the upcoming season. In that rule, the Department also proposed withdrawing the reinstatement of the June 1 allotment notification date. Comments on the second proposed rule were due May 29, 2001.

This rule finalizes the actions proposed in both the January 12 and May 14 proposed rules.

History of the Marketing Order

The cranberry industry has operated under a Federal marketing order since 1962. The order's primary regulatory authority is volume regulation. At that time, production was trending sharply upward, due primarily to improving yields, and demand was not keeping pace. The intent of the program was to limit the volume of cranberries available for marketing in fresh market outlets in the United States and Canada, and in all processing outlets, to a quantity reasonably in balance with the demand in such outlets. This method of controlling volume was the ''withholding'' provisions whereby ''free'' and ''restricted'' percentages would be established. Growers would deliver all contracted cranberries to their respective handlers. Free cranberries could be marketed by handlers in any outlet, while restricted berries would have to be withheld from handling and, if possible, diverted by handlers to noncompetitive markets. The withholding program has not been used since 1971.

The order was amended in 1968 to authorize another form of volume regulation—producer allotments. The intent was to discourage new plantings and allow growers to remove surplus berries in a more economical manner, by reducing their production to approximate the marketable quantity or by leaving excess berries unharvested.

Production had continued to increase, and the industry was reluctant to recommend a sufficient restricted percentage under the withholding regulations. Under the producer allotment program, growers were issued base quantities. Base quantity was the quantity of cranberries equal to a grower's established cranberry acreage multiplied by such grower's average per acre sales made from the acreage during a representative period. If the allotment base program were activated, each handler would be allowed to acquire for normal marketing only a certain

percentage of each grower's base quantity. This authority was used to establish a regulation for the 1977–78 season, but that regulation was subsequently rescinded.

In 1992, the producer allotment provisions were amended to change the method of calculating growers' annual allotments from the base quantity method to a sales history method. Under this amendment, a grower's sales history is calculated based on a grower's actual sales, expressed as an average of the best 4 of the previous 6 years of sales. There were concerns that base quantities did not accurately reflect actual levels of sales because as growers' acreage increased or decreased, the base quantity did not change. It was concluded that basing allotments on actual sales off acreage would be a more realistic and practical way to determine annual allotments. These provisions were first used in the 2000–2001 season.

Producer Allotment Order Provisions

Section 929.49 of the order currently provides that if the Secretary finds from the recommendation of the Committee or from other available information, that limiting the quantity of cranberries purchased from or handled on behalf of growers during a crop year would tend to effectuate the declared policy of the Act, the Secretary shall determine and establish a marketable quantity for that year. In addition, the Secretary would establish an allotment percentage which shall equal the marketable quantity divided by the total of all growers' sales histories. The allotment percentage would be applied to each grower's individual sales history to derive each grower's annual allotment. Handlers cannot handle cranberries unless they are covered by a grower's annual allotment.

Section 929.48 of the order provides for computing growers' sales histories. Sales history is defined in § 929.13 as the number of barrels of cranberries established for a grower by the Committee. The Committee updates growers' sales histories each season. The Committee accomplishes this by using information submitted by the grower on a production and eligibility report filed with the Committee. The order sets forth that a grower's sales history is established by computing an average of the best 4 years' sales out of the last 6 years' sales for those growers with existing acreage. For growers with 4 years or less of commercial sales history, the sales history would be calculated (prior to the 2000–01 volume regulation) by averaging all available years of such grower's sales. A new sales history for a grower with no sales history is calculated by using the State average yield per acre or the total estimated commercial sales, whichever is greater. This section also provides the authority for calculating new sales histories for growers after each crop year where a volume regulation was established using a formula recommended by the Committee and approved by the Secretary.

Section 929.49 provides that the Committee must notify each grower of his or her annual allotment, and must notify each handler of the annual allotment that can be handled for each grower whose total crop will be delivered to such handler. In cases where a grower delivers to more than one handler, the annual allotment will be apportioned among those handlers.

The order provides for the transfer of any unused grower allotment to the grower's handler(s). The handlers are then required to equitably allocate the unused allotment to growers with excess cranberries (those not covered by allotment) who deliver to those handlers. Unused allotment remaining after all such transfers have taken place are transferred to the Committee.

Handlers who receive more cranberries than are covered by their growers' annual allotments have excess cranberries. The Committee is required to equitably distribute any unused allotment it receives to those handlers who have excess cranberries.

Section 929.59 defines excess cranberries as cranberries withheld by handlers after all unused allotment has been allocated. This provision also provides for handlers to notify the Committee by January 1 of a written plan to dispose of excess cranberries and to dispose of them by March 1. Section 929.61 of the order provides the authority for establishing outlets for excess cranberries.

Section 929.58 of the order provides for relieving from any or all requirements of the order the handling of cranberries in such minimum quantities as the Committee, with the approval of the Secretary, may prescribe. The exemption for fresh and organically-grown cranberries was implemented in 2000 under the authority in this section.

Marketable Quantity, Allotment Percentage and Sales Histories

Section 929.46 of the order requires the Committee to develop a marketing policy each year prior to May 1. In its marketing policy, the Committee projects expected supply and market conditions for the upcoming season, including an estimate of the marketable quantity (defined as the number of pounds of cranberries needed to meet total market demand and to provide for an adequate carryover into the next season).

The Committee's Marketing Policy for the 2001 Crop

At its February 2001 meeting, the Committee estimated 2001–2002 domestic production of cranberries at 5,675,000 barrels. Carryin as of September 1, 2001, was estimated at 3,325,000 barrels. Foreign production (primarily Canada) was projected at 835,000 barrels. Allowing for shrinkage of approximately 2 percent on carryin and 4 percent on production (327,000 barrels), the total adjusted available supply of cranberries was expected to be 9,508,000 barrels. Based in large part on historical sales figures, the Committee estimated utilization of processing fruit at 5,198,000 barrels and of fresh fruit at 310,000 barrels. The carryout as of August 31, 2002, was projected to be 4 million barrels.

A summary of the marketing policy follows:

CRANBERRY MARKETING POLICY

[2001 crop year estimates]

	Barrels
Carryin as of 9/1/2001	3,325,000
Domestic production	5,675,000
Foreign production	835,000
Available supply (sum of the above)	9,835,000
Minus shrinkage	327,000
Adjusted Supply	9,508,000
Fresh Fruit	310,000
Processing fruit	5,198,000
Total Sales and Usage	5,508,000
Carryout as of 8/31/2002	4,000,000

The industry was expected to enter the 2001–2002 crop year with inventories of about 3,325,000 barrels (assuming USDA purchases of 1.0 million barrels). This level of inventory, coupled with the industry's current capacity to produce in excess of estimated demand, resulted in the industry debating two volume regulation levels for the 2001–2002 crop year. These alternatives are discussed below.

Summary of Options

The rule published on May 14, 2001, proposed three options of volume regulation. The first option was recommended by the Committee to establish a marketable quantity of 4.7 million barrels and an allotment percentage of 67 percent. This percentage would be applicable to processed sales only since fresh fruit

and organically grown cranberries would be exempt.

The second option was recommended by a volume regulation subcommittee and supported by a number of mostly independent growers. This option would establish a marketable quantity of 4.0 million barrels and an allotment percentage of 54 percent. This percentage would be applied to all sales of cranberries.

Finally, a third option proposed by USDA would establish no volume regulation for the upcoming season. Cranberry growers and handlers would voluntarily and individually decide how much fruit to market.

Volume Regulation for the 2001–2002 Season

The Committee met on February 5, 2001, to discuss implementing a volume regulation to restrict the marketing of the 2001 cranberry crop. The Committee established a subcommittee to consider volume regulation alternatives to help the industry overcome its oversupply situation. Since 1996, cranberry production has been greater than demand by increasing margins. Large carryover inventories and higher production yields have resulted in a market burdened by large supplies and low grower prices. Grower returns have fallen 73 percent from 1997 to 2000, dropping from $65.90 to $15–20 per barrel.

During the 1999 crop year, production totaled 6.34 million barrels, a 17 percent increase over 1998. Market demand has not kept up with growing production, resulting in mounting carryover inventories.

The subcommittee, comprised of independent and cooperative growers, and a representative of the public, explored various options for helping to stabilize market supply and demand conditions in 2001–02. After analyzing various alternatives, the subcommittee decided to recommend the establishment of a marketable quantity of 4.0 million barrels applicable to all sales. The public representative on the subcommittee developed an econometric model showing that a marketable quantity of 4.0 million barrels would eliminate excess inventories in a single year and bring grower prices closer to the cost of production. A marketable quantity at this level would permit growers to deliver an estimated 54 percent of their sales history to handlers, keeping approximately 46 percent of their sales history off the market.

The econometric model shows that grower prices would increase to $31 per barrel. Under this scenario, inventories would decline to 2.325 million barrels. The estimated average cost of production is $35 per barrel, although the range in individual costs is quite broad, being as low as $15 and as high as $45 per barrel.

The subcommittee presented its recommendation to the full Committee at a March 4–5, 2001, meeting. At that meeting, the full Committee discussed the 4.0 million barrel marketable quantity. The Committee indicated that it was supportive of improving grower returns and reducing excessive inventories. However, it believed that a restriction this large would be harmful to the industry in the long run. The Committee believes that a more gradual correction in inventory and grower prices is necessary to allow efforts to expand demand through the introduction of new products and foreign market development. It further believes that a substantial price increase in a single season could result in buyers substituting other commodities for cranberries in their products.

It is also the Committee's view that the more restrictive level of regulation could result in a less than desirable carryover into the 2002 season. It is preferable to freeze and store cranberries for several months after harvest in October before processing them. Sales for the first 3 months of the season are estimated at about 2.0 million barrels.

In addition, most independent handlers oppose a regulation of this magnitude. There is concern that under a 4.0 million barrel marketable quantity, there would not be enough fruit to fill their needs. If independent handlers were short of fruit, and not able to meet the needs of their customers, they could lose market share.

While acknowledging that bringing grower prices to profitable levels is necessary as soon as possible, the Committee also believes that it is very important to provide enough fruit for market growth. The Committee ultimately recommended a marketable quantity of 4.7 million barrels to be implemented through an allotment program that would permit producers to move about 67 percent of their sales history to handlers, applied to processed fruit only. This would result in about 33 percent of sales histories being held off the market as opposed to approximately 46 percent under the 4.0 million barrel proposal. Fresh and organic sales would be exempt under this recommendation and add about 300,000 barrels to the available marketable supply.

The Committee believes that a 4.7 million barrel marketable quantity is a sustainable solution to eliminating the surplus, because it would contribute to reducing supplies in the short term and provide enough fruit to increase demand in the long term. The Committee believes that supply reduction and market growth are important to the long term viability of the industry.

Based upon an initial review of these alternative levels of regulation, the Department concluded that both could tend to effectuate the goals of the Act, which are to improve grower prices and establish more orderly marketing conditions. Additionally, the Department considered the possibility of having no volume restriction for the upcoming cranberry season, and allowing growers and handlers to individually and voluntarily decide how much fruit to market. Therefore, a proposed rule was issued which solicited comments on both levels of regulation as well as on the possibility of no regulation.

During the comment period, hundreds of comments were filed by cranberry growers, handlers and other interested parties. After analyzing all available information, including that received in response to the proposed rule, USDA has concluded that a volume regulation for the 2001–02 crop would be consistent with the purposes of the Act and the order. In addition, we have concluded that the regulation likely to provide more benefits to the industry in the short and long term is that which establishes a marketable quantity of 4.6 million barrels, an allotment percentage of 65, and an exemption for fresh and organically-grown fruit. The bases for these conclusions are set forth in detail later in this document.

It should be noted that the allotment percentage of 65 percent established by this rule is two percent below the 67 percent contained in the proposed rule. There are two reasons for this. First, the Department has determined that the marketable quantity recommended by the Committee should be reduced from 4.7 to 4.6 million barrels. At the time the Committee made its recommendation, USDA purchases during the current season (2000–01) were expected to reach 1.0 million barrels. It currently appears that this level will not be attained, resulting in more inventories being carried into the 2001–02 season. Estimates of total purchases to be made have been as low as 500,000 barrels. While it is not possible to project the exact level of USDA purchases, we need to be careful not to underestimate the shortfall because it would result in a lower volume of fruit available for sale in the upcoming season, which could impede

market growth efforts. Therefore, we are estimating that USDA purchases of cranberries will be at least 100,000 barrels below what was anticipated. For this reason, we are reducing the marketable quantity for the 2001 crop by that amount.

Additionally, at the time the proposed rule was issued, total sales histories were estimated at 7.0 million barrels. The current sales history total is 7.1 million barrels. The allotment percentage equals the marketable quantity divided by the total sales history. Reducing the marketable quantity and increasing the sales history total yields a slightly lower allotment percentage of 65 percent.

Exemption for Fresh and Organically-Grown Fruit

Fresh fruit and organically-grown cranberries are exempt from regulation this season. Fresh and organically-grown fruit are exempt pursuant to § 929.58 of the order which provides that the Committee may relieve from any or all order requirements cranberries in such minimum quantities as the Committee, with the approval of the Secretary, may prescribe. The provisions of the regulations concerning the fresh fruit exemption are also clarified by this action so that fresh fruit is handled as it was intended by the Committee.

Under current production and marketing practices, there is a distinction between cranberries for fresh market and those for processing markets. Cranberries intended for fresh fruit outlets are grown and harvested differently. Fresh cranberries are dry picked while cranberries used for processing are water picked. When cranberries are water picked, the bog is flooded and the cranberries that rise to the top are harvested. Dry picking is a more labor intensive and expensive form of harvesting.

Cranberry bogs are designated as ''fresh fruit'' bogs and are grown and harvested accordingly. Only the lower quality fruit from a fresh bog goes to processing outlets.

Fresh fruit accounts for less than 6.0 percent of total production. The Committee estimated that about 310,000 barrels will be sold fresh this year, compared to 280,000 barrels sold last season. All fresh cranberries can be marketed and do not compete with processing cranberries. Fresh cranberries are seasonal (due to their limited shelf life) and are not a part of the growing industry inventories. The Committee concluded that fresh supplies do not contribute in any meaningful way to the current cranberry surplus. Therefore, the Committee recommended that such cranberries be exempt from the allotment percentage for this season.

More specific provisions concerning the fresh fruit exemption are also being adopted under this action so that the intent of the fresh exemption is clear. The exemption provision specifies that only sales of packed-out cranberries intended for sale to consumers in fresh form are exempt from volume regulations. It is further clarified to state that fresh cranberries are also sold dry (either dry picked or dried after water picking) in bulk boxes, generally weighing less than 30 pounds. If fresh cranberries are diverted into processing outlets, the exemption does not apply.

Although the intent of the fresh fruit exemption in the 2000–01 volume regulation was to only exempt cranberries going to retail outlets as fresh cranberries, questions arose as to what constituted ''fresh'' under the regulations. For example, some growers expressed the desire to sell large bulk bins of wet cranberries to supermarkets. There was at least one report in 2000 of bulk wet cranberry sales to a retail outlet. This is not what was intended by the Committee. The Committee was concerned that wet cranberries sold in bulk bins would experience serious quality problems for retailers and consumers and thus, have a negative impact on the fresh marketplace. Another example is that some growers wanted to sell their excess cranberries as fresh cranberries to foreign markets, and it was thought that foreign customers could have an economic incentive to process the berries and sell them in direct competition with regulated cranberries in foreign markets. This also was not the intent of the exemption.

This action also establishes that growers be required to notify the Committee of their intent to sell fresh fruit in quantities over 300 barrels. It is important for the Committee to collect data on sales of fresh cranberries. However, it is not intended that small quantities be subject to reporting requirements.

Organically-grown cranberries comprise an even smaller portion of the total crop than fresh cranberries. The Committee estimated that about 1,000 barrels of organic fruit will be sold this season, compared to 450 barrels last season. Organic cranberries are a growing niche market and regulating them could have an adverse effect on the production and marketing of this product. Like fresh cranberries, demand for organic cranberries is in line with the current limited production. Thus, organic cranberries do not contribute in any meaningful way to the current oversupply experienced with processing fruit. The Committee, therefore, recommended that organically-grown cranberries be exempt from volume regulation during the upcoming season.

Organically grown cranberries are exempt from the 2001–2002 volume regulation. Such cranberries must be certified as organic by a third party organic certifying organization acceptable to the Committee. Handlers qualify for the exemptions by filing the amount of fresh and organic cranberry sales on the grower acquisition listing form.

In addition, fresh and processed fruit sales histories will be calculated separately by the Committee. This action is discussed in detail in the following portion of this document relating to sales history calculations.

Sales History Calculations

This rule modifies the way sales histories are calculated for the 2001–2002 season to apportion the marketable quantity more equitably among producers.

For growers with 7 or more years of sales history, a new sales history will be computed using an average of the highest 4 of the most recent 7 years of sales. For growers with 6 years of sales history, a new sales history will be computed by averaging the highest 4 of the most recent 6 years. For growers with 5 years of sales history, a sales history will computed by averaging the highest 4 of the 5 years. Additional sales history will be assigned to acreage planted in 1995 or later in accordance with the following table:

TABLE 1.—ADDITIONAL SALES HISTORY ASSIGNED TO ACREAGE

Date planted	Expected 2001 yield (bbl/acre)	Average sales history (bbl/acre)	Additional 2001 sales history per acre (bbl/acre)
1995	275	226	49
1996	275	158	117
1997	252	95	157
1998	222	39	183
1999	156	0	156
2000	75	0	75

For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history will be computed by averaging the highest 4 of the 5 years and adjusting in accordance with Table 1. For growers whose acreage has 4 years of sales history, the sales history will be computed by averaging all 4 years and adjusting in accordance with Table 1. For growers whose acreage has 1 to 3 years of sales history, the sales history will be computed by dividing the total years' sales by 4 and adjusting in accordance with Table 1.

For growers with acreage with no sales history or for the first harvest of replanted acres, the sales history will be 75 barrels per acre for acres planted or replanted in 2000 and first harvested in 2001, and 156 barrels per acre for acres planted or replanted in 1999 and first harvested in 2001.

The Committee discussed equity concerns that resulted when calculating sales histories during the 2000 volume regulation. Because sales histories are based on an average of past years' sales, newer growers could be restricted to a greater extent than more established growers. This is because a cranberry bog does not reach full capacity until several years after being planted. Using an average of early years' sales (which are low) can result in sales histories below future sales potential. A more established grower, on the other hand, would have a sales history more reflective of his or her production capacity.

The Committee and the Department gave much thought to the most equitable method of determining sales histories within the scope of the order. The final rule on volume regulation for the 2000 crop year was as flexible as the order would allow in alleviating the differential impact of the volume regulation on growers.

Section 929.48(a)(3) of the order provides for recalculating the method for determining sales histories for growers after a crop year during which a volume regulation has been established using a formula determined by the Committee with the approval of the Secretary. In light of this authority, the amendment subcommittee met several times and developed an improved method of assigning sales histories for newer acreage in the event volume regulations were implemented for the 2001–2002 season.

The modified method of calculating sales histories is expected to address concerns associated with using a grower's actual sales history without taking into account anticipated production when calculating annual allotments. Ideally, in a year of volume regulation, all growers' actual crops would be reduced by the same percentage. Because of uncertainties in making crop predictions, annual allotment calculations based on averaging growers' sales histories alone does not provide any adjustment for new acres as they rapidly increase production during the first several harvests. Therefore, growers can be impacted differently depending upon their particular situation. The result is that sales histories for growers with a significant number of acres being harvested for the first, second, third, or fourth time can be below what the average crop for these growers is expected to be during the next harvest. The restriction percentages for these growers in a year of volume regulation could therefore exceed the average allotment restriction percentage. The method being implemented by this rule addresses that issue by minimizing the differential impact among growers with newer acreage.

The revised formula provides a specified amount of additional sales history for newer acreage based on USDA and industry analysis of cranberry production. The amount of such additional sales history depends on the year of planting. Also, the formula takes into account different harvesting times for first year harvests by basing first year averages on the year planted.

The subcommittee recommended the new method of calculating sales histories to the full Committee. The Committee recommended this method at its August 28, 2000, Committee meeting. This recommendation was set forth in a proposed rule published in the **Federal Register** on January 12, 2001, (66 FR 2838) with a comment period ending February 12, 2001.

At a Committee meeting on February 5, 2001, concerns were raised that the proposed formula would give an unfair advantage to growers who only had acres with 1 to 3 years of sales history (as opposed to growers with mature acres combined with new or replanted acres). The Committee believed that these growers would be provided an adjusted sales history in excess of average yields. The Committee recommended that the proposal be modified to be more equitable to all growers by providing that growers with acreage with 1 to 3 years of sales histories divide their total sales by 4 instead of all available years and then be provided additional sales history in accordance with the formula for adjusting sales history.

The Committee's February 5 recommended modification to the sales history calculations was incorporated into the proposed rule for volume regulation published in the **Federal Register** on May 14, 2001 (66 FR 24291).

The revised method of calculating sales histories addresses the concerns of equity with the way sales histories were assigned under the 2000 volume regulation. The revised formula provides a specified amount of additional sales history based on USDA and industry analysis of cranberry production depending upon the year of planting. This formula provides additional sales histories for acreage planted in 1995 or later to reflect expected future production on newer or replanted acreage.

The modification recommended by the Committee in February does not change the formula that provides the additional sales history. The additional sales history will still be calculated using the figures in Table 1. Actual sales

histories for growers with only 1 to 3 years of sales history (and no mature acres) will be computed by dividing the total years' sales by 4 before the new acreage adjustment is added, just as every other grower's sales history is calculated. The formula already compensates these growers by providing additional sales history as if the grower also had mature acres and divided the sales history by 4.

Therefore, § 929.149 is modified as follows: For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history is computed by averaging the highest 4 of the 5 years and adjusting in accordance with Table 1; For growers whose acreage has 4 years of sales history, the sales history is computed by averaging all 4 years and adjusting in accordance with Table 1; For growers whose acreage has 1 to 3 years of sales history, the sales history is computed by dividing the total years sales by 4 and adjusting in accordance with Table 1.

Segregation of Fresh Fruit From Sales History Calculations

Fresh fruit sales will be deducted from sales histories and each grower's sales history will represent processed sales only. Fresh fruit was exempt from the 2000–2001 volume regulation and concerns were raised that sales histories were not reflective of actual sales. The Committee recommended that if fresh fruit was exempt from volume regulation, this action be implemented to ensure that sales histories reflect actual sales. As stated previously in this document, fresh fruit is again exempted from the 2001–2002 volume regulation.

The Committee recommendation intended that there be separate sales histories for fresh and processed fruit. The recommendation also specified that fresh fruit sales may be added to processed fruit sales history with the approval of the Committee in the event that the grower's fruit does not qualify as fresh fruit at delivery. The Committee staff indicated that since fresh fruit was exempt from volume regulation, it would be administratively easier to simply deduct fresh sales from each grower's sales history rather than to provide two sales histories. With the fresh fruit exemption, there is no need for a sales history for fresh fruit. Also, since there will be no fresh fruit sales history, there is no need to specify that fresh fruit sales may be added to processed fruit sales histories. Also, a provision is being implemented covering growers whose fresh fruit is rejected upon delivery. The regulatory text has been modified to reflect this change. Therefore, a new paragraph (e) will be added to § 929.149 specifying that fresh fruit will be deducted from sales history calculations.

The Committee addressed the impacts of having a sales history that includes only processed fruit, and how the allotment percentage will be applied. In the fresh fruit industry, there are instances when growers deliver fresh fruit that fails the handler's fresh fruit specifications and therefore is converted to processing fruit. In this case, if a grower has an inadequate processing fruit allotment to cover the rejected fruit, the handler can allocate unused allotment from other growers to cover the excess. Each handler should give priority to these growers when allocating unused allotment to cover excess cranberries. This will allow the grower to deliver the rejected fruit for processing. This action is being implemented by adding a new paragraph (f) to § 929.149 of the order's rules and regulations.

Section 929.62(c) of the order specifies that handlers must file certified reports with the Committee as to the quantities of cranberries handled during designated periods. Handlers have been reporting this information and would continue to report this information in accordance with that provision.

Change in Number of Years Used in Computing Sales Histories

Sales histories will be computed using an average of the highest 4 of the most recent 7 years of sales. Paragraph (a)(1) of § 929.48 of the order sets forth that sales histories are computed using the best 4 out of 6 years of growers' sales. Paragraph (a)(2) of the same section states that the Committee, with the approval of the Secretary, may alter the number and identity of years to be used in computing subsequent sales histories.

At amendment subcommittee meetings and full Committee meetings, the impact of using the year of volume regulation in future calculations of sales histories was discussed. The Committee was concerned that sales off acreage in a year of volume regulation could be unusually low and if that year was used in calculating sales histories for the next year, it could lower some growers' sales histories to unrealistic levels.

This change allows the year of volume regulation (2000–01) to be dropped from sales history calculations. Adding an additional year from which growers' highest 4 years of sales can be chosen provides a greater opportunity for growers to maintain a sales history more reflective of their actual sales.

Paragraph (a) of § 929.149 is modified to indicate that sales histories will be computed using an average of the highest 4 of the most recent 7 years of sales.

State Average Yield Provisions

The definition of State average yield is being removed from the rules and regulations. Section 929.48(a)(5) of the order sets forth that a new sales history for a grower with no sales history is calculated by using the State average yield per acre or the total estimated commercial sales, whichever is greater.

For the 2000–2001 crop year, the State average yield was defined as the average State yields for the year 1997 or the average of the best 4 years out of the last 6 years, whichever was greater. This calculation was similar to that used to compute sales history for more established growers (an average of the best 4 years out of the last 6 years), and averaged out seasonal variations in yields. However, if estimated commercial sales were greater than what was computed above, the Committee used the estimated commercial sales.

The formula for recalculating sales histories being implemented with this action provides a yield for acres with no sales history based on analysis of industry data. For acreage expected to be harvested for the first time in the year of a volume regulation, the sales history will be 75 barrels for acres harvested the first year after planting and 156 barrels for acres harvested the second year after planting. These yields are based on averages of expected yields from acreage of that age plus an additional 25 barrels and are more in line with actual yields than providing the State average yield, which is considered high for first harvests. Under the State average yield provisions for the 2000 volume regulation, growers forfeited any unused allotment. The modified method provides a simpler, more realistic approach to acreage with no sales history.

Since, under the new formula, a definition of State average yield is unnecessary, § 929.148 is removed from the rules and regulations.

Definition of Commercial Crop

The definition of commercial crop is being removed from the rules and regulations. The final rule on volume regulation for the 2000 crop changed the number of barrels that defined a commercial crop under the marketing order from 15 to 50 barrels per acre. Calculations of sales histories were based on ''commercial'' cranberry sales. Section 929.107 defined commercial crop as acreage that has a sufficient

density of growing vines to produce at least 50 barrels per acre without replanting or renovation. Acreage that produced less than 50 barrels per acre was not considered to produce a commercial crop.

The intent of this provision was to assist growers who harvested cranberries for the first time in 1999. These growers qualified for a new sales history determination for the 2000 crop year if they produced less than 50 barrels per acre in 1999.

A full commercial cranberry crop is usually not harvested until 3 or 4 years after being planted. Production is usually limited during the first year, with increases in subsequent years until full capacity is reached. This rule change allowed growers who produced less than 50 barrels per acre in 1999, to be eligible to receive as a sales history the determination for growers with no sales history on such acreage (which was the State average yield or the grower's estimated commercial sales, whichever was greater) for the 2000 volume regulation. This change was intended to benefit growers who had very low yields per acre for their first year of production.

The new calculation of sales histories being implemented in this action makes this provision unnecessary. For acreage expected to be harvested for the first time in 2001, the sales history will be 75 barrels per acre for acres planted in 2000 and 156 barrels per acre for acres planted in 1999. No determinations are necessary as to how many barrels were produced on the acreage in previous years.

The Committee will still need to determine that acreage reported as first coming into production in the year of volume regulation is viable planted acreage. For example, if a grower reports that 50 acres of cranberries planted in 1999 are going to be harvested for the first time in 2001, the Committee needs to verify that this acreage exists and that the vines are sufficient enough to provide a crop. Since the definition of commercial crop is no longer necessary, § 929.107, Basis for determining cranberry acreage, is removed from the rules and regulations.

Appeal Procedures

The Committee unanimously recommended that the Committee review step be removed from the sales history appeals process. Currently, § 929.125 provides that a grower may appeal to an appeals subcommittee within 30 days of receipt of the Committee's determination of his/her sales history. If the grower is not satisfied with the subcommittee's decision, the grower may further appeal to the full Committee. Such grower must notify the full Committee of his or her appeal within 15 days after notification of the subcommittee's decision. The Committee has 15 days to review the appeal. The grower may further appeal to the Secretary, within 15 days after notification of the full Committee's findings, if the grower is not satisfied with the Committee's decision. All decisions by the Secretary are final.

The appeals procedure as described above could take 60 or more days to complete. Last season, the Committee recommended and the Department approved, removing the Committee's review from the procedures to shorten the process. Growers were able to take their appeals directly to the Secretary for a final decision if they were not satisfied with the appeals subcommittee's determinations. The Committee recommended for this season and future seasons that the full Committee review step of the appeals process described in the rules and regulations be removed to expedite the process. The appeals subcommittee reviewed over 250 appeals for the 2000–2001 crop year. This required many hours of meetings and recalculations of appealed sales histories, when warranted. The Committee determined that the appeal process, absent Committee review, was efficient and provided the grower with a quicker response than would have otherwise occurred.

Therefore, the Department concludes that the Committee review of sales history appeals is not needed and is therefore, being removed from the appeal procedures.

Transfers of Sales Histories on Leased Acreage

The Committee also unanimously recommended that, during a year of volume regulation, transfers of sales histories through partial or total leases of acreage only be recognized by the Committee during the period January 1 through July 31 of each crop year. The appropriate paperwork would have to be received in the Committee's office by close of business on July 31.

Currently, § 929.50 provides that, during a year of regulation, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the Committee is in receipt of a completed transfer or lease form. The Committee has found through experience last season that many growers were delaying these adjustments until the busy harvest season. The review and approval of such transfers required a great deal of time and this placed an added burden on the Committee's staff, especially during the busy harvest season. Therefore, the Committee recommended that all transfers must be received by close of business on July 31 during a year of volume regulation.

This change is being implemented for the 2001–2002 season, which begins September 1, 2001. All paperwork for transfers must be received by the Committee staff by July 31, 2001. This will allow sales histories to be distributed in a more timely manner and also allow the Committee to complete the transfers prior to the busy harvest season. This change is being implemented by adding a new paragraph (d) to § 929.110 of the order's rules and regulations.

Outlets for Excess Cranberries

This action modifies the provisions on outlets for excess cranberries to broaden the scope of research and development projects authorized as outlets for excess cranberries.

The purpose of the producer allotment program is to limit the amount of the total crop that can be marketed for normal commercial uses. There is no need to limit the volume of cranberries that may be marketed in noncommercial or noncompetitive outlets. Thus, in accordance with § 929.61, handlers are allowed to dispose of excess cranberries in certain designated noncommercial outlets. That section of the order provides that noncommercial outlets may include charitable institutions and research and development projects for market development purposes. Noncompetitive outlets may include any nonhuman food use (animal feed) and foreign markets, except Canada. Canada is excluded because significant sales of cranberries to Canada could result in transshipment back to the United States of the cranberries exported there. This could disrupt the U.S. market, contrary to the intent of the volume regulation. To ensure that excess cranberries diverted to the specified outlets do not enter normal marketing channels, certain safeguard provisions are established under § 929.61. These provisions require handlers to provide documentation to the Committee to verify that the excess cranberries were actually used in a noncommercial or noncompetitive outlet. In the case of nonhuman food use, a handler is required to notify the Committee at least 48 hours prior to disposition so that the Committee staff will have sufficient time to be available to observe the disposition of the cranberries.

In the final rule establishing the 2000–2001 volume regulation, § 929.104 specified the noncommercial and noncompetitive outlets for excess cranberries as: (1) Foreign countries, except Canada; (2) Charitable institutions; (3) Any nonhuman food use; and (4) Research and development projects dealing with dehydration, radiation, freeze drying, or freezing of cranberries, for the development of foreign markets. This regulation also specified that excess cranberries cannot be handled, i.e. converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

The amendment subcommittee concluded that the provision regarding research and development projects was too restrictive and could exclude some outlets for excess cranberries that could be deemed noncommercial and noncompetitive. The Committee unanimously recommended to modify paragraph (a)(4) of § 929.104 to state that any research and development projects approved by the Committee will be eligible as outlets for excess cranberries. This will provide more flexibility in determining if a specific project could be considered noncompetitive or noncommercial. The Committee will review the activity and make that determination. Research and development projects will not be limited to dehydration, radiation, freeze drying, or freezing of cranberries for the development of foreign markets.

Therefore, § 929.104 is modified to broaden the scope of research and development projects authorized for excess cranberries.

Allotment Notification Date

This action withdraws the proposed reinstatement of the June 1 deadline for the Committee to notify growers and handlers of their annual allotments.

The rule of January 12, 2001, proposed reinstating the June 1 deadline for the Committee to notify growers and handlers of their annual allotments. Section 929.49 of the order provides, that in any year in which an allotment percentage is established by the Secretary, the Committee must notify growers of their annual allotment by June 1. That section also requires the Committee to notify each handler of the annual allotments for that handler's growers by June 1. The June 1 date was indefinitely suspended in the final rule establishing a volume regulation for the 2000–2001 crop year (65 FR 42598) to allow adequate time for interested parties to comment on the volume regulation proposal for that season and for the Department to give due consideration to the comments received and issue a final rule.

The Department has determined that this time is needed again for this year's volume regulation. Therefore, the proposal to reinstate the June 1 deadline date is withdrawn.

The Regulatory Flexibility Act and Effects on Small Businesses

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action and alternatives considered on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions, in order that small businesses are not unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility. Accordingly, AMS has prepared this final regulatory flexibility analysis.

According to the Small Business Administration (13 CFR 121.201) small handlers are those having annual receipts of less than $5,000,000 and small agricultural producers are defined as those with annual receipts of less than $500,000. Based on recent years' price and sales levels, AMS finds that nearly all of the cranberry producers and some of the handlers are considered small under the SBA definition. Of the 1,100 cranberry growers, between 86 and 95 percent are estimated to have sales equal to or less than $500,000. Fewer than 60 growers are estimated to have sales that would have exceeded this threshold in 2000. Thus, the consequences of this final rule will apply almost exclusively to small entities.

Six handlers handle over 97 percent of the cranberry crop. Using Committee data on volumes handled, AMS has determined that none of these handlers qualify as small businesses under SBA's definition. The remainder of the crop is marketed by about a dozen grower-handlers who handle their own crops. Dividing the remaining 3 percent of the crop by these grower-handlers, all would be considered small businesses.

This action makes the following amendments to the regulations under the cranberry marketing order: (1) Establishes a marketable quantity and an allotment percentage for cranberries in a 10-State production area for the crop year from September 1, 2001, through August 31, 2002; (2) exempts fresh and organically grown cranberries from the volume regulation; (3) changes the way in which sales histories are calculated; (4) deletes the Committee review step in the sales history appeal process; (5) adds a deadline date by which requests for transfers of sales histories on leased acreage must be filed with the Committee; (6) broadens the scope of research and development projects authorized as outlets for excess cranberries; and (7) withdraws a proposal to reinstate a June 1 allotment notification date. These actions are designed to establish more orderly marketing conditions for cranberries, improve grower returns, provide for a more equitable allocation of the marketable quantity among growers, and improve the administration of the volume regulation program.

Industry Profile

Cranberries are produced in 10 States, but the vast majority of farms and production are concentrated in Massachusetts, New Jersey, Oregon, Washington, and Wisconsin. Massachusetts was the number one producing State until 1990, when Wisconsin took over the lead. Since 1995, Wisconsin has been the top producing State. Together, both States account for over 80 percent of cranberry production. Average farm size for cranberry production is very small. The average across all producing States is about 33 acres. Wisconsin's average is twice the U.S. average, at 66.5 acres, and New Jersey averages 83 acres. Average farm size is below the U.S. average for Massachusetts (25 acres), Oregon (17 acres) and Washington (14 acres).

Small cranberry growers dominate in all States: 84 percent of growers in Massachusetts harvest 10,000 or fewer barrels of cranberries, while another 3.8 percent harvest fewer than 25,000 barrels. In New Jersey, 62 percent of growers harvest less than 10,000 barrels, and 10 percent harvest between 10,000 and 25,000 barrels. More than half of Wisconsin growers raise less than 10,000 barrels, while another 29 percent produce between 10,000 and 25,000 barrels. Similar production patterns exist in Washington and Oregon.

About 94 percent of the cranberry crop is processed, with the remainder sold as fresh fruit. In the 1950's and early 1960's, fresh production was considerably higher than it is today, and in many years, constituted as much as 25 to 50 percent of total production. Fresh production began to decline in the 1980's, while processed utilization and output soared as cranberry juice products became popular. Today, fresh fruit claims only about 5 to 6 percent of total production. Three of the top five

States produce cranberries for fresh sales. New Jersey and Oregon produce fruit for processed products only.

Historical Trends and Near Term Outlook

The cranberry industry has operated under a Federal marketing order since 1962. For many years, the industry enjoyed increasing demand for cranberry products, primarily due to the success of cranberry juice-based drinks. This situation encouraged additional production. Between 1960 and 1999, production increased from 1.34 million barrels (one barrel equals 100 pounds of cranberries) to a record 6.3 million barrels. This represents a 370 percent increase from 1960 and a 17-percent gain from the 1998 crop year. Production in the 2000 crop year declined to 5.5 million barrels, due to the use of volume control by the industry and a decrease in yields in some production areas due to adverse weather conditions during the growing season.

While production capacity continues to rise, demand has leveled off. Over the past several years, per capita consumption of cranberries in the United States has averaged 1.69 pounds. Per capita consumption peaked in 1994 at 1.80 pounds and began trending downward. In 1999, per capita consumption was 1.68 pounds. Associated with these per capita consumption figures is the fact that total domestic sales also peaked in 1994 at 4,692,507 barrels but declined to 4,506,632 barrels in 1999.

In 1998, sales totaled 5.1 million barrels, slightly above the prior 5-year average. In 1999, sales were 5.5 million barrels, and sales for 2000 are estimated at 5.9 million barrels. Most of the recent increase in sales can be attributed to stronger activity in export markets.

Increased total supplies in excess of demand have resulted in large inventories. Carryin inventories have grown from 883,773 barrels in 1988 to 3,058,921 barrels in 1999, to 4,273,067 barrels in 2000. From 1988 through 1997, carryin as a percent of production ranged from 21 to 36 percent. However, in 1998, carryin as a percent of production increased to 40 percent; in 1999 it increased to 49 percent. Carryin inventory for the 2000 season exceeded 4 million barrels for the first time in the industry's history. Carryin for the 2001 crop is estimated at 3.325 million barrels.

When supply outpaces demand, resulting in high levels of carryover inventories, grower prices can be negatively impacted. Grower prices rose from $8.83 per barrel in 1960 to a peak level of $65.90 per barrel in 1996. These rising price levels provided an incentive for producers to expand planted acres and to increase yields. In recent seasons, prices have declined dramatically. In 1998, grower prices decreased to $36.60 per barrel. The returns for the 1999 crop year were $17.70 per barrel. Returns for the 2000 season are expected to be between $15 and $20 per barrel. The cost of production ranges from $15 to $45 per barrel.

Similarly, grower revenues have dropped from a high of $350 million in 1997 to $112 million in 1999. Grower revenues declined by 68 percent in just two growing seasons. Grower revenues are expected to be less than $100 million for the 2000 crop year, potentially the first time that grower revenues will be less than $100 million since the 1980 crop year.

Impacts of Volume Control

To help stabilize market supply and demand conditions, volume regulation was introduced in 2000, marking the first time in 30 years that such regulation was implemented. A marketable quantity of 5.468 million barrels was established for the 2000–01 season, implemented through an allotment percentage of 85 percent. This, in addition to a planned government purchase of up to 1,000,000 barrels, assisted somewhat in relieving market pressures. Also, yields in parts of the production area were below normal due to adverse weather during the growing season.

In an industry such as cranberries, where the product can be stored for long periods of time, volume control is a method that can be used to reduce supplies so that they are more in line with market needs. Large inventories are costly to maintain and, with the outlook for continued high production levels, these inventories are difficult to market. Producers may not receive full payment for cranberries delivered to storage for several years, and storage costs are deducted from their final payment.

The demand for cranberries is inelastic. A producer allotment program results in a decrease in supply because producers can only deliver a certain portion of their past sales history. With an inelastic demand, a small shift (decrease) in the supply curve results in relatively large impacts on grower prices. An allotment program results in increasing grower prices and grower revenues.

The level of unsold inventory, the current capacity to produce in excess of expected demand, and continuing low grower prices have resulted in the industry debating various alternatives under their marketing order.

Level of Volume Restriction for the 2001 Crop

As previously discussed, two levels of volume regulation for the 2001 crop have been widely discussed within the cranberry industry in recent months and were included in the proposed rule. Also included was a proposal to have no volume regulation. The Department believed that both levels of volume regulation could tend to further the goals of the Act—that is, improve grower returns and establish more orderly conditions in the cranberry market. One of those levels proposed to establish a marketable quantity of 4.7 million barrels and an allotment percentage of 67, with an exemption for fresh and organically-grown fruit. The second proposed to establish a marketable quantity of 4.0 million barrels and an allotment percentage of 54, applicable to all fruit.

In its initial analysis of these options, the Department relied in part upon an econometric model developed by the University of Wisconsin and widely discussed within the industry to project the impact of each on grower returns and revenues for the 2001 crop. We looked at both levels of regulation recommended by the industry, as well as what might occur with no regulation. In making our projections, we used figures from the Committee's marketing policy. For example, carryin inventory was estimated at 3.325 million barrels, domestic production was estimated at 5.675 million barrels, imports were projected at 0.835 million barrels, and total sales for the 2001–02 crop year were projected at 5.508 million barrels. We used a figure of 1.8 million barrels for the desirable carryout into the 2002 crop year. The following table summarizes our findings.

MARKETABLE QUANTITIES

[In millions of barrels]

	No volume control	4.0 with no fresh fruit exemption	4.7 with a fresh fruit exemption
Supply:			
Domestic production	5.675	4.000	5.000
Carryin Inventory	3.325	3.325	3.325
Imports	0.835	0.835	0.835
Shrink	0.327	0.327	0.327
Total Available Supply	9.508	7.833	8.833
Demand:			
Processed Domestic and Export Sales	5.198	5.198	5.198
Fresh Fruit	0.310	0.310	0.310
Total Sales	5.508	5.508	5.508
Carryout Inventories	4.000	2.325	3.325
Desirable Carryout	1.800	1.800	1.800
Surplus	2.200	0.525	1.525
Allotment Percentage	0	56	66
Estimated Price per Barrel	$10.00	$31.00	$19.50
Estimated Total Revenue (in millions)	$56.750	$124.000	$97.500

As shown above, ample supplies are expected to be available during the upcoming year, and prices will likely continue to fall in 2001 without some form of market intervention. Absent any regulation in 2001, the estimated grower price per barrel is projected to decline to $10, grower revenue would drop to an estimated $56.75 million, and ending inventories would grow to 4 million barrels. Heavy inventories will continue to put downward pressure on grower prices for ensuing seasons.

The second column of the table shows that a 4.0 million barrel marketable quantity will result in inventories declining to 2.325 million barrels, and the grower price increasing to an estimated $31 per barrel. Total grower revenue under this option is projected to reach $124 million. Under this option, sales will have to reach 6.0 million barrels to reach the desirable carry out level of 1.8 million barrels. A marketable quantity of 4.0 million barrels applicable to total sales history of an estimated 7.4 million barrels would result in an allotment percentage of 56 percent.

As shown in the last column, the 4.7 million barrel alternative will result in carryout inventories remaining at 3.325 million barrels. The grower price will be an estimated $19.50 per barrel, and revenues will total $97.5 million. With a marketable quantity of 4.7 million barrels, sales will have to increase to 6,723,000 barrels to reach the desirable carry out inventory level of 1.8 million barrels. Under this option, total growers' sales histories are estimated at 7.1 million barrels of processed sales. Using the formula established under the order (4.7 million barrels divided by 7.1 million barrels), the annual allotment percentage would be 66 percent.

As previously discussed, the Department believes carryin inventories will be higher than originally projected because USDA purchases during the 2000–01 crop year are likely to be less than anticipated. An increase in the carryin level (100,000 barrels) would be offset by a like reduction in the marketable quantity. Thus, total available supplies would remain the same as in the above table, and the impact on grower prices and sales would be as estimated above.

The econometric model provides a framework for estimating the short-term price impacts of reducing supplies at the grower level. According to the above table, of the three options presented, the 4.0 million barrel marketable quantity alternative will result in the highest grower price for the upcoming season, and the lowest level of carry out inventories.

However, in deciding whether to issue a volume regulation for the 2001 crop, and at what level, other factors need to be considered as well. In the proposed rule, we solicited comments on all three alternatives, including the longer range impacts of these alternatives at the grower, handler and consumer levels. Based on current information, including the comments received (which are analyzed in the subsequent portion of this document), we have reached the following conclusions.

Given the anticipated size of the 2001 cranberry crop in addition to current inventory levels, volume regulation appears to be the favorable market stabilization technique over no volume regulation. A no volume regulation adjustment could easily result in a loss of a substantial number of smaller to mid-sized cranberry producers, as market prices without any form of market intervention would remain below the cost of production until market supply fell to the level of market demand. In addition to a loss of a profitable return on commodity production, which is a mainstay for many of the producers likely to be negatively impacted, investments in land and production start-up costs would also be lost as much of the potentially affected acreage has no alternative agricultural uses. Cranberry production is a key agricultural industry in various regions of the major producing states, including Wisconsin, Massachusetts, New Jersey, Oregon, and Washington. Failure of cranberry farms in these regions would have major implications for the vitality of these economies.

Volume regulation is a market stabilization technique whereby a portion of annual production is withheld from the market, thereby reducing the flow of supply to market and improving producer prices. Depending on the amount of production

impacted by volume control regulation, short- and long-term effects on the market vary. Some proponents of volume regulation advocate a more significant reduction in market supply, indicating that such action would result in a bigger jump in market prices, a quicker improvement in grower returns, and a necessary reduction in inventories. In addition, these advocates intimate that any increases in demand could be met by drawing down surplus inventories, thereby simultaneously reducing price-depressing affects of large stocks in a time of ample production. While this argument may be well grounded in economic theory, there are many externalities which are not given due attention, as well as producers' inclinations to increase production as market prices increase. In other words, too large of a volume control regulation leaves little margin for unforeseen market events and may result in misleading market signals to producers as a result of an overly adjusted price.

A less stringent volume regulation would reduce market supply and improve market prices while allowing for a more gradual market supply-demand adjustment. While the short-term affect of a less stringent volume regulation would result in relatively lower market prices than with a greater reduction, as described above, prices would likely offer a greater return than if no volume control existed. A more conservative approach is also less likely to result in a surge of production triggered by higher prices and allow for a greater margin of supply to address any unforeseen market complications in subsequent production years.

In weighing the relative benefits of differing volume regulation, it is important to consider impacts on handler competition for product to fill sale orders, and consumer demand elasticity relative to fluctuating prices. A more restrictive volume control would result in a smaller volume of product available to handlers to satisfy sale orders or promote market growth. Handlers who do not maintain inventories of cranberries may be unable to effectively compete for supplies, thus resulting in their inability to fill sale orders and a loss of business. Such a result would have a negative impact on producers, as some market outlets (demand) may be lost to substitution of like products for cranberries. Rapid fluctuations in price could have similar results, as consumers, especially food manufacturers using cranberries to enhance processed products, are likely to respond negatively to market inconsistencies in price as well as supplies. A more gradual reduction in supply could ease market tensions and allow suppliers to maintain strong market relations with industry consumers.

Furthermore, while it has been demonstrated that end-market consumer demand is inelastic to price reductions, demand may decrease if prices were to rise. In other words, end-market consumers are more likely to consume less cranberries when prices increase drastically than they are to consume more when prices drop.

For the above reasons, we conclude that establishing a marketable quantity of 4.6 million barrels for the 2001–02 cranberry season is the best course of action. This represents the Committee's recommended marketable quantity adjusted for the increased carryin due to lower than anticipated USDA purchases during the current season.

Sales History Recalculations

The amendments to the sales history calculations will benefit a majority of growers, especially growers who planted some or all of their acreage in 1995 or later. Specifically, the amendment to the sales history calculation modifies the way growers' sales histories are calculated so that the additional sales history provided is more in line with average acreage yields. The amendment also ensures that growers with mature acres who also have newer acreage and growers with only newer acres are treated equitably.

The amendment also provides that the Committee deduct fresh sales from growers' sales histories. The amendment also provides that sales histories be computed using an average of the highest 4 of the most recent 7 years of sales. Changing the total number of years from 6 to 7 allows the year of volume regulation (2000–01) to be dropped from sales history calculations.

Regarding the 2000 volume regulation, many growers, particularly those with acreage 4 years old or less, indicated that the method of sales history calculation placed them at a disadvantage because they realized more production on their acreage than their sales history indicated. Approximately 30 percent of all cranberry acreage was planted in 1995 or later and will be impacted by this amendment. With the volume of new acres within the industry, this would affect many growers.

The Committee determined that something needed to be done to address the concerns associated in the 2000 crop year with growers with newer acreage. The Committee discussed other alternatives to this method. One suggestion was to allow growers with newer acreage to add a percentage of the State average yield to their sales history each year up to the fourth year. The example presented was that acreage being harvested for the second time during a year of volume regulation would receive a sales history that was 25 percent of the State average yield, a third year harvest would receive 50 percent of State average yield, and a fourth year harvest would receive 75 percent of State average yield. Although this method would address some of the problems experienced last year, it was determined that the method established by this action is a simpler and more practical method for growers to obtain the most realistic sales history.

The Committee and the Department gave much thought to the most equitable method of determining sales histories and the method established by this action specifically addresses growers' concerns by providing a more equitable determination of their sales histories. The method provides additional sales history for growers with newer acres to account for increased yields for each growing year up to the fifth year by factoring in appropriate adjustments to reflect rapidly increasing production during initial harvests. The adjustments are in the form of additional sales histories based on the year of planting.

As discussed previously, an appeals process is in place for growers to request a redetermination of their sales histories. For the 2000–2001 volume regulation, over 250 appeals were received by the appeals subcommittee (the first level of review for appeals) and these appeals demonstrated the majority of issues that impacted growers during the volume regulation. This action provides more growers with realistic sales histories. Therefore, fewer appeals are likely to be filed. The appeals subcommittee chairman estimated that over 80 percent of the appeals filed last year would not have been filed if the Committee was able to implement this formula for the 2000–01 season.

These changes will have a positive effect on all growers and handlers because they will result in a more equitable allocation of the marketable quantity among growers.

Revision in the Appeals Process

Currently, § 929.125 provides a three-tiered appeal procedure for growers who are dissatisfied with the computation of their sales history pursuant to § 929.48 of the order. First, a grower may appeal to an appeals subcommittee. The grower may then further appeal to the full Committee. Finally, the grower may

appeal to the Secretary. All decisions by the Secretary are final.

This rule eliminates the full Committee review from the procedure to shorten the process. Thus, growers can take their appeals directly to the Secretary for a final decision if they are not satisfied with the appeals subcommittee's determinations. This change shortens the appeal process, which should benefit growers who disagree with their sales history determination. The earlier growers have a final decision, the more able they are to decide how to adjust to their annual allotment.

Establishment of a July 31 Deadline for Transfers of Sales History

Currently, § 929.50 provides that, during a year of regulation, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the Committee is in receipt of a completed transfer or lease form. This rule establishes a July 31 deadline for receipt of such paperwork. This action should assist in the efficient administration of the program by having transfers recorded before the busy harvest season without unduly reducing grower flexibility in transferring acreage and sales histories.

Outlets for Excess Cranberries

This action modifies paragraph (a)(4) of § 929.104 to provide that any research and development projects approved by the Committee are eligible as outlets for excess cranberries. Currently, such projects are limited to those associated with the development of foreign markets. This action will have a positive impact on growers and handlers because it broadens the scope of projects eligible for the use of excess berries. This could encourage more market development activities, which could expand the overall cranberry market to the benefit of the industry as a whole.

Allotment Notification Date

Section 929.49 requires the Committee to notify growers and handlers of their annual allotments by June 1. This date was suspended prior to the 2000–01 crop year to allow adequate time to complete the rulemaking process for that season. The proposal to reinstate the June 1 notification date is withdrawn because USDA has decided that additional time is again needed this year. While it would be beneficial to growers to have an earlier notification of their annual allotments, any hardship incurred by delays should be outweighed by the benefits expected to be accrued by the use of volume regulation during the 2001–02 crop year.

Analysis of Comments Pertaining to Volume Restrictions for the 2001 Cranberry Crop

The proposed rule published in the May 14, 2001, **Federal Register** solicited comments on three options for restricting the 2001 cranberry crop. A total of 436 comments were filed during the comment period which ended May 29, 2001. By far, the majority of comments were filed by cranberry growers (almost 90 percent of the total). In addition, all six major cranberry handlers commented, as did the Cranberry Marketing Committee, several U.S. Congressmen and Senators, the Wisconsin State Cranberry Growers Association, the New Jersey Department of Agriculture, two agricultural economists, an industry attorney, employees of growers and handlers, and other interested parties.

Of the comments filed, 294 favored the 4.7 million barrel marketable quantity, 59 favored the 4.0 million barrel marketable quantity, and 72 favored no volume regulation at all for the upcoming season. The remaining comments generally supported volume regulation but not either of the specific levels contained in the proposed rule. Some comments also addressed the issue of whether fresh and organically-grown fruit should be exempt from any established volume restriction.

In addition to the 436 timely comments, 64 comments were received after the comment period ended. These late comments were reviewed and it was determined that no substantive issues raised by these commenters that were not already known to the Department or raised by those who filed in a timely manner and given due consideration. Therefore, even if these comments were timely filed, the outcome of this final action would not be changed.

The main arguments raised in the comments are addressed below.

Potential Impact of the Various Options on Grower Returns

As expressed by the large number of comments received, it is widely accepted that the cranberry industry's current oversupply situation has caused severe financial hardships for a majority of cranberry producers. Due to the oversupply's price-deflationary affects, grower returns have suffered sharp declines, frequently resulting in market-clearing prices below the cost of production. Since low prices have plagued the industry for more than two crop years, many growers are now at the point of facing foreclosure and bankruptcy. A financial lending institution, commenting on the financial hardships faced by many cranberry producers, indicated that the U.S. cranberry industry has lost an estimated $160 to $200 million, cumulatively, in recent growing seasons.

This comment was supported by many growers, stressing that immediate action is needed to bring about a market correction and begin the process of returning growers to financial stability. Absent any improvement in the current situation, growers will continue to operate under financial stress and will find it difficult to obtain financing for their farms. Financial institutions have already had to make arrangements for loan deferrals for many cranberry growers. Commenters asserted that if grower prices continue at the levels received during past seasons ($15 to $20 per barrel estimated for 2000), the result could be a significant loss of smaller to mid-sized producers.

In addition to producer financial distress, many commenters brought to light corollary impacts. Cranberry growers maintain a national average of five acres of open space for every acre of farm. Much of this acreage is located in States where land is under pressure for development. Loss of cranberry farms in these areas will carry with it the loss of open space, which will not be regained.

Communities in which cranberries are grown will also suffer as local resources will be strained. Cranberry production is a key agricultural industry in various regions of Wisconsin, Massachusetts, New Jersey, Oregon, and Washington. Failure of cranberry farms in these regions would have major implications for the economic vitality of smaller farming communities. Moreover, a potential loss of these cranberry growing communities would also represent a loss of long-standing cranberry heritage in these producing regions.

While divided on which form of volume control would be most effective, most commenters agreed that some level of volume regulation is necessary to increase grower returns in the upcoming 2001 season. Results from independently circulated grower surveys recently conducted by the cranberry industry also demonstrate an overwhelming support for some level of volume regulation. The two volume regulation options considered would limit the supply of marketable cranberries to either 4.0 million or 4.7 million barrels.

Those in favor of the 4.0 million barrel marketable quantity commented that a volume control at this level would significantly decrease inventory

supplies and bolster grower prices to a level close to or above the cost of production. The cost of production ranges from $15 to $45 per barrel, depending on the efficiency and economies of scale of the producer.

An industry economist in favor of a 4.0 million barrel volume restriction estimated that, based on his calculations, limiting the marketable quantity to this level would yield a 2001 season-average price of $25 to $35 per barrel. Moreover, a constant marketable quantity level of 4.0 million barrels in subsequent years would gradually elevate prices to over $40 per barrel by 2003 or 2004. Any increases in demand would be met by drawing down surplus inventories, thereby simultaneously reducing price-depressing affects of large stocks. Carryover inventories at this level would be approximately 2.3 million barrels while at the 4.7 million barrel level, carryover inventory would be in the range of 2.5 to 2.7 million barrels.

It was further argued that, at this level, fewer growers would be forced to exit the industry because recovery would be achieved more rapidly than under the alternative 4.7 million barrel scenario. Many commenters agreed with the assumptions and conclusions made in this argument and voiced their opinion in favor of a more restrictive regulation, acknowledging that, while more severe in action, this approach would result in higher prices faster.

Commenters in favor of the alternative option to the above, establishing a marketable quantity at 4.7 million barrels, stressed the need for a more gradual, cautionary return to market stability and grower profitability. Most commenters supporting this option believe that a more gradual correction in inventory supplies and grower prices is necessary rather than the severe cut proposed with the 4.0 million barrel marketable quantity level. A more conservative approach to volume regulation would reduce market supply and improve market prices while allowing for a more gradual market supply-demand adjustment. A more conservative approach is also less likely to result in a surge of production triggered by artificially high prices and allow for a greater margin of supply to address any unforeseen market complications in subsequent crop years. It is estimated that under the 4.7 million barrel volume control scenario, 2001–02 grower returns would be approximately $20 per barrel, as compared to returns of $15 to $20 in 2000. One handler's comment included estimated crop returns of $20 to $25 per barrel for the 2001 crop, $22 to $30 for the 2002 crop, and higher returns for the 2003 crop.

A third option considers no volume regulation and would allow market forces to address market supply and demand imbalances. Commenters in favor of no regulation stated that this is the only option that supports fairness to all growers and handlers involved in the cranberry industry.

As discussed above, while divided on which form of volume control would be most effective, most commenters agreed that some level of volume regulation is necessary to increase grower returns in the upcoming 2001 season. Those in favor of volume control, for the most part, view no volume regulation as potentially detrimental to the cranberry industry.

In a separate comment filed in favor of the 4.7 million barrel marketable quantity limit, another industry economist asserted that allowing the market forces to correct demand-supply imbalances would not be effective in the case of cranberries due to the nature of this industry's crop production cycle and high start-up costs. A supply-demand adjustment in production of a perennial crop such as cranberries does not occur as quickly as traditional economic theory would imply, and others have argued. Moreover, investment in land and bog preparation represents a significant share of cranberry production costs that can not be re-captured or transferred to alternate agriculture crop production. For these reasons, the current conditions in the cranberry industry strongly justify implementation of some form of volume control for the 2001–02 season.

Another commenter opposing the option of no volume regulation stated that prices would be far below production costs if no regulation were implemented for the 2001–02 season. Marginal acreage would be driven out of production as less efficient producers and operations of smaller economies of scale would not be economically able to survive.

Other comments opposing the no volume regulation option claimed that this approach to market stabilization could easily result in a loss of a substantial number of smaller to mid-sized cranberry producers, as market prices without any form of market intervention would remain below the cost of production until market supply fell to the level of market demand. In addition to a loss of a profitable return on commodity production, which is a mainstay for many of the producers likely to be negatively impacted, investments in land and production start-up costs would also be lost as much of the potentially affected acreage has no alternative agricultural uses.

Given the anticipated large size of the 2001 cranberry crop in addition to currently existing inventory levels, volume regulation is the preferable market stabilization technique.

Availability of Sufficient Supplies to Support Market Expansion Efforts

As long as production capacity exceeds market demand, the cranberry industry will continue to be in a surplus situation. An alternative solution to reducing supply through regulation is to increase demand. Comments filed to this effect noted that a volume regulation at the 4.7 million barrel level would allow a more gradual correction in prices, thereby affording market participants the time needed to increase demand through the introduction of new products and export market development. These comments also stated that a 4.0 million barrel marketable quantity limit would result in too drastic, and too substantial, of an increase in product cost from one season to the next. They argue that erratic price fluctuations could hinder expansion efforts and be counterproductive, resulting in a loss of current customers, as was experienced in 1995.

Citing the 1995 industry price increase, commenters in favor of a more conservative approach to volume regulation recollected that industrial customers at that time turned away from using cranberries as an ingredient, reduced cranberry content in existing products, and substituted other fruits for baking and cereal applications, as well as in other processed products. The industry economist cited above further supported this argument by stating that historical evidence shows that food manufacturers respond adversely to wide swings in commodity prices, and especially the inability to source the commodity.

Based on the comments, a large portion of the industry favors some form of volume control. Commenters in favor of the 4.7 million barrel marketable quantity limitation stated that it would more easily allow the development of new products and markets than if supplies were severely restricted. A commenter asserted that a 4.0 million barrel marketable quantity would dampen growth of the industry at a time when the industry cannot afford to cut back on market expansion. Another commenter added that a handler, who has announced the development of several new products, could launch new products only if reliable supplies existed in the industry.

While recognizing the need for market expansion, commenters favoring a 4.0 million barrel marketable quantity limit argued that any short-fall in supplies between handlers could be easily avoided by a draw-down of product from storage, or a transfer of product between handlers. Counter to the argument of increased market prices having a negative impact on sales, those in favor of the 4.0 million barrel limitation believe it is necessary to expand markets at prices that will restore profitability to the grower. They do not consider that a price increase would have a negative impact on sales. Moreover, they argue that growers cannot afford to develop new markets while selling at below cost of production.

The Department believes that any long-term solution to the industry's oversupply situation should include market expansion efforts, and that volume regulations should be used sparingly. The higher marketable quantity (4.6 million barrels) is consistent with this conclusion.

Impact of the Volume Restrictions at the Handler Level

In weighing the relative benefits of differing volume regulation, it is important to consider impacts on handler competition for product to fill sale orders.

The majority of handlers commenting, and others commenting on the handler supply issue, either favored no volume restriction or the more conservative, 4.7 million barrel marketable quantity option of volume control. To this effect, one commenter stated that a 4.0 million barrel marketable quantity would cause a severe reduction in inventories, which would result in an unreasonable fluctuation in supply and prices.

Even though, in addition to establishing orderly marketing conditions, a major goal of the Act is to protect the interests of producers (farmers) and consumers, we also consider the impact of this regulation on handlers (both large and small). As we have already stated, in the case of cranberries, volume regulation as a market stabilization technique appears to be a better choice than a no volume regulation adjustment. One of the reasons is because market adjustment could easily result in the loss of a substantial number of smaller to mid-sized producers. In weighing the relative benefits of the two levels of volume regulation under consideration, we also considered the impacts they would have on handlers and product needed to fill sale orders.

From the comments received, and other available information, it was apparent that the more restrictive volume control would result in a smaller volume of product available to handlers to satisfy sale orders or promote market growth. Therefore, handlers who maintain a less competitive position in the market might be unable to effectively compete for supplies, thus resulting in their inability to fill sale orders and a loss of business.

While the Committee estimates carry-in inventories at 3.325 million barrels, it has been argued by a number of commenters that these supplies will be concentrated among only a few of the major handlers. Control over a potentially limited supply of surplus cranberries could put smaller, less competitive handlers at a disadvantage. Smaller handlers would be forced to purchase cranberries at a price set by the larger handlers holding excess inventory or forego filling their sales demand. These smaller handlers have also expressed concerns that such a position of control within the market could be used as a predatory tool to consolidate market power by the larger handlers.

One handler commented that supply constricting regulation could result in some handlers turning to low-cost growing regions outside of the United States in order to obtain supplies. Overall, commenters opposed to restrictive volume control conveyed that any negative effects resulting from such regulation (any losses incurred), would be passed on to their growers.

Those in favor of a more conservative, gradual reduction in supply state that this approach could ease market tensions regarding price while allowing suppliers to maintain strong market relations with industry consumers. Commenters in favor of the 4.7 million barrel marketable quantity stated that, at this level, cranberries will be available to those independent handlers who do not have inventories. Moreover, one handler indicated that the industry is willing to ensure that independent handlers without inventories have access to an adequate supply of fruit if a volume regulation is established. It is common practice within the cranberry industry for handlers lacking adequate contracted supplies to purchase cranberries from other handlers. While those in favor of some form of volume control realize that adequate supply cannot be guaranteed, a marketable quantity of 4.7 million barrels would more likely ensure a stable supply to smaller handlers.

In addition to the above, commenters raised the issue of USDA cranberry purchases. Commenters are concerned that USDA may purchase less than previously expected and, therefore, the marketable quantity should be adjusted accordingly. A lower level of purchases would result in a higher carryin, thus making more supplies available than anticipated. It is not possible to anticipate at this time the exact number of barrel equivalents that will be purchased by USDA in 2001. However, we have estimated the shortfall in purchases at 100,000 barrels, and adjusted the marketable quantity accordingly.

Commenters also raised the issue of the establishment of a reserve pool in future years. The industry has been informed that such a concept would have to be implemented through the formal rulemaking process. This pooling mechanism could be used in years of a volume regulation in order to provide all handlers a supply of cranberries for their needs. Commenters urged the USDA to move forward on this issue.

The Need for a Prompt Decision

Many commenters were urging USDA to make an immediate decision regarding the issue of regulation for the upcoming crop. This is because a volume regulation would be more helpful to growers if they have time to save production costs. Growers can find ways to reduce costs throughout the year, however, the optimal time for growers to reduce the amount of cranberries to be harvested is during the bloom period. Growers can flood their bogs, which will eliminate the flowers and therefore the fruit. This can be done fairly inexpensively on most cranberry farms. Bloom usually occurs in the month of June but varies with the weather.

Initial Regulatory Flexibility Analysis

One comment, submitted by a law firm, was filed on behalf of several Massachusetts growers and a handler. The commenter argued that one major handler has created the surplus and that smaller independent handlers do not have, and never had, a surplus. It was further argued that volume control will leave the smaller handlers without adequate supplies to fill orders. This situation, the commenter argued, is exacerbated by USDA's refusal to create a reserve pool under the order. The commenter further argued that imposing volume control would be disruptive to the market and that USDA's regulatory flexibility analysis is flawed. Specifically, the commenter disagreed with the Department's classification of

some handlers as large businesses and argued that the Department dealt inadequately with growers in its analysis of the economic impact of volume control. The commenter concluded that volume control will result in the destruction of 33 to 44 percent of the crop to maintain prices which would encourage the importation of foreign cranberries. American handlers would be forced to seek foreign cranberries or would be forced to buy from the handlers who caused the surplus.

As we have already explained, in recent years, cranberry production has exceeded demand which has caused dramatic declines in grower prices. One of the major goals of the Act and the order is to protect the interests of growers and consumers. In 2000, the Committee (which represents the interests of the industry) recommended the use of volume control to bring supplies more in line with demand. This was the first time in over 30 years that volume control was imposed. Given the anticipated size of the 2001 crop, in March of 2001, the Committee again recommended volume regulation for the coming year. Based on its analysis of the problems faced by the cranberry growers and handlers, the comments received in response to the proposed rule, and other available information, the Department decided that volume regulation would be preferable to a no volume regulation adjustment as a market stabilization technique.

In classifying businesses as to size for purposes of the regulatory flexibility analysis, AMS has used gross annual receipts. The analysis of the impacts of this rule was based on the premise that it would apply almost exclusively to small entities (both growers and handlers). Therefore, even if one of the handlers the commenter mentions were to be reclassified as to size, the analysis would not change.

The commenter's assertion that USDA refuses to create a reserve pool disregards the fact that such a mechanism in the order can only be created through formal rulemaking (through testimony and evidence on the record). This process is normally initiated by a recommendation to the Department by members of the industry. The Department has not indicated that it would not entertain such a recommendation.

Finally, it is clear that the cranberry industry is facing a number of economic problems, the main ones being oversupply and inelasticity of demand. We realize that there are numerous ways to go about resolving some of these. The marketing order with its volume control provisions is one which the industry has chosen to pursue. The Department has come to the conclusion (for reasons explained in this document) that the volume control provisions in this rule should be implemented in order to stabilize the industry and to bring available supplies of cranberries closer to market demand.

Based on the Department's analysis of the economics of the cranberry industry and on the plight faced by many growers and handlers, it is our view that volume control is necessary and that the level of control contained in this rule will best tend to effectuate the purposes of the Act and order.

Exemption for Fresh and Organically-Grown Fruit

The 4.7 million barrel option includes an exemption for fresh and organically-grown cranberries. The 4.0 million barrel option does not include a fresh and organically-grown fruit exemption.

Most commenters who favored the 4.0 million barrel marketable quantity also agreed that there was no need for a fresh or organic fruit exemption. Those who specifically addressed this issue stated that such an exemption would create a glut of fresh fruit. Some of this fruit would be inferior in quality, and its presence would injure overall demand in the fresh fruit market. No one specifically opposed an exemption for organically-grown fruit. Some commented that the fresh fruit exemption last year provided incentives for abuse as some growers reportedly sold fruit as ''fresh'' that ultimately ended up in processing channels. Some commenters were also concerned that the exemption would give an unfair advantage to processors that handle fresh fruit and their growers. This is because (as occurred last year), allotments not used by fresh fruit growers (because their fruit was exempt) could be used to offset any excess cranberries delivered by processing fruit growers.

Most commenters in favor of a 4.7 million barrel marketable quantity also supported a fresh and organically-grown fruit exemption. They stated that fresh and organically-grown fruit does not contribute in any meaningful way to the current cranberry surplus.

The Department supports an exemption for fresh and organically-grown cranberries because they do not contribute significantly to the current cranberry surplus. This conclusion is based on: (1) The relatively minor portion of total production these cranberries represent (fresh fruit—less than 6 percent and organically-grown fruit—about 1,000 barrels); (2) the distinction between fresh market/organically-grown cranberries and cranberries for processing; (3) information relative to the production and marketing of fresh and organic cranberries; and (4) the steps that have been taken to improve compliance with the exemption and to make the exemption more equitable among handlers and growers. In addition, continued encouragement for growth in the fresh and organic markets is consistent with industry objectives to develop additional markets and expand existing markets.

Analysis of Comments Pertaining to Sales History Calculations and Other Administrative Rule Changes

A proposed rule was published in the **Federal Register** on January 12, 2001 (66 FR 2838), to change the way in which sales histories are calculated (including deducting fresh sales from growers' sales histories). That rule, among other things, also proposed a clarification of the fresh fruit exemption and expanding the outlets available for excess cranberries. Twenty-five comments were filed during the comment period ending February 12, 2001. Most of those comments expressed general opinions on the use of volume regulation under the cranberry marketing order, and did not address the specific changes in the proposal.

During the comment period of this rule, the Committee met and recommended a further modification in sales history calculations. This modification was included in a proposed rule published on May 14, 2001. Eleven additional comments were received in response to the May 14 rule relative to amendment of sales history calculations.

Three comments supported the reformulation of sales histories in general, stating that changes made to the sales history calculations make them more equitable than last year's calculations. Eight commenters (including one who commented during both comment periods) supported amending the sales histories calculations as proposed in the May 14 rule. Six commenters (one who commented during both comment periods) did not support the modifications to sales history calculations. One commenter (who commented during both comment periods) objected to the modification of sales history calculations as proposed in the May 14 rule. Three commenters said the January 12 proposal did not make it clear that replanted acres should be treated the same as new acres when calculating sales histories. Two

commenters who supported the recalculation suggested allowing greater flexibility in the appeals process regarding sales histories.

Seven commenters supported the deduction of fresh fruit sales when calculating sales histories along with the clarification of the fresh fruit exemption. One commenter did not support the fresh fruit clarification. One commenter expressed support for the modifications to the excess cranberry provision, and one commenter suggested further modifications of that provision.

Reformulation of Sales History Calculations

The comments in support of the new formula for calculating sales histories expressed that the new method would be more equitable to growers, especially newer growers, than the way sales histories were calculated last year. Regarding modifying the formula to divide all available years by 4, those in support indicated that this revision would provide growers with sales histories more in line with actual expected production from new and replanted acres.

A comment in opposition to the formula expressed that growers with newly planted acres should not be rewarded for making poor business decisions. Growers had ample information available and should have known that production was increasing and sales were not. In addition, this commenter believed that giving additional sales histories to compensate these growers is unfair to growers with established acres who did not increase plantings and did not contribute to the current surplus.

Another commenter in opposition to the new formula said that providing newer growers with additional sales histories would encourage new plantings.

The Department does not agree that new plantings will be encouraged by implementation of this formula or that growers are being rewarded for making poor business decisions. The new method of calculating sales histories is intended to address equity concerns expressed last year with newer growers being impacted to a greater extent than established growers. The formula merely compensates growers for anticipated production on recently planted acres that do not have sales histories reflective of current production potential. The formula is based on data from all growing areas, from all sizes of growing operations and represents a higher than mid range of this data. The new method is an improved method from last year.

Regarding the comment about established growers being treated unfairly by this action, the modification contained in the May 14 proposed rule was specifically recommended to ensure that sales histories for established growers were calculated in the same way as those for newer growers.

One commenter supported the new formula as proposed in the January 12 rule, but did not support the revision which divides by 4 for all acreage to obtain an actual sales history prior to being assigned the adjustment for newer acres. This commenter indicated this change would again put new growers at a disadvantage, especially those growers with well managed new acreage with relatively high production. The commenter suggested that growers who are able, be allowed to segregate sales from older and newer acreage and divide by the appropriate number of years to obtain the actual sales history prior to adjusting the acreage with the formula.

This commenter discussed the methodology to determine average yields per acre depending upon the year of planting. The data used was increased by 25 barrels to allow more growers to have satisfactory sales histories. The commenter believed this methodology was flawed in that it did not take into account the differences between efficient and non-efficient growers. This commenter provided examples showing how this formula would be detrimental. In one example, dividing by the available number of years of sales history and assigning additional barrels in accordance with the formula would provide the grower with an average 373.5 barrels per acre. Using an example with actual production with a specific percentage increase would give the grower an average of 376.31 barrels per acre. Using the formula as revised by dividing by 4 and assigning additional sales history would provide the grower with an average 271.75 barrels per acre.

The Committee, along with the amendment subcommittee, gave much thought to improving the method of calculating sales histories to minimize the differential impact among growers with newer acreage. The data used to develop the formula was a result of a Department survey of average yields per acre depending upon the year of planting. The averages were adjusted up by 25 barrels per acre to include as many growers as possible. The survey indicated that the average yield for a full producing acre was 250 barrels per acre. With the 25 barrel adjustment, the formula recognizes an acre of full production to be 275 barrels. This amount is consistent with the commenter's example that computed the sales history by dividing all years by 4 (an average of 271.75 barrels per acre).

The Committee was aware that some growers' yields exceeded the average. However, if the formula used the highest yields in its calculations, growers with lower yields would receive sales histories well above average. This would have raised the total sales histories to an unrealistic amount which would have reduced the effectiveness of a volume regulation. It was decided that increasing the yields by 25 barrels over average yields brings more growers into the realm of realizing satisfactory sales histories without defeating the purpose of volume regulation. In addition, the simpler formula should result in fewer growers filing appeals.

Therefore, the Department believes that the sales history calculations as proposed in the January 12 proposed rule and as modified in the May 14 rule are appropriate for the 2001 volume regulation.

Replanted Acres

Three commenters said that the January 12 rule did not make it clear that replanted acres should be treated the same as new acres when calculating sales histories. The Department agrees that replanted acres and new acres should be assigned sales histories in the same manner. Changes have been made where pertinent in the regulatory text for clarity.

Appeals of Sales History Calculations

One commenter supported the revised sales history formula, but suggested that exceptions be authorized under the appeals process for growers to request higher sales histories than allowed under the formula. Specifically, growers could be required to submit evidence on yields from separate acreage to be successful in receiving sales history above and beyond that allowed under the formula.

Last year, over 250 appeals were received by the appeals subcommittee (the first level of review for appeals). Many of the appeals were filed by growers who provided credible evidence to allow the Committee to segregate sales histories of newer acreage so that additional sales histories could be provided.

The formula specifies certain amounts of sales histories that will be assigned to newer acreage. Appeals filed requesting higher sales histories than authorized under the provisions of the

reformulation of sales histories provisions will be denied.

One of the intents of the reformulation of sales history calculations is to eliminate the need for appeals to be filed. Therefore, fewer appeals should be filed and the appeals process can be completed in time for growers to know what their sales histories are well before harvest.

Accordingly, no change is made as a result of this comment.

Deduction of Fresh Sales From Sales History Calculations and Clarification of the Fresh Fruit Exemption Provision

The commenters who supported the deduction of fresh sales when calculating sales histories expressed that this change will provide more fairness in the application of the fresh fruit exemption. One commenter stated that the fresh fruit exemption should not be supported unless fresh sales are deducted from a grower's sales history. Another commenter stated that growers who produce both fresh and processed fruit realized an advantage last year over growers who produced only processed fruit. As an example, growers who delivered more than 15 percent of their crop as fresh during the 2000–01 crop year did not contribute to the crop reduction.

Similar comments were made regarding the clarification of the fresh fruit exemption provision. One commenter stated that the provision was abused during the 2000–01 season as some growers allegedly sold processed fruit as fresh fruit to benefit from the exemption. The commenters in support of the clarification believe that this change will help to resolve this issue and ensure compliance with the volume regulation.

One commenter was concerned about the container requirements for fresh fruit. Another commenter said that the fresh fruit clarification will make it difficult for growers to sell their own fruit.

The clarification of the fresh fruit exemption provision is to ensure that fresh fruit does not make its way into processing outlets. The refinement of the requirements under the exemption better addresses the intent of the exemption and will assist in limiting its abuse. The clarification also allows for exceptions to the container requirement.

Therefore, the Department is implementing the provisions to subtract fresh sales from growers' sales histories and to clarify the fresh fruit exemption provisions as proposed in the January 12, 2001, rule.

Excess Cranberries

One commenter supported the modification to broaden the scope of research and development projects authorized for excess cranberries. Another commenter suggested that any outlet using less than 5 percent of a grower's crop be an authorized ''commercial'' use for excess cranberries.

Excess cranberries should continue to be limited to ''noncommercial'' and ''noncompetitive'' uses. Any other use would defeat the purpose of the volume regulation and add potential incentives for abuse. This comment is denied, and the change to the excess cranberry provisions shall remain as set forth in the January 12 rule.

Other Alternatives Considered

Withholding Volume Regulation

The marketing order provides for two methods of volume controls, the producer allotment and the withholding programs. Prior to recommending a producer allotment program for the 2001–2002 crop, the Committee also considered the benefits of a withholding program.

Unlike the producer allotment program which allows cultural practices to be changed at the grower level closer to harvest, growers deliver all their cranberries to their respective handlers under the withholding program. The handler is responsible for setting aside restricted cranberries and ultimately disposing of the cranberries in authorized noncommercial and noncompetitive outlets. This could result in a large volume of cranberries being disposed of and perhaps destroyed. In addition, the withholding provisions require that all withheld cranberries be inspected by the Federal or Federal-State Inspection Service, which will add costs. Although the benefits to growers under a withholding program are that all cranberries can be delivered to handlers, growers would generally only be paid by their handlers for unrestricted cranberries. In addition, it would be expected that costs associated with disposal of withheld cranberries be deducted from grower returns, further reducing grower revenues. This could result in grower returns well below cost of production.

As with the 2000–2001 volume regulation, the Committee again determined that the producer allotment method of volume regulation was preferable over the withholding method. The producer allotment program allows for less fruit to be produced and would not require the disposal of as many cranberries as with the withholding provisions. In addition, inspections are not required under the producer allotment method, which is more cost effective and would be simpler to administer. This helps growers reduce some of the variable costs associated with preparing and maintaining a bog for production and harvest.

Establishing a Cranberry Marketing Pool Under a Producer Allotment Program

During discussions of volume regulations, a group of independent handlers indicated that any volume regulation would not be supported unless there are some assurances that sufficient supplies of cranberries will be made available to meet their customer needs. Most independent handlers claim that they do not have inventories of cranberries to carry into the new season. Although handler to handler purchases are a normal business practice (with or without a volume regulation), a producer allotment restriction increases the need for handlers to purchase from handlers with inventories to maintain market share. Some handlers believe this places them in a vulnerable position, needing more fruit than normal from their competitors.

The marketing order does not contain a mechanism to provide the assurances some of the independent handlers are seeking. An amendment subcommittee is working towards amending the order to incorporate a handler marketing pool, whereby a specified amount of cranberries would be pooled to allow for handlers with little or no inventories to purchase cranberries at a price established by the Committee. However, amending the order in this manner cannot be accomplished prior to the 2001 season.

Using All or Part of Both Methods of Volume Regulation in the Same Year

Also considered by the Committee was utilizing both methods of volume regulation in the same year. Some growers and handlers believe that the producer allotment program does not adequately address all the concerns faced by the different segments of the industry. It was thought that using the most useful parts of each program would address a broader range of issues. For example, under the withholding program, handlers can apply to the Committee for a release of their restricted cranberries. To receive a release, they have to deposit with the Committee an amount equal to the fair market value of the cranberries they want to be released. The fair market value is determined by the Committee. The Committee uses these funds to

purchase an equal amount of free cranberries from other handlers and to dispose of those cranberries. This provision of the withholding program is referred to as the ''buy-back'' provision.

Some growers and handlers indicated if there were a buy-back provision under the producer allotment program, the concern of handlers without inventories having access to fruit would be specifically addressed. However, there is no authority in the marketing order to use both methods of volume control concurrently, and buy-back cannot be used under the producer allotment program. Additionally, the intent of a producer allotment program is to discourage production at the grower level so that less fruit is delivered to handlers. Establishing a ''buy-back'' under a producer allotment program is problematic for that reason. If growers believed that some of their excess fruit could eventually be ''bought back'', increased production could be encouraged, defeating the purpose of the program. Also, it is unclear exactly what amount would be ''bought back''.

Other growers and handlers have indicated that if a producer allotment and a withholding program were recommended in the same year, growers would still be encouraged to reduce growing, and handlers would be in a position to buy-back berries to meet market needs. For example, if a 20 percent restriction under a producer allotment were recommended in February for the upcoming season, growers would be encouraged to reduce production. If a withholding provision were recommended in August of the same year with a restricted percentage of 10 percent, handlers would have the opportunity to buy back cranberries to meet their marketing needs.

Section 929.52 of the order specifies that either a withholding or a producer allotment program may be implemented during any fiscal period, not both. Also, further discussion is needed to determine what problems would be associated with implementing both programs in one year, if authorized. The amendment subcommittee is considering this issue with an amendment to the order.

Reporting and Recordkeeping Requirements

As with all Federal marketing order programs, reports and forms used under the cranberry order are periodically reviewed to reduce information requirements and duplication by industry and public sectors.

As previously discussed in the proposed rule published on January 12, 2001, this rule necessitates reconfiguring one form currently approved by OMB. The form is entitled CMC–AL 1, Growers Notice of Intent to Produce and Qualify for Annual Allotment. Growers are required to supply the Committee with information relative to their cranberry acreage in order to qualify for an annual allotment. The information includes how many existing and new acres would be producing cranberries in the following season and who would be handling the cranberries. The estimated time for 1,285 growers to complete this form is 20 minutes, once a year, for total annual burden hours of 424.05. The Committee will reconfigure this form to ensure that information relative to this rule will be included, particularly the date of planting of the acreage. The burden hours of the form will not change. Accordingly, the form does not have to be submitted to OMB.

All of the forms associated with the transfer of sales histories associated with leases have been previously approved by OMB. There are also some other reporting and recordkeeping and other compliance requirements under the marketing order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. This rule does not change those requirements.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this order have been previously approved by OMB and assigned OMB Number 0581–0103.

Opportunity for Public Participation in the Rulemaking Process

The Committee's meetings were widely publicized throughout the cranberry industry and all interested persons were invited to attend them and participate in Committee deliberations. Like all Committee meetings, the February 4 and March 4–5 meetings were public meetings. Meeting announcements were placed on websites specifically designed for the cranberry industry, and all interested parties were invited to attend. All entities, both large and small, were able to express their views on these issues by attending the meetings or contacting their Committee representatives about their concerns prior to the meetings. The Committee itself is composed of eight members, of which seven members are growers and one represents the public. Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations. In addition, several grower meetings were held throughout the production area to discuss the methods of volume regulation and the procedures for regulation.

A proposed rule on reformulating the sales history calculations for the 2001–2002 crop year was published in the **Federal Register** on January 12, 2001 (66 FR 2838). A proposed rule on whether to establish volume regulation was published in the **Federal Register** on May 14, 2001 (66 FR 24291). The rules were made available on the Department's website. The rules were also made available through the Internet by the Office of the Federal Register. A 30-day comment period was provided in the January 12, 2001, rule, which ended on February 12, 2001. A 15-day comment period ending May 29, 2001, was provided on the volume regulation proposal. These comment periods allowed interested persons to respond to the proposals.

The Department has not identified any relevant Federal rules which duplicate, overlap or conflict with this rule. A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following website: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The crop year begins on September 1, 2001. This rule should be effective prior to the beginning of the crop year so that the Committee can initiate its appeals procedures well in advance of the start of the volume regulation. Also, growers need time to adjust their cultural practices in preparation for the volume regulation. Further, handlers and growers are aware of this rule, which was discussed and

recommended at public meetings and well-publicized within the cranberry industry. Also, appropriate public comment periods were provided in the two proposed rules relevant to this final rule.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR Part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 929.104 (a)(4) is revised to read as follows:

§ 929.104 Outlets for excess cranberries.

(a)* * *

(4) Research and development projects approved by the committee dealing with the development of foreign and domestic markets, including, but not limited to dehydration, radiation, freeze drying, or freezing of cranberries.

* * * * *

§ 929.107 [Removed]

3. Section 929.107 is removed.

4. Section 929.110(d) is added to read as follows:

§ 929.110 Transfers or sales of cranberry acreage.

* * * * *

(d) During a year of regulation, all transfers of growers' sales histories for partial or total leases of acreage shall be received in the Committee office by close of business on July 31.

5. Section 929.125 is revised to read as follows:

§ 929.125 Committee review procedures.

Growers may request, and the Committee may grant, a review of determinations made by the Committee pursuant to section 929.48, in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the Committee which affects such grower, the grower may submit to the Committee within 30 days after receipt of the Committee's determination of sales history, a request for a review by an appeals subcommittee composed of two independent and two cooperative representatives, as well as a public member. Such appeals subcommittee shall be appointed by the Chairman of the Committee. Such grower may forward with the request any pertinent material for consideration of such grower's appeal.

(b) The subcommittee shall review the information submitted by the grower and render a decision within 30 days of receipt of such appeal. The subcommittee shall notify the grower of its decision, accompanied by the reasons for its conclusions and findings.

(c) The grower may further appeal to the Secretary, within 15 days after notification of the subcommittee's findings, if such grower is not satisfied with the appeals subcommittee's decision. The Committee shall forward a file with all pertinent information related to the grower's appeal. The Secretary shall inform the grower and all interested parties of the Secretary's decision. All decisions by the Secretary are final.

§ 929.148 [Removed]

6. Section 929.148 is removed.

7. Section 929.149 is revised to read as follows:

§ 929.149 Determination of sales history.

A sales history for each grower shall be computed by the Committee in the following manner.

(a) For each grower with acreage with 7 or more years of sales history, a new sales history shall be computed using an average of the highest 4 of the most recent 7 years of sales. If the grower has acreage with 6 years sales history, a new sales history shall be computed by averaging the highest 4 of the 6 years. If the grower has acreage with 5 years of sales history and such acreage was planted prior to 1995, a new sales history shall be computed by averaging the highest 4 of the 5 years.

(b) For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history shall be computed by averaging the highest 4 of the 5 years and shall be adjusted as provided in paragraph (d). For growers whose acreage has 4 years of sales history, the sales history shall be computed by averaging all 4 years and shall be adjusted as provided in paragraph (d). For growers whose acreage has 1 to 3 years of sales history, the sales history shall be computed by dividing the total years sales by 4 and shall be adjusted as provided in paragraph (d).

(c) For growers with acreage with no sales history or for the first harvest of replanted acres, the sales history will be 75 barrels per acre for acres planted or re-planted in 2000 and first harvested in 2001 and 156 barrels per acre for acres planted or re-planted in 1999 and first harvested in 2001.

(d) In addition to the sales history computed in accordance with paragraphs (a) and (b) of this section, additional sales history shall be assigned to growers with acreage planted in 1995 or later. The additional sales histories depending on the date the acreage is planted are shown in Table 1.

TABLE 1.—ADDITIONAL SALES HISTORY ASSIGNED TO ACREAGE

Date planted	Additional 2001 sales history per acre
1995	49
1996	117
1997	157
1998	183
1999	156
2000	75

(e) Fresh fruit sales shall be deducted from the sales histories. The sales history assigned to each grower shall represent processed sales only.

(f) If a grower's fruit does not qualify as fresh fruit upon delivery to the handler, and it is converted to processed fruit, the handler shall give priority to this grower when allocating unused allotment if the grower does not have sufficient processed sales history to cover the converted fruit.

8. Section 929.158 is revised to read as follows:

§ 929.158 Exemptions.

If fresh and organically-grown cranberries are exempted from the volume regulation as recommended by the Committee and approved by the Secretary, the following provisions to these exemptions shall apply:

(a) Sales of packed-out cranberries intended for sales to consumers in fresh form shall be exempt from volume regulation provisions. Fresh cranberries are also sold dry in bulk boxes generally weighing less than 30 pounds. Fresh cranberries intended for retail markets are not sold wet. If any such fresh cranberries are diverted into processing outlets, the exemption no longer applies. Growers who intend to handle fresh fruit shall notify the committee of their intent to sell over 300 barrels of fresh fruit.

(b) Sales of organically-grown cranberries are exempt from volume regulation provisions. In order to receive an exemption for organic cranberry sales, such cranberries must be certified as such by a third party organic certifying organization acceptable to the committee.

(c) Handlers shall qualify for the exemptions in paragraphs (a) and (b) of this section by filing the amount of packed-out fresh or organic cranberry sales on the grower acquisition form.

9. A new § 929.251 is added to read as follows:

§ 929.251 Marketable quantity and allotment percentage for the 2001–2002 crop year.

The marketable quantity for the 2001–2002 crop year is set at 4.6 million barrels and the allotment percentage is designated at 65 percent. Fresh and organically grown fruit shall be exempt from the volume regulation provisions of this section.

Dated: June 22, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Project XL (excellence and leadership) innovative technologies products:

Weyerhauser Co. in Oglethorpe, GA; published 6-27-01

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Federal Aviation Administration

Airworthiness directives:

Boeing; published 6-12-01

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Federal Register, Administrative Committee

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Meat and poultry inspection:

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Republication; comments due by 7-2-01; published 5-7-01

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Northeastern United States fisheries—

Black sea bass; comments due by 7-5-01; published 6-5-01

West Coast States and Western Pacific fisheries—

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Contractor responsibility, labor relations costs, and costs relating to legal and other proceedings; revocation; comments due by 7-6-01; published 5-7-01

Performance-based contracting; preference; comments due by 7-2-01; published 5-2-01

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Indiana; comments due by 7-2-01; published 5-31-01

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Contractor responsibility, labor relations costs, and costs relating to legal and other proceedings; revocation; comments due by 7-6-01; published 5-7-01

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Mexican motor carriers; applications to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border; comments due by 7-2-01; published 5-3-01

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1914/P.L. 107–17

To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. (June 26, 2001; 115 Stat. 151)

Last List June 11, 2001

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