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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 150, 170 and 171

RIN: 3150–AG73

Revision of Fee Schedules; Fee Recovery for FY 2001; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the **Federal Register** on June 14, 2001 (66 FR 32452), concerning the licensing, inspection, and annual fees charged to NRC applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990, as amended. This action is necessary to correct typographical and printing errors.

EFFECTIVE DATE: August 13, 2001.

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone 301–415–6057.

SUPPLEMENTARY INFORMATION:

1. On page 32459, in the second column, under *Response,* in the first sentence, the word ''rule'' is added after the word ''proposed''.

2. On page 32461, in the second column, in the first sentence of the second full paragraph, the word ''proposed'' is removed.

3. On page 32463, in the first column, in the last sentence of the fourth full paragraph, after the words ''Section III., Final Action'', add ''1.(a)''.

4. On page 32465, Table VI is corrected to read as follows:

TABLE VI.—EFFORT FACTORS FOR FUEL FACILITIES

Facility type	Number of facilities	Effort factors	
		Safety	Safeguards
High Enriched Uranium Fuel	2	91 (33.5%)	76 (55.1%)
Enrichment	2	70 (25.7%)	34 (24.6%)
Low Enriched Uranium Fuel	4	85 (31.3%)	23 (16.7%)
UF_6 Conversion	1	12 (4.4%)	0 (0%)
Limited Operations Facility	1	8 (2.9%)	3 (2.2%)
Others	1	6 (2.2%)	2 (1.4%)

5. On page 32468, in the second column, in paragraph (1), the amount ''$487.4'' is replaced with ''$487.3.''

§ 170.21 [Corrected]

6. In § 170.21, on page 32470, paragraphs (a), (b), and (c) should appear as listed text as part of footnote 4.

7. On page 32480, in the first column, the third sentence is corrected to read as follows:

* * * * *

The revised fees were based on the 25 percent increase in average total fees assessed to other materials licensees since the small entity fees were first established and changes that had occurred in the fee structure for materials licensees over time.* * *

8. On page 32480, in the second column, the heading for Attachment 1 to Appendix A is corrected to read: ''Attachment 1 to Appendix A—Nuclear Regulatory Commission Small Entity Compliance Guide, Fiscal Year 2001''.

Dated at Rockville, Maryland, this 29th day of June, 2001.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

[FR Doc. 01–16915 Filed 7–5–01; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rate

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, Extensions of Credit by Federal Reserve Banks to reflect its approval of a decrease in the basic discount rate at each Federal Reserve Bank. The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks.

DATES: The amendments to part 201 (Regulation A) were effective June 27, 2001. The rate changes for adjustment credit were effective on the dates specified in 12 CFR 201.51.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Johnson, Secretary of the Board, at (202) 452–3259, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, et al., of the Federal Reserve Act, the Board has amended its Regulation A (12 CFR part 201) to incorporate changes in discount rates on Federal Reserve Bank extensions of credit. The discount rates are the interest rates charged to depository institutions when they

borrow from their district Reserve Banks.

The ''basic discount rate'' is a fixed rate charged by Reserve Banks for adjustment credit and, at the Reserve Banks' discretion, for extended credit for up to 30 days. In decreasing the basic discount rate from 3.5 percent to 3.25 percent, the Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks. The new rates were effective on the dates specified below. The 25-basis-point decrease in the discount rate was associated with a similar decrease in the federal funds rate approved by the Federal Open Market Committee (FOMC) and announced at the same time.

In a joint press release announcing these actions, the FOMC and the Board of Governors noted that the patterns evident in recent months—declining profitability and business capital spending, weak expansion of consumption, and slowing growth abroad—continue to weigh on the economy. The associated easing of pressures on labor and product markets is expected to keep inflation contained.

Although continuing favorable trends bolster long-term prospects for productivity growth and the economy, the FOMC continues to believe that against the background of its long-run goals of price stability and sustainable economic growth and of the information currently available, the risks are weighted mainly toward conditions that may generate economic weakness in the foreseeable future.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board certifies that the change in the basic discount rate will not have a significant adverse economic impact on a substantial number of small entities. The rule does not impose any additional requirements on entities affected by the regulation.

Administrative Procedure Act

The provisions of 5 U.S.C. 553(b) relating to notice and public participation were not followed in connection with the adoption of the amendment because the Board for good cause finds that delaying the change in the basic discount rate in order to allow notice and public comment on the change is impracticable, unnecessary, and contrary to the public interest in fostering price stability and sustainable economic growth.

The provisions of 5 U.S.C. 553(d) that prescribe 30 days prior notice of the effective date of a rule have not been followed because section 553(d) provides that such prior notice is not necessary whenever there is good cause for finding that such notice is contrary to the public interest. As previously stated, the Board determined that delaying the changes in the basic discount rate is contrary to the public interest.

List of Subjects in 12 CFR Part 201

Banks, banking, Credit, Federal Reserve System.

For the reasons set out in the preamble, 12 CFR part 201 is amended as set forth below:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

1. The authority citation for 12 CFR part 201 continues to read as follows:

Authority: 12 U.S.C. 343 *et seq.*, 347a, 347b, 347c, 347d, 348 *et seq.*, 357, 374, 374a and 461.

2. Section 201.51 is revised to read as follows:

§ 201.51 Adjustment credit for depository institutions.

The rates for adjustment credit provided to depository institutions under § 201.3(a) are:

Federal Reserve Bank	Rate	Effective
Boston	3.25	June 27, 2001
New York	3.25	June 27, 2001
Philadelphia	3.25	June 27, 2001
Cleveland	3.25	June 28, 2001
Richmond	3.25	June 28, 2001
Atlanta	3.25	June 27, 2001
Chicago	3.25	June 27, 2001
St. Louis	3.25	June 29, 2001
Minneapolis	3.25	June 28, 2001
Kansas City	3.25	June 28, 2001
Dallas	3.25	June 27, 2001
San Francisco	3.25	June 27, 2001

By order of the Board of Governors of the Federal Reserve System, June 29, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–16869 Filed 7–5–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–25–AD; Amendment 39–12307; AD 2001–13–25]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–200 and –300 series airplanes, that currently requires repetitive inspections to detect chafing or arcing damage to the cable/wire and fuel tube assemblies on the right-hand side of each engine, and replacement with new components, if necessary. That AD also provides for an optional terminating action for the repetitive inspections required by that AD. This amendment requires accomplishment of the previously optional terminating action. The actions specified by this AD are intended to prevent chafing of the cable/wire bundles against the fuel line, which could result in arcing and a consequent fire or explosion. This action is intended to address the identified unsafe condition.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington DC.

FOR FURTHER INFORMATION CONTACT: James Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York

11581; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2001–02–02, amendment 39–12086 (66 FR 6454, January 22, 2001), which is applicable to certain Bombardier Model DHC–8–200 and –300 series airplanes, was published in the **Federal Register** on March 29, 2001 (66 FR 17097). The action proposed to continue to require repetitive inspections to detect chafing or arcing damage to the cable/wire and fuel tube assemblies on the right-hand side of each engine, and replacement with new components, if necessary. The action also proposed to require accomplishment of the previously optional terminating action for the repetitive inspections required by AD 2001–02–02.

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

There are approximately 150 Model DHC–8–200 and –300 series airplanes of U.S. registry that will be affected by this AD.

The repetitive inspections that are currently required by AD 2001–02–02, and retained in this AD, take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $18,000, or $120 per airplane.

The new action, incorporation of the modification, that is required by this new AD, will take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $350 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $88,500, or $590 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12086 (66 FR 6454, January 22, 2001), and by adding a new airworthiness directive (AD), amendment 39–12307, to read as follows:

2001–13–25 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12307. Docket 2001–NM–25–AD. Supersedes AD 2001–02–02, Amendment 39–12086.

Applicability: Model DHC–8–201, –202, –301, –311, and –315 series airplanes having serial numbers from 100 through 552 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 (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 possible arcing between the electrical wiring and the fuel tube, which could result in a fire or explosion, accomplish the following:

Inspection Requirements of AD 2000–02–02

(a) Within 50 flight hours or 10 days after February 6, 2001 (the effective date of AD 2001–02–02), whichever occurs first: Do a general visual inspection to detect chafing or arcing damage to the cable and the fuel tube assemblies on the right hand side of each engine, per Bombardier Alert Service Bulletin A8–73–23, Revision A, dated December 12, 2000; or Revision B, dated January 30, 2001. Repeat the inspection every 500 flight hours or 3 months, whichever occurs first.

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.''

Repair

(b) If any damage to the fuel tube or cable assembly is detected, before further flight, replace the damaged component per Bombardier Alert Service Bulletin A8–73–23, Revision A, dated December 12, 2000, or Revision B, dated January 30, 2001. Thereafter, repeat the inspection required by paragraph (a) of this AD every 500 flight hours or 3 months, whichever occurs first.

Note 3: Accomplishment of the replacement actions specified in paragraph (b) of this AD or terminating action required by paragraph (c) of this AD, per Bombardier Alert Service Bulletin A8–73–23 (original version), dated November 30, 2000, before the effective date of this AD, is acceptable for compliance with paragraphs (b) or (c) of this AD, as applicable.

Terminating Action

(c) Within 1,000 flight hours or 6 months after the effective date of this AD, whichever occurs first: Accomplish the modification instructions described in Bombardier Alert Service Bulletin A8–73–23, Revision A, dated December 12, 2000, or Revision B, dated January 30, 2001, that specify, among other actions, rerouting the existing wire harness to the opposite side of the oil cooler. Accomplishment of the modification constitutes terminating action for the repetitive inspection 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, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

(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 Bombardier Alert Service Bulletin A8–73–23, Revision A, dated December 12, 2000; or Bombardier Alert Service Bulletin A8–73–23, Revision B, dated January 30, 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–33, dated November 14, 2000.

Effective Date

(g) This amendment becomes effective on August 10, 2001.

Issued in Renton, Washington, on June 27, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16742 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–04–AD; Amendment 39–12306; AD 2001–13–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A310 series airplanes and Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes, that requires revising the Airplane Flight Manual to prohibit the airplane from being moved during inertial reference unit alignment. The actions specified by this AD are intended to prevent a loss of positioning data and a display of incorrect attitude data to the flight crew, which could result in severe consequences to the airworthiness of the airplane if operated under flight conditions with no visual reference. This action is intended to address the identified unsafe condition.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; 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 Airbus Model A310 series airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes was published in the **Federal Register** on April 26, 2001 (66 FR 20948). That action proposed to require revising the Airplane Flight Manual (AFM) to prohibit the airplane from being moved during inertial reference unit alignment.

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.

Change to the Final Rule

Paragraph (b) of the proposal has been changed to a ''note'' in this final rule, since the material contained in that paragraph is informational only.

Cost Impact

The FAA estimates that 157 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required AFM revision, 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 $9,420, or $60 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:

2001–13–24 Airbus Industrie: Amendment 39–12306. Docket 2001–NM–04–AD.

Applicability: Model A310 series airplanes and Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes, certificated in any category; with installed Inertial Reference Units (IRU) Honeywell 10 MCU part number (P/N) HG1050BD02 or HG1050BD05.

Compliance: Required as indicated, unless accomplished previously.

To prevent a loss of positioning data and a display of incorrect attitude data to the flight crew, accomplish the following:

Revision to Airplane Flight Manual (AFM)

(a) Within 10 days after the effective date of this AD, revise the Normal Procedures section of the FAA-approved AFM to include the following information. This may be accomplished by inserting either a copy of this AD or Temporary Revision (TR) 4.03.00/22, dated September 18, 2000, into the A310 AFM or the A300–600 AFM, as applicable, facing 4.03.00 page 1.

''COCKPIT PREPARATION

Do not move the aircraft during IRS alignment.

PRIOR TO TAKEOFF

Scan PFD/ND to check correct display of all primary attitude and heading information.''

Note 1: When the information in TR 4.03.00/22 has been incorporated into FAA-approved general revisions of the AFM, the general revisions may be incorporated in the AFM, and this TR or this AD may 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 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) Except as provided by paragraph (a) of this AD, the actions shall be done in accordance with Temporary Revision 4.03.00/22, dated September 18, 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 2000–480–325(B), dated November 29, 2000.

Effective Date

(e) This amendment becomes effective on August 10, 2001.

Issued in Renton, Washington, on June 27, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16741 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–403–AD; Amendment 39–12305; AD 2001–13–23]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–700 and –800 series airplanes, that requires inspections of certain tension bolts at the attachment of the aft pressure bulkhead to the fuselage at body station 1016 to determine if the correct parts are installed, and corrective action, if necessary. The actions specified by this AD are intended to prevent fatigue cracking along the bulkhead-to-fuselage attachment, which could result in structural failure of the aft pressure bulkhead and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 13, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 13, 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: Scott Fung, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1221; 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 737–700 and –800 series airplanes was published in the **Federal**

Register on April 12, 2001 (66 FR 18880). That action proposed to require inspections of certain tension bolts at the attachment of the aft pressure bulkhead to the fuselage at body station 1016 to determine if the correct parts are installed, and corrective action, if necessary.

Comments

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 Air Transport Association (ATA) of America, on behalf of one of its members, states that its member supports the proposed rule.

Conclusion

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

Cost Impact

There are approximately 31 airplanes of the affected design in the worldwide fleet. The FAA estimates that 14 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 $1,680, 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:

2001–13–23 Boeing: Amendment 39–12305. Docket 2000–NM–403–AD.

Applicability: Model 737–700 and –800 series airplanes; line numbers 4, 6, 9 through 20 inclusive, 29, and 31 through 46 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 (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 fatigue cracking along the bulkhead-to-fuselage attachment, which could result in structural failure of the aft pressure bulkhead and consequent rapid decompression of the airplane, accomplish the following:

Inspections and Corrective Actions

(a) Prior to the accumulation of 3,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, do one-time special detailed inspections of tension bolts at the attachment of the aft pressure bulkhead to the fuselage at body station 1016 to determine whether the correct parts are installed, per the Accomplishment Instructions of Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998.

(1) If any long bolt is found above the main deck floor, do paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Before further flight, do a torque test of the nut on the long bolt to determine whether the bolt is properly clamped.

(ii) Replace the bolt and nut, as applicable, with new parts, per the service bulletin, except as provided by paragraph (c) of this AD. The correct replacement parts are listed in Figure 4 of the service bulletin. Do the replacement no later than the compliance time specified in the compliance table in Section 1.D. (''Compliance'') of the service bulletin. For the purposes of this AD, compliance times stated in flight cycles and years are to be counted from the time of the inspection per paragraph (a) of this AD.

(2) For any long or short bolt other than those identified in paragraph (a)(1) of this AD, replace the bolt and nut, as applicable, with new parts, per the service bulletin, except as provided by paragraph (c) of this AD. The correct replacement parts are listed in Figure 4 of the service bulletin. Do the replacement no later than the compliance time specified in the compliance table in Section 1.D. (''Compliance'') of the service bulletin. For the purposes of this AD, compliance times stated in flight cycles and years are to be counted from the time of the inspection per paragraph (a) of this AD.

Note 2: For the purposes of this AD, a special detailed inspection is defined as: ''An intensive examination of a specific item(s), installation, or assembly to detect damage, failure, or irregularity. The examination is likely to make extensive use of specialized inspection techniques and/or equipment. Intricate cleaning and substantial access or disassembly procedures may be required.''

Repetitive Inspections

(b) Where short bolts are installed between two adjacent stringer end fittings or at stringer end fittings, doing repetitive inspections of the nuts to determine if bolts are properly clamped, per Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998, extends the compliance time for the replacement of bolts, per the compliance table in Section 1.D. (''Compliance'') of the service bulletin.

Exception for Certain Repair Conditions

(c) Where Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998, specifies to contact Boeing for replacement instructions: Before further flight, replace 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 approval letter must specifically reference 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, 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

(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) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–53–1212, including Appendix A, dated August 13, 1998. 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

(g) This amendment becomes effective on August 13, 2001.

Issued in Renton, Washington, on June 27, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16740 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–328–AD; Amendment 39–12303; AD 2001–13–21]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –301 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–102, –103, and –301 series airplanes, that requires repair of the flight deck angle. The actions specified by this AD are intended to prevent the flight deck angle from interfering with the clevis of the roll control disconnect cable, which could lead to an uncommanded disconnection of the roll control, resulting in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–170, FAA, New York Aircraft Certification Office, 10 Fifth Street, Valley Stream, New York 11581–1200; telephone (516) 256–7505; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–102, –103, and –301 series airplanes was published in the **Federal Register** on April 12, 2001 (66 FR 18877). That action proposed to require repair of the flight deck angle.

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 42 Bombardier Model DHC–8–102, –103, and –301 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required repair, 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 $10,080, or $240 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has

been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–13–21 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12303. Docket 2000–NM–328–AD.

Applicability: Model DHC–8–102, –103, and –301 series airplanes, certificated in any category, serial numbers 003 through 146, excluding serial numbers 064 and 137.

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 the flight deck angle from interfering with the clevis of the roll control disconnect cable, which could lead to an uncommanded disconnection of the roll control, resulting in reduced controllability of the airplane, accomplish the following:

Repair

(a) Within 18 months after the effective date of this AD: Repair the flight deck angle having part number (P/N) 85310497–101/103, by accomplishing all applicable actions specified in the Accomplishment Instructions of Bombardier Service Bulletin 8–53–75, dated December 6, 1999, in accordance with the service bulletin.

Note 2: The service bulletin references Bombardier Repair Drawing RD8–53–3620, dated June 15, 1999, as an additional source of service information for accomplishment of the repair of the flight deck angle.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The repair shall be done in accordance with Bombardier Service Bulletin 8–53–75, dated December 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–21, dated August 4, 2000.

Effective Date

(e) This amendment becomes effective on August 10, 2001.

Issued in Renton, Washington, on June 26, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16738 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–160–AD; Amendment 39–12302; AD 2001–13–20]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310, and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Airbus Model A310 and A300–600 series airplanes, that currently requires a detailed visual inspection to detect damage to the terminal lugs on the 12XC and 15XE contactors and the mounting lugs on the 15XE contactor; corrective actions, if necessary; and certain conditional repetitive inspections. This action adds requirements for installation of a new mounting bracket for the 15XE contactor, modification of the cable attachment adjacent to the contactor, and replacement of certain terminal lugs on the 15XE contactor by terminal lugs with a thicker contact area. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent excessive vibrations generated by the mounting configuration of the 15XE contactor, which could cause breakage of the terminal and mounting lugs on the 15XE contactors in the 101VU panel in the avionics compartment, resulting in loss of electrical power from the standby generator.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 2001.

The incorporation by reference of Airbus All Operators Telex 24–09, Revision 01, dated August 13, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 27, 1999 (64 FR 51190, September 22, 1999).

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, 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) by superseding AD 99–19–40, amendment 39–11327 (64 FR 51190, September 22, 1999), which is applicable to certain Airbus Model A310 and A300–600 series airplanes, was published in the **Federal Register** on February 15, 2001 (66 FR 10382).

The action proposed to supersede AD 99–19–40 to continue to require a detailed visual inspection to detect damage to the terminal lugs on the 12XC and 15XE contactors and the mounting lugs on the 15XE contactor; and corrective action, if necessary. The action proposed to add requirements for installation of a new mounting bracket for the 15XE contactor, modification of the cable attachment adjacent to the contactor, and replacement of certain terminal lugs on the 15XE contactor with lugs having a thicker contact area.

Comments

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

The commenter points out a typographical error that occurs throughout the proposed rule. The proposed rule incorrectly calls the 12XC and 15XE ''connectors'' instead of ''contactors.'' This final rule has been changed to correctly reference these parts as ''contactors.''

Conclusion

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

Cost Impact

There are approximately 109 airplanes of U.S. registry that will be affected by this AD. The following information describes the estimated cost impact on U.S. operators of this AD action:

Action	Work hours	Hourly labor rate	Parts cost	Per-airplane cost	Fleet cost
Inspection	2	$60	$0	$120	$13,080
Modification	5	60	490	790	86,110

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11327 (64 FR 51190, September 22, 1999), and by adding a new airworthiness directive (AD), amendment 39–12302, to read as follows:

2001–13–20 Airbus Industrie: Amendment 39–12302. Docket 2000–NM–160–AD. Supersedes AD 99–19–40, Amendment 39–11327.

Applicability: The following airplanes, certificated in any category, and equipped with a standby generator (FIN 25XE); excluding airplanes on which Airbus Modification 12135 has been accomplished:

Model A300 B4–600, A300 B4–600R and Model A300 F4–600R (collectively called A300–600) series airplanes on which Airbus Modification 06213 has been installed; and

Model A310 series airplanes on which Airbus Modification 05910 has been installed.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent excessive vibrations generated by the mounting configuration of the 15XE

contactor, which could cause breakage of the terminal and mounting lugs on the 15XE contactor in the 101VU panel in the avionics compartment, resulting in loss of electrical power from the standby generator, accomplish the following:

Restatement of Certain Actions Required by AD 99–19–40

Inspection and Corrective Actions

(a) Prior to the accumulation of 5,000 total flight hours, or within 600 flight hours after the effective date of this AD, whichever occurs later: Accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD in accordance with Airbus All Operators Telex (AOT) 24–09, Revision 01, dated August 13, 1998.

(1) Perform a detailed visual inspection of the terminal lugs on the 12XC and 15XE contactors to detect damage (i.e., overheat, cracking, twisting, or total rupture). If any damage is detected, prior to further flight, replace the terminal lugs with new terminal lugs, part number (P/N) NSA936501TA1004.

(2) Perform a detailed visual inspection of the mounting lugs on the 15XE contactor to detect damage (i.e., cracking or breaking). If any damage is detected, prior to further flight, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

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

(i) Replace contactor 15XE with a new contactor, P/N 25811BOSHUNTKL, vendor code F0214 ECE. Or,

(ii) Repair contactor 15XE in accordance with Airbus AOT 24–09, Section 4.2.2.3. Repeat the detailed visual inspection required by paragraph (a)(2) of this AD of the repaired contactor thereafter at intervals not to exceed 1 week, and repeat the repair with new cable ties thereafter at intervals not to exceed 3 months, until the replacement required by paragraph (a)(2)(i) of this AD is accomplished.

New Actions Required by This AD

Installation

(b) Within 20 months after the effective date of this AD, install a new mounting bracket for the 15XE contactor, modify the cable attachment adjacent to the contactor, and replace certain terminal lugs with lugs having a thicker contact area, in accordance with Airbus Service Bulletin A310–24–2080 (for Model A310 series airplanes) or A300–24–6070 (for Model A300–600 series airplanes), both dated December 15, 1999, as applicable.

Replacement

(c) Continue the detailed visual inspection of a repaired 15XE contactor which is required by paragraph (a)(2)(ii) of this AD at intervals not to exceed 1 week, and continue the repair with new cable ties at intervals not to exceed 3 months, until the repaired 15XE contactor is replaced by a new 15XE contactor.

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

Special Flight Permits

(e) Special flight permits may be issued in accordance with 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 Airbus All Operators Telex 24–09, Revision 01, dated August 13, 1998; Airbus Service Bulletin A300–24–6070, dated December 15, 1999; and Airbus Service Bulletin A310–24–2080, dated December 15, 1999.

(1) The incorporation by reference of Airbus Service Bulletin A300–24–6070, dated December 15, 1999; and Airbus Service Bulletin A310–24–2080, dated December 15, 1999; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Airbus All Operators Telex 24–09, Revision 01, dated August 13, 1998, was approved previously by the Director of the Federal Register as of October 27, 1999 (64 FR 51190, September 22, 1999).

(3) Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 2000–145–306(B), dated April 5, 2000.

Effective Date

(g) This amendment becomes effective on August 10, 2001.

Issued in Renton, Washington, on June 26, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16737 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–45–AD; Amendment 39–12301; AD 2001–13–19]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes, that requires revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information issued by a foreign airworthiness authority. The actions specified by this AD are intended to ensure that fatigue cracking of certain principal structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 10, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes was published in the **Federal Register** on February 14, 2001 (66 FR 10238). That action proposed to require revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, 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.

Editorial Change

The language in paragraph (a)(2)(iii) has been slightly revised to clarify the intervals for certain repetitive inspections.

Conclusion

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed with the clarification 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.

Cost Impact

The FAA estimates that 195 Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to revise the Bombardier maintenance program, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the revision on U.S. operators is estimated to be $11,700, or $60 per airplane.

It will take approximately 5 work hours per airplane to accomplish the required structural inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections on U.S. operators is estimated to be $58,500, or $300 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–13–19 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12301. Docket 2000–NM–45–AD.

Applicability: Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 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 continued structural integrity of these airplanes, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the actions required by either paragraph (a)(1) or (a)(2) of this AD, as applicable.

Maintenance Program Revisions

(1) Revise the Bombardier maintenance program by incorporating the threshold and repetitive inspection intervals specified in the Temporary Revisions (TR's) to the DHC–8 Maintenance Program Manuals, Airworthiness Limitations List (AWL), Structural Inspection Program Task No. 5310/31A, into the Bombardier maintenance program. The TR's for specific airplane models are listed in Table 1, as follows:

TABLE 1.—LIST OF TEMPORARY REVISIONS

Bombardier models	TR No.	Date
DHC–8–102, –103, and –106 series airplanes	TR AWL–71	September 3, 1999.
DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes	TR AWL 2–15	September 3, 1999.
DHC–8–301, –311, –314, and –315 series airplanes	TR AWL 3–78	November 19, 1999.

Note 2: When the TR documents listed in Table 1 in paragraph (a)(1) of this AD are incorporated into the general revisions of the DHC–8 Maintenance Program Manual, you may insert the general revisions into the Bombardier maintenance program, provided that the information contained in the general revisions is identical to that specified in the TR documents.

Structural Inspections

(2) For airplanes having closing angles that are identified as principal structural elements: Do the inspections specified by the applicable TR listed in Table 1 of paragraph (a) of this AD. Thereafter, repeat the inspection at intervals not to exceed 10,000 flight cycles at the time specified in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD, as applicable.

(i) For airplanes that have accumulated less than 8,000 flight cycles as of the effective date of this AD: Do the threshold inspection prior to the accomplishment of 10,000 flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(ii) For airplanes that have accumulated 8,000 flight cycles or more as of the effective date of this AD: Do the threshold inspection within 2,000 flight cycles after the effective date of this AD.

(iii) For airplanes on which a 40,000 flight cycle inspection specified by the applicable TR listed in Table 1 of paragraph (a) of this AD has been done: Start the 10,000 flight cycle repetitive inspection at the time specified by paragraph (a)(2)(iii)(A) or (a)(2)(iii)(B) of this AD, as applicable.

(A) If no cracks were found, start the cycle from the date of the 40,000 flight cycle inspection.

(B) If cracks have been found and the closing angles have been replaced as provided in paragraph (b) of this AD, start the cycle from the date of the replacement.

Corrective Actions

(b) If any crack is detected during any structural inspection required by paragraph (a)(2) of this AD, before further flight, repair any such cracking or replace the closing angles per a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or the Transport Canada Civil Aviation (or its delegated agent). For a repair or replacement method to be approved by the Manager, New York ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(c) Except as provided by paragraph (d) of this AD: After the actions specified in paragraphs (a) and (b) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified by the documents listed in Table 1 of paragraph (a)(1) 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, New York ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

(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) Except as provided in paragraph (b) of this AD, the actions shall be done in accordance with de Havilland Temporary Revision TR AWL–71, dated September 3, 1999; de Havilland Temporary Revision TR AWL 2–15, dated September 3, 1999; and de Havilland Temporary Revision TR AWL 3–78, dated November 19, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York ACO, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–07, dated March 3, 2000.

Effective Date

(g) This amendment becomes effective on August 10, 2001.

Issued in Renton, Washington, on June 26, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16736 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–17]

Revision of Class E airspace, Roosevelt, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Roosevelt, UT, Class E airspace to accommodate airspace required for the establishment of a new Standard Instrument Approach Procedures (SIAP) to the Roosevelt Municipal Airport, Roosevelt, UT.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–17, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On October 16, 2000, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Roosevelt, UT, in order to accommodate a new Area Navigation (RNAV) SIAP to Runway (RWY) 25 at Roosevelt Municipal Airport, Roosevelt, UT (65 FR 61126). This amendment provides Class E5 airspace at Roosevelt, UT, to meet current criteria standards associated with the SIAPs. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Roosevelt, UT, in order to accommodate a new SIAP to the Roosevelt Municipal Airport, Roosevelt, UT. This amendment revises Class E5 airspace at Roosevelt, UT, to meet current criteria standards associated with the RNAV RWY 25 SIAP. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Roosevelt Municipal Airport and between the terminal and en route transition stages.

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

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. It therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Roosevelt, UT [Revised

Roosevelt Municipal Airport, UT

lat. 40°16′42″N., long 110°03′05″W.)

Mytton, VORTAC

(lat. 40°08′42″N., long 110°07′40″W

That airspace extending from 700 fee about the surface within a 7.5-mile radius of the Roosevelt Municipal Airport and within 5 milies east 5 miles west of the Myton VORTAC 024° and 204° radials extending from the 7.5-mile radius of the airport to 1.7 miles south of the VORTAC; that airspace extending upward from 1,200 feet about the surface bounded by a line begining at lat. 39°44′34″N., long. 110°29′40″W. to lat. 40°27′47″N., long. 110°29′40″W. to lat. 40°27′47″N., long. 109°28′18″W. to lat. 40°04′04″N., long. 109°28′18″W. to lat. 40°04′04″N., long. 110°44′52″ lat. 39°44′34″N., long. 109°44′52″W. to the point of beginning; exclusing Federal Aiways; Duchesne, UT, and Vernal, UT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on June 27, 2001.

Lee Daniel,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–16966 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Parts 801, 802 and 803

Premerger Notification; Antitrust Improvements Act Notification and Report Form

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This final rule amends the Antitrust Improvements Act Notification and Report Form (''Form'') which must be completed and submitted by persons required to report mergers and acquisitions pursuant to section 7A of the Clayton Act, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (''HSR Act''). The telephone number for the Bureau of the Census appearing on the Instructions in the Interim Rules will be deleted as this telephone number is no longer referenced on the Bureau of the Census web page. Persons requiring information on NAICS should refer to the Census web page at *www.census.gov.* Otherwise, this final rule implements the Interim Rules as published on May 9, 2001.

DATE: This final rule is effective July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Marian R. Bruno, Assistant Director, or Alice M. Villavicencio, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Telephone (202) 326–3100.

SUPPLEMENTARY INFORMATION:

Discussion of Comments

On May 9, 2001, the Commission published Interim Rules amending the Form, and Insurance Appendix contained in 16 CFR Part 803, and amending the Rules, 16 CFR Parts 801 and 802 (66 FR 23561). The Interim Rules solicited public comments regarding the effective date of July 1, 2001.

The Commission received three public comments. The first comment, dated May 25, 2001, was submitted by Nortel Networks, Inc. (Mary M. Cross and Monica L. Lester). This comment asserts that the July 1, 2001, effective date causes a burden for larger ''calendar year'' companies, such as Nortel, to comply with a midyear effective date and that a January 1, 2002 effective date is more efficient. The comment explains that the company will have difficulty in compiling data on the revenues generated by its products and in classifying its 1997 and 2000 revenues to the NAICS because Nortel operates various lines of businesses and reports revenue information on a calendar-year basis. It anticipates that other larger companies may have similar experiences during the transition. The second comment, dated June 7, 2001, was submitted by Emerson Electric Company (Richard J. Schlueter). This comment suggests that the Commission postpone the effective date, or in the alternative, that the Commission allow an unspecified grace period, permitting larger companies to submit revenue data using either the SIC or the NAICS while making the transition.

The third comment, dated May 16, 2001, was submitted by Taft, Stettinius, & Hollister LLP (Thomas C. Hill) and did not address the effective date of these amendments. Comment three recommends that the dollar threshold in Item 8 be raised. This comment will remain under consideration and may be addressed by future rulemaking.

The sparse number of comments leads the Commission to conclude that the vast majority of persons filing notification are able and ready to report revenue data using the NAICS. The Commission concludes that an effective date of July 1, 2001, remains appropriate.

Regulatory Flexibility Act

The information required by the amended Form is substantially the same as the information elicited on the current Form. The only difference is that filing persons will be required to report revenue data using the NAICS instead of the SIC in Items 5, 7, and 8. The change in base year simply requires that filing persons use data from the ''1997 Economic Census'' rather than data from the ''1992 Economic Census.''

The ministerial changes clarify or simplify existing practices.

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that the agency conduct an initial and final regulatory analysis of the anticipated economic impact of the proposed amendments on small businesses, except where the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605. Because of the size of the transactions necessary to invoke a Hart-Scott-Rodino filing,[1] the premerger notification rules rarely, if ever, affect small businesses. The recent amendments to Section 7A of the Clayton Act and the Commission's implementing rule amendments were intended to reduce the burden of the premerger notification program by exempting all transactions valued at $50 million or less.

Furthermore, most federal statistical agencies have adopted the NAICS since 1997. Accordingly, many companies that currently file HSR notifications have submitted economic information to the Bureau of the Census using the NAICS codes since 1997. For these filing persons, reporting base year revenue data classified under the NAICS should present little difficulty. For persons that do not have base year revenue data coded under the NAICS, the delayed effective date of the amendments to the Form should have provided sufficient time to convert their SIC data to the NAICS format with minimal burden. Finally, potential filers have always been required to provide base year data from the most recent Economic Census since the inception of the Form in 1978.

In light of the foregoing, the Commission certifies that the amendments to the Form will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Thus, neither an initial nor a final regulatory flexibility analysis of this revision is required. 5 U.S.C. 605. This document serves as the required notice of this certification to the Small Business Administration.

[1] As noted in the Commission's recent publication of interim rules amending the premerger notification rules, the increase in reporting threshold from $15 million to $50 million has significantly reduced the number of acquisitions affected by the premerger notification program. *See* 66 FR 8680, 8687 (February 2, 2001).

Paperwork Reduction Act

The Commission's revisions to the Form do not ''substantive[ly] or material[ly] modify'' the existing terms of the currently approved collection information (OMB Control Number 3084–0005) to necessitate OMB's further review and approval. *See* 44 U.S.C. 3507(h)(3); 5 CFR 1320.5(g).

List of Subjects in 16 CFR Parts 801, 802, and 803

Antitrust, Business and industry, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the preamble, the Commission adopts as final the Interim Rule amending 16 CFR Parts 801, 802, and 803, which was published at 66 FR 23561, on May 9, 2001, with the following change:

PART 803—TRANSMITTAL RULES

1. The authority citation for part 803 continues to read as follows:

Authority: 15 U.S.C. 18a(d).

2. Amend the Appendix to Part 803 by revising page I of the Instructions to the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions to read as follows:

Appendix to Part 803

BILLING CODE 6750–01–M

ANTITRUST IMPROVEMENTS ACT NOTIFICATION AND REPORT FORM for Certain Mergers and Acquisitions

INSTRUCTIONS

GENERAL

The Answer Sheets (pp. 1-15) constitute the Notification and Report Form ("the Form") required to be submitted pursuant to § 803.1(a) of the premerger notification rules ("the rules"). Filing persons need not, however, record their responses on the Form.

These instructions specify the information which must be provided in response to the Items on the Answer Sheets. Only the completed Answer Sheets, together with all documentary attachments, are to be filed with the Federal Trade Commission and the Department of Justice.

Persons providing responses on attachment pages rather than on answer sheets must submit a complete set of attachment pages with each copy of the Form.

The term "documentary attachments" refers to materials supplied in responses to Item 3(d), Item 4 and to submissions pursuant to §§ 803.1(b) and 803.11 of the rules.

Information-The central office for information and assistance concerning the rules, 16 CFR Parts 801-803, and the Form is Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, phone (202) 326-3100.

Definitions-The definitions and other provisions governing this Form are set forth in the rules, 16 CFR Parts 801-803. The governing statute, the rules, and the Statement of Basis and Purpose for the rules are set forth at 43 FR 33450 (July 31, 1978), 44 FR 66781 (November 22, 1979) 48 FR 34427 (July 29, 1983) and Pub. L. No. 106-533, 114 Stat. 2762.

Affidavit-Attach the affidavit required by § 803.5 to page 1 of the Form. Affidavits are not required if the person filing notification is an acquired person in a transaction covered by § 801.30. (See § 803.5(a)).

Responses-*Each answer* should identify the Item to which it is addressed. Use the reverse side of the corresponding answer sheet or attach separate additional sheets as necessary in answering each Item. Each additional sheet should identify at the top of the page the Item to which it is addressed. Voluntary submissions pursuant to § 803.1(b) should also be identified.

Enter the name of the person filing notification appearing in Item 1(a) on page 1 of the Form and the date on which the Form is completed at the top of each page of the Form, at the top of any sheets attached to complete the response to any Item, and at the top of the first or cover page of each documentary attachment.

If unable to answer any Item fully, give such information as is available and provide a statement of reasons for non-compliance as required by § 803.3. If exact answers to any Item cannot be given, enter best estimates and indicate the sources or bases of such estimates. Estimated data should be followed by the notation, "est." All information should be rounded to the nearest thousand dollars.

Year-All references to "year" refer to calendar year. If the data are not available on a calendar year basis, supply the requested data for the fiscal year reporting period which most nearly corresponds to the calendar year specified. References to "most recent year" mean the most recent calendar or fiscal year for which the requested information is available.

North American Industry Classification System (NAICS) Data-This Notification and Report Form requests information regarding dollar revenues and lines of commerce at three levels with respect to operations conducted within the United States. (See § 803.2(c)(1).) All persons must submit certain data at the 6-digit NAICS national industry code level. To the extent that dollar revenues are derived from *manufacturing operations* (NAICS Sectors 31-33), data must also be submitted at the *7-digit NAICS product class and 10-digit NAICS product code levels.* The term "dollar revenues" is defined in § 803.2(d).

References-In reporting information by 6-digit NAICS industry code refer to the *North American Industry Classification System - United States, 1997* (*1997 NAICS Manual*) published by the Executive Office of the President, Office of Management and Budget. In reporting information by 7-digit NAICS product class and 10-digit NAICS product code refer to the *1997 Numerical List of Manufactured and Mineral Products* (EC97M31R-NL) published by the Bureau of the Census. Information regarding NAICS also is available at www.census.gov.

Privacy Act Statement-Section 18a(a) of Title 15 of the U.S. Code authorizes the collection of this information. The primary use of this information is to determine whether the merger or acquisition reported in the Notification and Report Form may violate the antitrust laws.

Furnishing the information on the Form is voluntary. Consummation of an acquisition required to be reported by the statute cited above without having provided this information may, however, render a person liable to civil penalties up to $11,000 per day.

* * * * *

Dated: Approved by the Commission on June 28, 2001.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–16932 Filed 7–5–01; 8:45 am]

BILLING CODE 6750–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Clorsulon

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Merial Ltd. The supplemental NADA provides for establishing a tolerance for residues of clorsulon in the muscle tissue of cattle.

DATES: This rule is effective July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Janis R. Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578.

SUPPLEMENTARY INFORMATION: Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077, filed a supplement to NADA 136–742 that provides for the use of Curatrem® (clorsulon) Drench in cattle for the treatment of liver fluke infestations. The supplement provides for establishing a tolerance for residues of clorsulon in the muscle tissue of cattle. The supplement is approved as of May 16, 2001, and § 556.163 (21 CFR 556.163) is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

Section 556.163 is further amended by deleting references to safe concentrations and by adding the previously established acceptable daily intake of total residues of clorsulon.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

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

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

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

2. Section 556.163 is revised to read as follows:

§ 556.163 Clorsulon.

(a) *Acceptable daily intake (ADI).* The ADI for total residues of clorsulon is 8 micrograms per kilogram of body weight per day.

(b) *Tolerances*—(1) *Cattle*—(i) *Kidney (the target tissue).* The tolerance for parent clorsulon (the marker residue) is 1.0 part per million.

(ii) *Muscle.* The tolerance for parent clorsulon (the marker residue) is 0.1 part per million.

(2) [Reserved]

Dated: June 25, 2001.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–16990 Filed 7–5–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–054]

RIN 2115–AA97

Safety Zone; Menominee Waterfront Festival 2001, Menominee, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone by the Menominee municipal marina for the Menominee Waterfront Festival 2001 fireworks display. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone is intended to restrict vessel traffic from a portion of the Menominee municipal marina, Menominee, Michigan.

DATES: This temporary rule is effective from 9:20 p.m. until 10:10 p.m. (CST) on August 4, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–01–054] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The phone number is (414) 747–7155.

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 permit application did not allow sufficient time for the publication of an NPRM followed by a temporary final rule effective 30 days after publication. Any delay of the effective date of this rule would be contrary to the public interest by exposing the public to the known dangers associated with fireworks displays and the possible loss of life, injury, and damage to property.

Background and Purpose

This safety zone is established to safeguard the public from the hazards associated with the launching of fireworks by the Menominee municipal marina, Menominee, Michigan. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The safety zone will be in effect on August 4, 2001, from 9:20 p.m. through 10:10 p.m. (CST). The safety zone encompasses all waters bounded by the arc of a circle with a 840-foot radius with its center in approximate position 45° 20.05′ N, 087° 36.49′ W, offshore of Menominee municipal marina, Menominee, Michigan. The size of the zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee may be contacted via VHF Channel 16.

Regulatory Evaluation

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

Small Entities

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

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

This rule will affect the following entities: the owners or operators of vessels intending to transit or anchor in the vicinity of Menominee municipal marina from 9:20 p.m. until 10:10 p.m. (CST) on August 4, 2001.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only 50 minutes on one day and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative. Before the effective period, we will issue maritime advisories widely available to users of the Menominee municipal marina.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

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 considered the environmental impact of this rule and

concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. A new temporary § 165.T09–916 is added to read as follows:

§ 165.T09–916 Safety Zone: Menominee Municipal Marina, Menominee, Michigan.

(a) Location. The safety zone encompasses all waters bounded by the arc of a circle with a 840-foot radius with its center in approximate position 45°20.05′ N, 087°36.49′ W, located approximately 840 feet offshore Menominee municipal marina, Menominee, Michigan.

(b) *Effective times and dates.* From 9:20 p.m. until 10:10 p.m. on August 4, 2001.

(c) *Regulations.* (1) The general regulations contained in § 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port Milwaukee or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. This safety zone should not adversely effect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF–FM.

Dated: June 26, 2001.

B.R. Emond,

Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port, Milwaukee, Wisconsin.

[FR Doc. 01–16968 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD112–3066a; FRL–7008–6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the direct final rule to approve reasonable available control technology (RACT) to limit volatile organic compound (VOC) emissions from distilled spirits facilities. In the direct final rule published on May 22, 2001 (66 FR 28058), we stated that if we received adverse comment by June 21, 2001, the rule would be withdrawn and not take effect. EPA received adverse comments on June 21, 2001. EPA will address the comments received in a subsequent final action based upon the proposed action also published on May 22, 2001 (66 FR 28138). EPA will not institute a second comment period on this action.

DATES: The Direct final rule published at 66 FR 28058, May 22, 2001, is withdrawn as of July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, Air Quality Planning & Information Services Branch, Mailcode 3AP21, US. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Phone (215) 814–2182.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 27, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

Accordingly, the direct final rule adding 40 CFR 52.1070(c)(160) is withdrawn as of July 6, 2001.

[FR Doc. 01–16950 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[SC–038–200102(c); FRL–7008–8]

Withdrawal of Direct Final Rule for Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) is withdrawing the direct final rule approving the section 111(d)/129 Plan submitted by the South Carolina Department of Health and Environmental Control (DHEC). The direct final rule was published in the **Federal Register** on May 7, 2001 (66 FR 22927).

DATES: The direct final rule published at 66 FR 22927, May 7, 2001, is withdrawn as of July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Gregory Crawford at EPA Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104, (404) 562–9046.

SUPPLEMENTARY INFORMATION: On May 7, 2001 (66 FR 22970), EPA proposed to approve the section 111(d)/129 Plan for the State of South Carolina submitted on September 19, 2000, for implementing and enforcing the Emission Guidelines applicable to existing Hospital /Medical/ Infectious Waste Incinerators. On the same day (66 FR 22927), EPA also published a direct final rule approving the State Plan. The action provided a 30-day public comment period and explained that if we received adverse comments, we would withdraw the relevant direct final action.

We received comments and are therefore withdrawing the direct final rule approving the State Plan. We are not opening an additional comment period. We intend to finalize action on these rules based on the May 7, 2001 proposed action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Hospital/medical/ infectious waste incineration, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 22, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–16954 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7007–4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Warwick Landfill Superfund site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Warwick Landfill Superfund site (Site), located in the Town of Warwick, Orange County, New York, from the National Priorities List (NPL). The NPL constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New York have determined that all appropriate response actions pursuant to CERCLA have been implemented; and, aside from monitoring, operation and maintenance, no further response actions pursuant to CERCLA are appropriate.

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Damian J. Duda, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866, (212) 637–4269.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Warwick Landfill Superfund site, Town of Warwick, Orange County, New York.

A Notice of Proposed Deletion and a Notice of Direct Final Deletion for the Site were published on August 15, 2000 (65 FR 49776–49777 and 65 FR 49739–49741, respectively). In these notices, EPA requested public comment on the proposed NPL deletion of the Site until September 15, 2000. During the 30-day comment period, EPA received correspondence offering critical comments. As a result of the critical comments, EPA published a Notice of Withdrawal of Direct Final Deletion of the Site on October 16, 2000 (65 FR 61112). EPA evaluated the comments received and prepared a Responsiveness Summary and has concluded after a review of the comments that the Site does not pose a significant threat to public health or the environment. Copies of the Responsiveness Summary are available at the following repositories: Warwick Town Hall, 132 Kings Highway, Warwick, New York 10990, (914) 986–1120 and the Greenwood Lake Village Hall, Church Street, Greenwood Lake, New York 10925, (914) 477–9215. The Responsiveness Summary is also available in the Administrative Record File, located in the EPA Regional Office.

EPA identifies sites that appear to present a significant risk to public health or the environment, and it maintains the NPL as the active list of these sites. As described in 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for remedial action in the unlikely event that conditions at a site warrant such action. Deletion of a site from the NPL does not affect the liability of potentially responsible parties nor does it impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: June 14, 2001.

William J. Muszynski,

Acting Regional Administrator, Region II.

Part 300, title 40 of Chapter I of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site for ''Warwick Landfill, Warwick, New York.''

[FR Doc. 01–16809 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018—AG38

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Spruce-fir Moss Spider

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service), designate critical habitat for the spruce-fir moss spider (*Microhexura montivaga*), under the Endangered Species Act of 1973, as amended (Act). The areas designated as critical habitat include portions of Avery, Caldwell, Mitchell, Swain, and Watauga Counties, in North Carolina and Sevier and Carter County in Tennessee. The areas designated as critical habitat for the spider are within the boundaries of the Great Smoky Mountains National Park (GSMNP); the Pisgah National Forest, and the Cherokee National Forest; and an area privately owned but is being managed by The Nature Conservancy through an agreement with the landowner.

We have revised the proposal to incorporate or address all relevant comments and other information received during the comment periods. This action comes as a result of a lawsuit filed against us by the Southern Appalachian Biodiversity Project and the Foundation for Global Sustainability. Section 7(a)(2) of the Act requires that Federal agencies must ensure that actions they fund, permit, or carry out are not likely to result in the destruction or adverse modification of critical habitat. State or private actions, with no Federal involvement, would not be affected by this rulemaking action.

DATES: This rule becomes effective on August 6, 2001.

ADDRESSES: Comments and materials received, as well as supporting documentation used in preparation of this final rule, will be available for public inspection, by appointment, during normal business hours at the Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

FOR FURTHER INFORMATION CONTACT: John Fridell, Fish and Wildlife Biologist, at the address above (telephone 828/258–3939, extension 225; facsimile 828/258–5330).

SUPPLEMENTARY INFORMATION:

Background

Taxonomy and Description

The spruce-fir moss spider (*Microhexura montivaga*), was originally described by Crosby and Bishop (1925) based on collections made in 1923 from Mount Mitchell in western North Carolina, the highest point in eastern North America. Only a few specimens were taken, and little was known about the species until its ''rediscovery'' on Mount Mitchell, approximately 50 years later by Dr. Frederick Coyle (Western Carolina University) and Dr. William Shear (Hampden-Sydney College) (Coyle 1981). The subsequent work (Coyle 1981, 1985, 1997, 1999; Harp 1991, 1992) represents the bulk of what is presently known of the biology, habitat, behavior, range of, and threats to, the spider.

The spruce-fir moss spider belongs to the genus *Microhexura* in the family Dipluridae. Diplurids are in the primitive spider suborder Mygalomorphae, which are often referred to as ''tarantulas'' due to the inclusion of the large, hairy spiders of the family Theraphosidae. Only two genera of Dipluridae, *Euagrus* and *Microhexura*, are found in the United States. Species in the genus *Euagrus* are medium to large spiders that build their silk sheets and funnels in rocky situations in the arid Southwest. The genus *Microhexura* is the northernmost representative of the family Dipluridae and contains only two species—the spruce-fir moss spider (*M. montivaga*) and one with no common name (*M. idahoana*) (Chamberlin and Ivie). The two are distinguished by geographic distribution and by features of the male genitalia (Coyle 1981). Otherwise, they appear to be similar in both appearance and habits (Service 1998). *Microhexura idahoana* is found in conifer forests in the Pacific Northwest (Coyle 1981). The spruce-fir moss spider (*M. montivaga*) is known only from conifer forests in the mountains of North Carolina and Tennessee (Coyle 1981, 1997, 1999; Harp 1991, 1992; Service 1995, 1998).

The spruce-fir moss spider is the smallest of the mygalomorph spiders, with adults measuring only 2.5 to 3.8 millimeters (0.10 to 0.15 inch (in)) in length (Coyle 1981, Service 1995). The species' coloration ranges from light brown to a darker reddish brown, and there are no markings on the abdomen (Harp 1992). The carapace (hard covering over the front part of the body) is generally yellowish brown (Harp 1992). The most reliable field identification characteristics for the species are chelicerae (fangs) that project forward well beyond the anterior (front) edge of the carapace, a pair of very long posterior spinnerets (organ for producing threads of silk), and the presence of a second pair of book lungs that appear as light patches posterior to the genital furrow (Harp 1992; Coyle, *in litt.* 1994; Service 1995).

Distribution, Habitat, and Life History

Microhexura montivaga is known from only the highest mountain peaks (at and above 1,646 m (5,400 ft) in elevation) in the Southern Appalachian Mountains of North Carolina and Tennessee. It has been recorded from Mount Mitchell, Yancey County, North Carolina; Grandfather Mountain, Watauga, Avery, and Caldwell Counties, North Carolina; Mount Collins, Swain County, North Carolina; Clingmans Dome, Swain County, North Carolina; Roan Mountain, Avery and Mitchell Counties, North Carolina, and Carter County, Tennessee; Mount Buckley, Sevier County, Tennessee; and Mount LeConte, Sevier County, Tennessee.

Recent and ongoing surveys funded by the National Park Service (NPS), US Forest Service (USFS), and us indicate that reproducing populations of the spruce-fir moss spider still survive on Grandfather Mountain in North Carolina (Harp 1992; pers. observation 1995; Jane Thompson, The Nature Conservancy, pers. comm. 1997); Mount LeConte in Tennessee (Coyle 1997); and Mount Buckley (Coyle, pers. comm. 2000) and Roan Mountain in North Carolina and Tennessee (Coyle 1999). The Mount Mitchell population is believed to be extirpated (Harp 1992), and both the Mount Collins and Clingmans Dome populations, if still present, are extremely small, with only one spruce-fir moss spider having been found at each of these two sites in recent years (Harp 1991, 1992). The occurrences of the species on Mount LeConte, Mount Collins, Clingmans Dome, and Mount Buckley are all within the boundaries of the GSMNP, administered by the NPS. The sites supporting the species on Roan Mountain are within the boundaries of the Pisgah National Forest in North Carolina and the Cherokee National Forest in Tennessee and are managed by the USFS. The area on Grandfather Mountain that still supports the spruce-fir moss spider is privately owned and is managed by The Nature Conservancy through an agreement with the landowner.

Recent work by Coyle (1997) indicates that Mount LeConte currently supports the healthiest of the surviving populations of the spruce-fir moss spider. In his study of the species on Mount LeConte, Coyle (1997) recorded the species from four small, separate areas of rock outcrop (approximately 0.10 hectare (0.25 acre), 0.15 hectare (0.38 acre), 0.25 hectare (0.63 acre), and 0.50 hectare (1.25 acres) in size) and estimated that the largest three of these areas support a population of approximately 5,000 individuals. He estimated that the 0.25-hectare site provided a total of approximately 12 square meters (m^2) (roughly 133 square feet (sq ft)) of suitable microhabitat, and the 0.15-hectare site provided approximately 7 m^2 (78 sq ft) of suitable microhabitat for the spruce-fir moss spider. Measurements of likely suitable microhabitat have not yet been made at the other two sites on Mount LeConte.

The typical microhabitat of the spruce-fir moss spider appears to be associated with moderately thick and humid, but well-drained, moss and liverwort mats growing in sheltered spots on surfaces of rock outcrops and boulders in mature high-elevation forests dominated by the Fraser fir (*Abies fraseri*) (Coyle 1981, 1997, 1999; Harp 1991, 1992; Service 1998). The portions of the moss mats supporting the spruce-fir moss spider are generally from 1 to 4 centimeters (cm) thick (roughly 0.5 to 1.25 in) and are well-shaded (Coyle 1981, 1997, 1999; Harp 1991, 1992; Service 1998). They cannot be too dry, because the spider is quite sensitive to desiccation (drying out), nor can they be too wet (Coyle 1997, 1998; Harp 1991, 1992). The humidity levels required by the spruce-fir moss spider have yet to be determined. In a study of the spruce-fir moss spider on Roan Mountain, Coyle (1999) reported that the moss/liverwort mats in which spruce-fir moss spiders were found were—(1) sheltered from the sun and the rain, (2) typically not far above either the ground or a horizontal ledge with accumulated soil, (3) included a thin layer of humid soil and/or humus (decayed vegetation and other organic material) between the moss and rock surface, (4) moderately thick (1 to 3 cm (0.5 to 1 in), and (5) humid but not wet. He reported that, clearly, most rock outcrop surfaces, even those covered by bryophytes (mosses, liverworts, etc.), do not meet these microhabitat requirements and do not support the spruce-fir moss spider.

Population and microhabitat estimates are not available for the Grandfather Mountain, Mount Buckley, or Roan Mountain populations of the spruce-fir moss spider. However, existing data indicate that the Grandfather Mountain population is restricted to small patches of suitable microhabitat occurring on a single rock outcrop and a nearby boulder (Harp

1992; pers. observation 1995). The Mount Buckley population is restricted to scattered patches of suitable microhabitat on separate rock outcrop sites within an area roughly 0.20 hectare (0.5 acre) in size. On Roan Mountain, Coyle (1999) recorded scattered occurrences of the spruce-fir moss spider at 12 small, separate rock outcrop sites but found more than two spiders living in the same discrete patch of moss/liverwort on only three occasions. He found four spiders in an 800-square-centimeter (sq cm) (approximately 1.0-sq-ft) patch of liverwort at one site, five spiders in a 900-sq-cm (1.2-sq-ft) patch of moss at another site, and four spiders in a 900-sq-cm (1.2-sq-ft) patch of moss at the third site. He reported that at none of these three sites, nor at any other sites on Roan Mountain where he found the spider, were they able to find additional spiders with ease and that the spruce-fir moss spider population densities on Roan Mountain were clearly not as high as those observed at some of the sites on Mount LeConte. As stated above, individual spruce-fir moss spiders (one each) have been observed in recent years on Mount Collins and on Clingmans Dome, indicating extremely low population levels. Coyle (*in litt.*, 1991) reported that the spruce-fir moss spider was common at a site on Clingmans Dome as late as 1983 but was extremely rare by 1988, which he suspected was largely due to deterioration of the forest canopy at the site.

The moss species associated with occurrences of the spruce-fir moss spider have been identified by David K. Smith, Botany Department, University of Tennessee at Knoxville, as *Polytrichum pallidesetum* Funck (Harp 1991, 1992), *Dicranodontium* denudatum (Brid.) E. G. Britt ex Williams (Harp 1992; Coyle 1997, 1999), and *D. asperulum* (Mitt.) Broth. (Coyle 1997, 1999). In addition, Coyle (1999) reported finding the spruce-fir moss spider on two occasions in liverwort mats (species was not identified) on rock outcrops. However, on both Mount LeConte and Roan Mountain, Coyle (1997, 1999, respectively) found the spruce-fir moss spider most often in association with mosses in the genus *Dicranodontium.* Though Harp (1991, 1992) reported finding the spruce-fir moss spider on Mount LeConte in mosses identified as *Polytrichum pallidesetum*, Coyle was unable to find the spider on either Mount LeConte or Roan Mountain in mosses in this genus. The association between the spruce-fir moss spider and mosses in the genus *Dicranodontium* is noteworthy because mosses in this genus are much less common than many other rock surface mosses (Coyle 1999).

While humid, well-drained moss/liverwort mats on inclined, well-shaded surfaces of rock outcrops and boulders appear to be the optimal microhabitat for the spruce-fir moss spider, it has also, on occasion, been found—(1) under moss and litter mats at the base of rock outcrops (Coyle 1981); (2) under moss on loose rock at the base of rock outcrops; (3) in litter/humus under flat rocks lying on the ground in well-shaded situations in the vicinity of rock outcrops; and (4) on well-drained, well-shaded ground in or under needle and/or heath litter and moss in the vicinity of rock outcrops (Coyle 1997). The species has also rarely been found in moss mats on tree trunks (Coyle 1981) and moss mats on logs (Harp 1992), though Coyle has been unable to find the species in either of these habitat types in his recent surveys for the species (Coyle 1997, 1999, pers. comm. 2000).

An ongoing study of spiders of the GSMNP by Coyle and recent surveys of the spruce-fir moss spider on Mount LeConte (Coyle 1997) and Roan Mountain (Coyle 1999) support earlier findings (Coyle 1981; Harp 1991, 1992) that the microhabitat of the spruce-fir moss spider is virtually restricted to certain areas of rock outcrops and boulders in Fraser fir and/or fir-dominated spruce-fir forests. The Fraser fir is the only species of fir native to the Southeastern United States (Burns and Honkala 1990). In his study of the population of the spruce-fir moss spider on Mount LeConte, Coyle (1997) reported finding the species ''only in stands containing many old (well over 25 years of age) fir trees and in areas where patches of fir containing old fir trees interface with heath communities.'' In both situations he found the species only on, or in the vicinity of, rock outcrops. In his work on Roan Mountain, Coyle (1999) found the species only on rock outcrops in fir forests or fir-dominated areas of spruce-fir forests. Searches for the spruce-fir moss spider in other habitat types have failed to locate occurrences of the species (Coyle, *in litt.* 1991; Coyle 1997, 1999).

Coyle (1981, 1997) describes the webs of the spruce-fir moss spider as silk tubes sandwiched between the interface of the moss mat and boulder surface. The tubes are thin-walled and are typically broad and flattened, with short side branches. Some of the tubes occasionally extend into crevices in the rock or litter (Coyle 1997) or the vegetative interior of the moss mat (Harp 1991, 1992).

The spruce-fir moss spider has not been observed taking prey in the wild, nor is there any record of prey having been found in spruce-fir moss spider webs. The abundant springtails (small wingless insects in the order Collembola) found in moss mats with the spiders provide the most likely source of food. The spiders have been observed to take springtails in captivity (David Hodge, Louisville Zoological Park, pers. comm. 1992).

Mating behavior has been described in detail (Coyle 1985). Females of the spruce-fir moss spider are known to lay eggs in June (Coyle 1981). The egg sac of the species is thin-walled, nearly transparent, and generally contains only 7 to 9 eggs (Coyle 1981). The female remains with the egg sac and, when disturbed, will carry the sac with her fangs. Coyle (1997) hypothesized that the ability of the female to move the egg sac may be useful not only in protecting the eggs from predators but also in repositioning the egg sac to protect it from microhabitat changes within the web. Development and evaporative water loss by early instar (a stage between molts) spiderlings within the egg sac are likely dependent on temperature and humidity levels. The spiderlings emerge during September (Coyle 1981). It has been estimated that it may take at least 2 to 3 years for spruce-fir moss spiders to reach maturity (Coyle 1985). The life span of the spruce-fir moss spider is currently unknown. Many species of spiders live for only one season. But, like other ''tarantulas,'' spruce-fir moss spiders molt (shed their skin) continuously through life, which means they can keep growing and live for several years.

Modes of dispersal of spiderlings from the parental moss mats are unknown. Ballooning is a possibility since males of *Microhexura idahoana* have been collected as ''windblown fallout'' on snow fields on Mt. Rainier (Coyle 1981). Ballooning spiders use a sheet of silk played out into a wind current as a kite to carry them into the air. Ballooning spruce-fir moss spiders have not been collected. If they do balloon, they would be capable of an effective mode of dispersal over long distances. Even short-range dispersal between moss mats has not been documented for this species. Pitfall trap and Berlese funnel sampling done in the area of the Mount LeConte population did not yield any specimens of the spruce-fir moss spider (Lambden *et al.* 1994).

Possible predators and competitors of the spruce-fir moss spider include pseudoscorpions, centipedes, carabid

beetles, and other spiders. A number of other species of spiders are commonly found in the same moss as the spruce-fir moss spider (Service 1998).

Threats

The majority of the high-elevation spruce-fir forests of the Southeast have suffered extensive changes and declines in size and/or vigor during the past century, likely as a result of a number of factors, including storm damage, site deterioration due to the logging and burning practices of the early 1900s (Peart *et al.* 1992), atmospheric pollution (Johnson *et al.* 1992), exposure shock (Nicholas *et al.* 1992), climate changes, and other factors not yet fully understood. However, the primary threat to, and reason for the recent decline of, the spruce-fir moss spider at all of the sites from which it has been recorded appears to be associated with the loss of suitable moss habitat, due primarily to the loss of mature Fraser firs (Coyle, *in litt.* 1991, 1999; Harp 1991, 1992; Service 1998). The spruce-fir moss spider appears to be very sensitive to desiccation and requires situations of high and constant humidity. The loss of mature Fraser firs, the dominant canopy species in the forest stands where the spider has been found, leading to increased light and temperature and decreased moisture on the forest floor (resulting in drying out of the moss mats), appears to be the major cause for the loss of the spruce-fir moss spider on Mount Mitchell and the recent decline of the Mount Collins, Clingmans Dome, and a portion of the Mount LeConte populations (Harp 1991, 1992). It is also likely the major factor limiting the species' distribution on Roan Mountain, Grandfather Mountain, and Mount Buckley. Mature Fraser firs on all of these mountains have suffered extensive mortality in the last few decades.

The most obvious reason for the loss of the fir appears to be the associated infestation by the balsam wooly adelgid (*Adelges picea* (Ratzeburg) (Homoptera, Adelgidae)). The balsam wooly adelgid is a nonnative insect pest believed to have been introduced into the Northeastern United States from Europe around 1900 (Kotinsky 1916, Eagar 1984). The adelgid was first detected in North Carolina on Mount Mitchell (the type locality for the spruce-fir moss spider) in 1957 (Speers 1958), though it was likely established at that site as early as 1940. From Mount Mitchell, the adelgid spread to the Fraser fir stands throughout the Southern Appalachians (Eagar 1984). All ages of fir trees are attacked by the adelgid, but damage is generally minimal until the trees reach maturity at around 30 years of age (Hoffard *et al.* 1990). Most mature Fraser firs are easily killed by the adelgid (Amman and Speers 1965), with death occurring within 2 to 7 years of the initial infestation (Eagar 1984). The death of the fir trees and the resultant opening of the forest canopy causes the remaining trees to be more susceptible to wind and other storm damage. The adelgid is transported and spread primarily by the wind but may also be spread by contaminated nursery stock; on the fur or feathers of animals; or by humans on contaminated clothes, equipment, or vehicles (Eagar 1984). All efforts to control the spread of the adelgid have failed thus far.

All existing data (Coyle 1981, 1997, 1999; Harp 1991, 1992) indicate that suitable habitat for the spruce-fir moss spider is extremely limited and restricted to small areas of rock outcrops occurring in forest stands dominated by fir trees, providing the shelter and organic substrata required by the spider. This restricted range of each of the surviving populations of the spruce-fir moss spider also makes it extremely vulnerable to extirpation from a single event or activity, such as a severe storm, wildfire, land-clearing or timber operation, pesticide/herbicide application, etc. In addition, the spider and the moss mats it inhabits are very fragile and easily destroyed by human trampling or other disturbance. Many of the high-elevation areas where the spider occurs are frequented by tens of thousands of visitors each year. Coyle (1999) suggested that boulder climbing by visitors may have been one of the factors contributing to the scarcity of suitable moss habitat for the spider in areas on Roan Mountain. Because of their small size, disturbance of the moss mats or damage to the surrounding vegetation shading the mats could result in the extirpation of entire spruce-fir moss spider populations and/or population fragments.

Previous Federal Actions

On December 31, 1992, we notified (in writing) appropriate Federal, State, and local government agencies, landowners, and individuals knowledgeable about this or similar species that a status review was being conducted and that the species might be proposed for Federal listing. We received ten written comments. The NPS, the North Carolina Division of Parks and Recreation, and three private individuals (including the owner of the site containing the Avery/Caldwell County, North Carolina, population) expressed strong support for the potential listing of the spruce-fir moss spider as an endangered species. The U.S. Soil Conservation Service, Tennessee Wildlife Resources Agency, Tennessee Department of Environment and Conservation, Tennessee Valley Authority, and the North Carolina Department of Agriculture stated that they had no new or additional information on the species or threats to its continued existence. We received no comments opposing the potential listing of the spruce-fir moss spider.

On August 30, 1993, we classified the spruce-fir moss spider as a category 1 candidate based on the results of status surveys, funded by the NPS and us, documenting significant habitat loss and increased threats to the species throughout its range (Harp 1991, 1992). At that time, category 1 represented those species for which we had substantial information on biological vulnerability and threats to support proposals to list them as endangered or threatened species.

On January 27, 1994, we published in the **Federal Register** (59 FR 3825) a proposal to list the spruce-fir moss spider as an endangered species without designating critical habitat. The proposal provided information on the species' range, biology, status, and threats to its continued existence and a proposed determination that designation of critical habitat was not prudent for the species because such designation would not be beneficial and could further threaten the spruce-fir moss spider. Through associated notifications, we invited comments on the proposal and factual reports or information that might contribute to the development of a final rule. We contacted and requested comments from appropriate Federal and State agencies, county governments, scientific organizations, individuals knowledgeable about the species or its habitat, and other interested parties. We published a legal notice, which invited general public comment, in the following newspapers: the *Avery Journal*, Newland, North Carolina, February 10, 1994; the *News-Topic*, Lenoir, North Carolina, February 10, 1994; the *Watauga Democrat*, Boone, North Carolina, February 16, 1994; the *Smoky Mountain Times*, Bryson City, North Carolina, February 10, 1994; and the Mountain Press, Sevierville, Tennessee, February 11, 1994. We received ten written comments. Six of them expressed strong support for the findings presented in the proposed rule and listing of the species as proposed; three either expressed concurrence with the data presented in the proposed rule and/or provided additional information but expressed neither support for, nor

opposition to, the listing; and one comment opposed the listing, stating that the ''scientific community, and the Service in particular, needs to recognize that extinction has always been a continuing process and will continue to be so.''

Following our review of all the comments and information received throughout the listing process, by final rule (60 FR 6968) dated February 6, 1995, we listed the spruce-fir moss spider as endangered. We addressed all the comments received throughout the listing process and/or incorporated changes into the final rule as appropriate. That decision included a determination that the designation of critical habitat was not prudent for the spruce-fir moss spider because, after a review of all the available information, we determined that such designation would not be beneficial to the species and that designation of critical habitat could further threaten the spider.

On June 30, 1999, the Southern Appalachian Biodiversity Project and the Foundation for Global Sustainability filed a lawsuit in United States District Court for the District of Columbia against the Service, the Director of the Service, and the Secretary of the Department of the Interior, challenging the Service's not prudent critical habitat determinations for four species in North Carolina—the spruce-fir moss spider, Appalachian elktoe (*Alasmidonta raveneliana*), Carolina heelsplitter (*Lasmigona decorata*), and rock gnome lichen (*Gymnoderma lineare*). On February 29, 2000, we entered into a settlement agreement with the plaintiffs in which we agreed to reexamine our prudency determination and submit to the **Federal Register**, by October 1, 2000, a withdrawal of the existing not prudent determination, together with a new proposed critical habitat determination, if prudent. We further agreed that if, upon consideration of all available information and comments, we determined that designation of critical habitat is prudent for the spruce-fir moss spider, we would send a final rule of this finding to the **Federal Register** by July 1, 2001.

On October 6, 2000, we published a prudency determination and a proposed designation of critical habitat for the spruce-fir moss spider (65 FR 59798). The proposed rule included maps and a description of all areas under consideration for designation as critical habitat for the species. On October 10, 2000, we notified appropriate Federal and State agencies, local governments, scientific organizations, individuals knowledgeable about the species, and other interested parties and requested their comments on the proposal. A legal notice that announced the availability of the proposed rule and invited public comment was published in the following newspapers—*News-Topic*, Lenoir, North Carolina; *Watauga Democrat*, Boone, North Carolina; *Smoky Mountain Times*, Bryson City, North Carolina; *Avery Journal*, Newland North Carolina; *Mitchell News Journal*, Spruce Pine, North Carolina; *Yancey Common Times Journal*, Burnsville, North Carolina; *Mountain Press*, Sevierville, Tennessee; and, *Elizabethton Star*, Elizabethton, Tennessee.

In the proposed rule and associated notifications, all interested parties were requested to submit factual reports or information, by December 5, 2000, that might contribute to our determination and the development of a final rule. On February 12, 2001, we published a notice in the **Federal Register** (66 FR 9806) reopening the comment period on the proposed rule and announcing the availability of a draft economic analysis for the proposed designation of critical habitat for the spider. That notice provided an incorrect date for the closing of the reopened comment period, and on February 27, 2001, we published a notice (66 FR 12450) correcting the closing date for comments to March 14, 2001. We notified appropriate agencies, government officials, institutions, and other interested parties, by letters dated February 12, 2001, of the reopening of the comment period and availability of the draft economic analysis, and published legal notices in the newspapers listed above inviting comments from the public.

Summary of Comments and Recommendations

We received a total of 22 written comments during the 2 comment periods—16 during the initial comment period and 6 during the reopened comment period. Written comments were received from 1 Federal agency, 1 State agency, 2 private organizations, and 17 private individuals. One of the respondents provided comments during the initial comment period on the proposed rule and additional comments on the draft economic analysis during the reopened comment period. Of the 21 respondents, 16 expressed support for the designation of critical habitat for the spruce-fir moss spider, and 5 opposed the designation.

Following is a summary of the comments received (referred to as ''issues'' for the purpose of this summary) during the two comment periods. Issues of a similar nature have been grouped together. These issues and our response to each are presented below.

Issue 1: Several respondents provided comments supporting the designation of critical habitat for the spruce-fir moss spider but requested that the Service designate and consider all spruce-fir forests (in western North Carolina and eastern Tennessee) above the 5,400-foot elevation as critical habitat for the species.

Response: The Act and associated regulations for designating critical habitat require us to base our designations on the best scientific and commercial information available. When considering areas for designation as critical habitat, we are required to focus on the principal biological and physical constituent elements (primary constituent elements) within the defined area that are essential to the conservation of the species (50 CFR 424.12(b)). Based on information provided by experts on this species and a review of all of the published and unpublished data that we are aware of concerning the historic and present distribution, biology, life history, and habitat requirements of the spruce-fir moss spider (see ''Background'' section), the species is restricted to those areas of fir and fir-dominated spruce-fir forests containing the primary constituent elements as described in this rule. The species has never been recorded from other habitat types, including spruce-fir forests without rock outcrops, spruce-dominated spruce-fir forests with or without rock outcrops, or rock outcrops in spruce-fir forests that do not provide suitable moss or liverwort mats. In accordance with the definition of critical habitat (see ''Critical Habitat'' section), we can only designate unoccupied habitat of the species if, based on the best available information, it is determined that such areas are essential to the conservation of the species. Because we do not currently have any data documenting that these other habitat types are used by the spruce-fir moss spider and are essential to the conservation of the species, we cannot consider them as critical habitat.

As we stated in the proposed rule, all of the areas we are designating as critical habitat are within what we believe to be the occupied range of the spruce-fir moss spider and include all known surviving occurrences of the species. Despite extensive surveys and ongoing research, we currently are not aware of any areas outside the geographical area occupied by the spruce-fir moss spider that provide the primary constituent elements essential to the life cycle needs of the species (see

''Primary Constituent Elements'' section) and are essential for the conservation of the spider. To the extent feasible, we will continue, with the assistance of other Federal, State, and private researchers, to conduct surveys and research on the species and its habitat. Should additional information become available that indicates that other areas within the spruce-fir moss spider's historic range are essential to the conservation of the species, we may revise the designated critical habitat accordingly. Similarly, if new information indicates any of these areas should not be included in the critical habitat designation because they no longer meet the definition of critical habitat, we may revise this final critical habitat designation. If, consistent with available funding and program priorities, we elect to revise this designation, we will do so through a subsequent rulemaking.

Issue 2: Several respondents suggested that the designation of all spruce-fir forests above 5,400 ft in elevation as critical habitat would protect the spruce-fir moss spider's habitat from the effects of air pollution and acid rain.

Response: Evaluating and addressing the potential effects of atmospheric pollution and acid rain, or any other threats, on the spruce-fir moss spider and its habitat does not require the designation of all spruce-fir forests above 5,400 ft in elevation as critical habitat. Since before the listing of the spruce-fir moss spider as an endangered species, we have been monitoring the results of studies conducted by Federal, State, and private researchers and have been recommending additional studies to determine the effects that atmospheric pollution may have on the health of high-elevation forests and associated species. Regardless of whether critical habitat has been designated, Federal agencies are required by the Act to evaluate the direct and indirect effects of their actions on listed species and ensure that their actions are not likely to jeopardize the continued existence of listed species. Therefore, any Federal activity that has the potential to adversely affect the spruce-fir moss spider is already subject to the provisions of the Act.

As we stated in the proposed and final rules listing the spruce-fir moss spider as endangered and in the proposed rule to designate critical habitat, we believe that, because of the limited amount of suitable habitat available to the spruce-fir moss spider, any activity that would significantly affect the habitat of the species would also jeopardize the species' continued existence. If data exists, or becomes available in the future, that documents that there is a relationship, direct or indirect, between atmospheric pollution resulting from the operations of, or the issuance of permits by, a Federal agency and the decline in spruce-fir moss spider habitat, those actions would be subject to the provisions of section 7 of the Act. There is no need to designate unoccupied, unsuitable habitat as critical habitat of the spruce-fir moss spider to address threats from air pollution and acid rain.

Issue 3: Two respondents indicated that they believe the designation of all spruce-fir forest habitat above 5,400 ft in elevation in western North Carolina and eastern Tennessee, including that on Mount Mitchell (which historically supported the spruce-fir moss spider), is necessary for the conservation of the spruce-fir moss spider.

Response: We do not believe that such an area would meet the definition of critical habitat (see the Critical Habitat section for detailed discussion of how we determine what meets the definition of critical habitat). Because we do not currently have any data documenting that all spruce-fir forest habitat types above 5,400 ft in elevation in western North Carolina and eastern Tennessee provide suitable habitat for the spruce-fir moss spider or are essential to the conservation of the species, we cannot consider all spruce-fir forests as critical habitat of the species. The Mount Mitchell population of the spruce-fir moss spider is, based on the best available information, believed to be extirpated (see ''Background'' section) due to the loss of suitable habitat for the species on Mount Mitchell (Harp 1992). Mount Mitchell does not provide the primary constituent elements necessary to support the species. Further, the recovery plan for the spruce-fir moss spider (Service 1998) states that the species will be considered for delisting (recovered) when there exists a total of six distinct, viable populations of the species that meet the criteria outlined in the recovery plan. Surveys by Harp (1991 and 1992) and Coyle (1997 and 1999) indicate that there are currently six surviving populations of the spruce-fir moss spider—the Mount LeConte, Clingmans Dome, Mount Buckley, Mount Collins, Roan Mountain, and Grandfather Mountain populations (see ''Background'' section). The areas that we are designating as critical habitat in this rule include habitat for each of these populations. Because, based on the most recent data, the species and suitable habitat for the species are still present, albeit limited, in each of these areas, we considered these areas as the most likely sites for focusing conservation efforts for maintaining and recovering the species. However, as we previously stated, should additional information become available that indicates that other areas within the spruce-fir moss spider's historic range are essential to the conservation of the species, we may revise the designated critical habitat accordingly. Similarly, if new information indicates any of these areas should not be included in the critical habitat designation because they no longer meet the definition of critical habitat, we may revise this final critical habitat designation. If, consistent with available funding and program priorities, we elect to revisit designations, we will do so through a subsequent rulemaking.

Issue 4: One respondent stated that they believed the area listed to be included under the critical habitat designation is overly broad and that the Service failed to show that each area to be designated has the primary constituent elements essential for the conservation of the spruce-fir moss spider. As evidence of this, they quoted the following statements from the proposed rule:

> We [the Service] did not map critical habitat in sufficient detail to exclude lands unlikely to contain all of the primary constituent elements essential for the conservation of the spruce-fir moss spider. Consequently, the areas we are proposing as critical habitat include areas of unsuitable habitat * * * do not provide the habitat or microhabitat required by the spider.

Response: Based on the best information currently available to us concerning the distribution and habitat requirements of the spruce-fir moss spider (see ''Background'' section), all of the areas that we are designating as critical habitat for the spruce-fir moss spider currently support occurrences of the species and, based on survey reports and other information provided by species experts and as evidenced by the species' presence in these areas, contain the primary constituent elements, as described in this and the proposed rule, necessary to fulfill the life cycle needs of spruce-fir moss spider and essential to the conservation of the species. However, we did, and do, acknowledge that there are also habitat types within the mapped critical habitat boundaries that do not contain the primary constituent elements. Our regulations (50 CFR 424.12(c)) require that we define the specific limits of critical habitat by using reference points and lines as found on standard topographic maps of the area(s). These regulations also state that when several habitat areas are located in proximity to one another,

an inclusive area may be designated as critical habitat. Because of the patchiness and small size (see ''Background'' section) of the areas providing suitable habitat for the spruce-fir moss spider (those areas containing the primary constituent elements), their proximity to one another, and the requirement that we use reference points and lines as found on standard topographic maps, we elected to designate an inclusive area. As a result, there are also areas (habitat types) within the mapped critical habitat boundaries that do not, based on the best available information, provide habitat for the spruce-fir moss spider. Finally, existing human-constructed features and structures within the critical habitat boundary, such as buildings, powerlines, roads, and others not currently containing one or more of the primary constituent elements, are not considered critical habitat: Therefore, Federal activities in these areas would not trigger a section 7 consultation.

Issue 5: One respondent stated that the Service places the blame for the spider's decline exclusively on the balsam woolly adelgid, rather than acknowledging the fact that air pollution and acid rain are devastating spruce-fir forests and the spruce-fir moss spider. The respondent stated that the Service is ignoring the problems associated with air pollution and indicated that the Service should require consultation on the effects of air pollution on the spruce-fir moss spider.

Response: We identified the loss of the high-elevation Fraser fir, the dominant canopy species in the forest stands sheltering rock outcrops supporting known occurrences, present and historic, of the spruce-fir moss spider, as the most likely cause of the recent decline of the species (see ''Background'' section above). We further identified the balsam woolly adelgid (a nonnative insect) as a primary factor contributing to the massive die-off of the Fraser fir during the last few decades on the mountain peaks known to support, or to have historically supported, occurrences of the spruce-fir moss spider (we have changed this statement in this rule to say that balsam woolly adelgid infestations are the most obvious cause of the fir mortality). The extensive mortality of the Fraser fir throughout the Southern Appalachian Mountains due to infestations of the balsam woolly adelgid is well documented. However, we also listed numerous other factors that are not as easily understood, including atmospheric pollution, which may also have contributed to the decline in the size and vigor of spruce-fir forest stands in the Southeast and/or may pose a threat to surviving occurrences of the spruce-fir moss spider.

While we agree that there is evidence that implicates atmospheric pollution as a possible factor contributing to the decline of high-elevation forest health, we are not currently aware of any data that have yet firmly established a cause-and-effect mechanism between atmospheric pollution and the decline in spruce-fir forests in the Southern Appalachian Mountains and, more specifically, the loss of spruce-fir moss spider habitat. However, we are concerned about the possible effect that atmospheric pollution may be having on the health of the high-elevation forests and the recovery of the spruce-fir moss spider. We welcome any supporting data and strongly encourage, and to the maximum extent feasible will continue to contribute to, studies that help to identify factors threatening the spruce-fir moss spider and measures for alleviating these threats. We will also continue to work with other Federal agencies to help ensure that their actions are in compliance with section 7 of the Act, to encourage them to evaluate their activities and consult with us on those that are likely to adversely affect the spruce-fir moss spider and its designated critical habitat, and to identify and implement actions to further the conservation of this and other federally listed species.

Issue 6: One respondent stated that the benefits to public health, recreation, tourism, the local economy, commercial and recreational fisheries, global climate change, and the preservation of biological and genetic resources that will result from improvements in air quality due to the designation of critical habitat of the spruce-fir moss spider need to be addressed in the economic analysis for the designation of critical habitat for the spider.

Response: When evaluating the economic costs and benefits of designating critical habitat, we consider the incremental economic impacts of critical habitat designation above the impacts resulting from listing and other laws. As discussed in our response to Issue 2, above, if data exist, or become available in the future, that indicate that any Federal action or activity has the potential to adversely affect, directly or indirectly, habitat of the spruce-fir moss spider, that action is/would be subject to the provisions of section 7 of the Act regardless of whether critical habitat has been designated. Because of the status of the spruce-fir moss spider and its habitat, any Federal activity that is likely to significantly affect the habitat of the species would also jeopardize the species' continued existence and would therefore already be prohibited. Accordingly, we do not believe that the designation of critical habitat will provide any additional benefit for addressing the effects of air pollution, or any other Federal activity, that does not already exist as a result of listing the spruce-fir moss spider as an endangered species. Hence, as discussed in the economic analysis, designation of critical habitat for the spruce-fir moss spider does not increase or change the existing regulatory burden posed by the listing of the species, and we do not anticipate that there will be any significant economic impact, beneficial or negative, likely to occur from the designation of critical habitat for this species.

Issue 7: One respondent stated that the Service has no business declaring private property as critical habitat and implied that the designation would affect private property rights. This same respondent asked if we planned to compensate landowners for the loss of the use of their land. Another respondent asked how many people will be put out of work, how many peoples' private property rights will be violated, and how many people will be denied access to recreation areas.

Response: The Act requires us to designate critical habitat to the extent prudent and determinable, based on the best scientific and commercial data available, after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. The definition of critical habitat (see ''Critical Habitat'' section) does not differentiate between areas that are privately owned and those that are publically owned. We may exclude areas essential to the conservation of the species from critical habitat designation only when the benefits of excluding those areas outweigh the benefits of including the areas within the critical habitat designation, provided the exclusion will not result in the extinction of the species. We cannot exclude areas based on landownership alone. All of the areas being designated as critical habitat for the spider occur on public land (national park and national forest land), with the exception of the areas in Unit 4, which are on Grandfather Mountain. Grandfather Mountain is privately owned, and the areas in this unit that are designated as critical habitat are managed by The Nature Conservancy through conservation easements donated by the landowner (see ''Summary'' section and ''Distribution, Habitat, and Life History''

portion of the ''Background'' section). We have determined that conservation of the areas on Grandfather Mountain that support occurrences of the spruce-fir moss spider provide the primary constituent elements and are essential to the conservation of the species. As discussed in the draft economic analysis, the primary activities within this unit are recreational activities (e.g., hiking, sightseeing, primitive camping). None of the existing or reasonably foreseeable activities within this unit require a Federal permit or involve Federal funding, so no regulations associated with the designation of critical habitat will affect existing or likely future planned activities within this unit.

The only regulatory consequence of this designation of critical habitat is that Federal agencies must consult with us before undertaking actions, issuing permits, or providing funding for activities that might destroy or adversely modify critical habitat (see ''Effects of Critical Habitat Designation'' section). This regulation has no regulatory impact on private landowners taking actions on their land that do not involve Federal funding or authorization. Because the spruce-fir moss spider is already listed as endangered, Federal agencies are already required to consult with us on any of their actions that may affect the spider and to ensure that their actions do not jeopardize the species' continued existence, regardless of whether critical habitat has been designated. In addition, since the spider was listed as endangered in 1995, it is has been protected from ''take'' throughout its range, without critical habitat having been designated. ''Take'' is defined to include harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these. We believe that the designation of critical habitat for the spruce-fir moss spider will not result in any significant additional regulatory burden on landowners or affect the use of property, private or Federal.

Issue 8: One respondent stated that the government should have to prove that the value of the spider is greater than the use of the land.

Response: In the Act, Congress declared that species of fish, wildlife, and plants in the United States in danger of, or threatened with, extinction are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people. As discussed in our response to Issue 6, above, and in the economic analysis assessing the economic effects of critical habitat designation for the spruce-fir moss spider, the designation of critical habitat for this species will not result in any additional regulatory burden on landowners or affect the use of their property.

Issue 9: One commenter claimed that the evidence we provided for our proposed designation of critical habitat for the spruce-fir moss spider was insufficient. Specifically, the commenter claimed that we failed to provide new data to justify a reversal in position from the 1995 determination that designation of critical habitat was not prudent, relying instead on case law.

Response: Our 1995 decision not to designate critical habitat was based on a determination that, despite sufficient scientific information from which to demonstrate the existence of suitable habitat, designation would not be prudent. Our current proposal identifying suitable habitat for designation relied on the same scientific and commercial information that was available in 1995, augmented by at least three additional studies (Coyle 1997, 1999; Service 1998). Taken together, they represent the best scientific and commercial information available. Our change in position between 1995 and now is not based on any new evidence that emerged since the original determination, but rather on a change in the legal standards for evaluating the existing evidence.

Specifically, we have determined that under the *Conservation Council of Hawaii* and *Natural Resources Defense Council* decisions cited above, the information available to us in 1995 did not support a ''not prudent'' finding. First, the ''increased threat'' rationale, based on the possibility of collection or other disturbance, was not supported by evidence specific to this or similarly situated species as required by *Conservation Council of Hawaii* v. *Babbitt*, 2 F. Supp.2d 1280, 1284 (D. Hawaii 1998). Second, we have determined that the possible educational or informational benefits of designating critical habitat do not allow us to state, in the absence of evidence to the contrary, that designation would not benefit the species. *Natural Resources Defense Council* v. *U.S. Department of the Interior*, 113 F.3d 1121, 1125 (9th Cir. 1997).

Issue 10: One commenter claimed that we lack the authority under the Commerce Clause of the United States Constitution to designate critical habitat for, or even list, the spruce-fir moss spider, because the species is located only in a few counties and there is no evidence that it has ever constituted an article of commerce or attracted interstate visitors.

Response: We believe that, contrary to the commenter's opinion, we have the authority under the Commerce Clause to designate critical habitat for the spruce-fir moss spider. In *Gibbs* v. *Babbitt*, 214 F. 3d 483 (4th Cir. 2000), the Fourth Circuit held that we had the authority under the Commerce Clause to issue a regulation under the Act limiting taking of the endangered red wolf, because (1) the taking of red wolves implicated a variety of commercial activities and was closely connected to several interstate markets, and (2) the regulation in question was an integral part of the overall Federal scheme to protect endangered species, thereby conserving valuable wildlife resources important to the welfare of our country.

Our authority to designate critical habitat for the spruce-fir moss spider is consistent with the *Gibbs* decision. First, even though the spider may not have the same commercial importance as the red wolf at issue in *Gibbs*, there is ample evidence that the spider is important to interstate commerce—it is located in numerous counties in two different States (North Carolina and Tennessee) and scientists from universities in both States, as well as from the NPS and the American Museum of Natural History, have come to the region to research the species. Second, as with the regulation that limits taking of the red wolf that was upheld in *Gibbs*, the designation of critical habitat for the spruce-fir moss spider is ''an essential part of a larger regulation of economic activity, in which the regulatory scheme could be undercut unless the intrastate activity were regulated.'' *Gibbs*, 214 F. 3d at 497, citing *United States* v. *Lopez*, 514 U.S. 549 (1995). As the court further stated in *Gibbs*, the designation of critical habitat for the spruce-fir moss spider ''may be insubstantial by some measures, but that does not invalidate a regulation * * * that seeks conservation not only of any single animal, but recovery of the species as a whole.'' *Id.* at 497–98. The regulation must be ''evaluated against the overall congressional goal of restoring * * * endangered species generally.'' *Id.* at 498. Measured against this goal, the listing and designation of critical habitat for the spruce-fir moss spider are consistent with the Commerce Clause.

Critical Habitat

Critical habitat is defined in section 3(5)(A) of the Act as (i) the specific areas within the geographic area occupied by the species on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special

management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Areas outside the geographical area currently occupied by the species shall be designated as critical habitat only when a designation limited to its present range would be inadequate to ensure the conservation of the species. ''Conservation'' is defined in section 3(3) of the Act as the use of all methods and procedures necessary to bring endangered or threatened species to the point at which listing under the Act is no longer necessary. Regulations under 50 CFR 424.02 (j) define ''special management considerations or protection'' to mean any methods or procedures useful in protecting the physical and biological features of the environment for the conservation of listed species.

In order to be included in a critical habitat designation, the habitat must first be ''essential to the conservation of the species.'' Critical habitat designations identify, to the extent known and using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (i.e., areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat based on what we know at the time of the designation. When we designate critical habitat at the time of listing or under short court-ordered deadlines, we will often not have sufficient information to identify all areas of critical habitat. We are required, nevertheless, to make a decision and thus must base our designations on what, at the time of designation, we know to be critical habitat.

Within the geographical area occupied by the species, we will designate only areas currently known to be essential. Essential areas should already have the features and habitat characteristics that are necessary to sustain the species. We will not speculate about what areas might be found to be essential if better information should become available or what areas may become essential over time. If the information available at the time of designation does not show that an area provides the essential life cycle needs of the species, then the area should not be included in the critical habitat designation. Within the geographical area occupied by the species, we will not designate areas that do not now have the primary constituent elements, as defined at 50 CFR 424.12(b), necessary to provide the essential life cycle needs of the species.

Our regulations state that, ''The Secretary shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species'' (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species require the designation of critical habitat outside of occupied areas, we will not designate critical habitat in areas outside the geographical area occupied by the species.

Our Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (59 FR 34271), provides criteria, establishes procedures, and provides guidance to ensure that decisions made by us represent the best scientific and commercial data available. It requires our biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (i.e., gray literature).

Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that the designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, it should be understood that critical habitat designations do not signal that habitat outside the designation is unimportant or may not be required for recovery. Areas outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under section 7(a)(1) and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the section 9 take prohibition, as determined on the basis of the best available information at the time of the action. We specifically anticipate that federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of the designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Section 4(b)(2) of the Act requires that we base critical habitat designations on the best scientific and commercial data available, after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude areas from critical habitat designation when the benefits of excluding those areas outweigh the benefits of including the areas within the critical habitat, provided the exclusion will not result in the extinction of the species.

Methods

The areas of critical habitat described below constitute our best assessment of the areas needed for the conservation and recovery of the spruce-fir moss spider in accordance with the goals outlined in our recovery plan for the species (Service 1998) and are based on the best scientific and commercial information currently available to us concerning the species' known present and historic range, habitat, biology, and threats. All of the areas we are designating as critical habitat are within what we believe to be the geographical area occupied by the spruce-fir moss spider and include all known surviving occurrences of the species. Despite extensive surveys and ongoing research, we currently are not aware of any areas outside the geographical area occupied by the spruce-fir moss spider that provide the primary constituent elements essential to the life cycle needs of the species (see ''Primary Constituent Elements'' section) and that are essential for the conservation of the spider. To the extent feasible, we will continue, with the assistance of other Federal, State, and private researchers, to conduct surveys and research on the species and its habitat. If new information becomes available that indicates that other areas or habitat types within the spruce-fir moss spider's historic range are essential to the conservation of the species, we will revise the designated critical habitat for the spruce-fir moss spider accordingly.

Primary Constituent Elements

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and the

regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat we are required to base critical habitat determinations on the best scientific and commercial data available and to consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species and that may require special management considerations and protection. Such requirements include, but are not limited to: space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

When considering areas for designation as critical habitat, we are required to focus on the principal biological or physical constituent elements within the defined area that are essential to the conservation of the species (50 CFR 424.12(b)). Although additional information is needed to better define the habitat requirements of the species, particularly the microhabitat requirements, based on the best available information, the primary constituent elements essential for the conservation of the spruce-fir moss spider are:

1. Fraser fir or fir-dominated spruce-fir forests at and above 1,646 m (5,400 ft) in elevation.

2. Moderately thick and humid, but not wet, moss (species in the genus *Dicranodontium,* and possibly *Polytrichum*) and/or liverwort mats on rock surfaces that are adequately sheltered from the sun and rain (by overhang and aspect) and include a thin layer of humid soil and/or humus between the moss and rock surface.

As a result of the massive Fraser fir die-offs and associated loss of moss habitat for the spruce-fir moss spider, the remaining areas of suitable habitat for the spider exist only in scattered patches, ranging from a single rock outcrop to scattered rock outcrop sites (see ''Background'' section). Due to the patchiness and small size of the areas providing suitable habitat for the spruce-fir moss spider, we have elected to designate an inclusive area on each of the mountain peaks that still provide habitat for the species as critical habitat rather than attempt to identify each individual site separately.

Regulations at 50 CFR 424.12(c) require that we define the specific limits of critical habitat by using reference points and lines as found on standard topographic maps of the area(s). Because of the small size and limited number of suitable habitat patches and for ease of reference, we did not map critical habitat in sufficient detail to exclude land that is not likely to contain all of the primary constituent elements essential for the conservation of the spruce-fir moss spider. Consequently, the areas we are designating as critical habitat also include areas of unsuitable habitat; for example, fir or fir-dominated forests without rock outcrops, rock outcrops without suitable moss or liverwort mats, spruce or hardwood forests with or without rock outcrops, areas dominated by early herbaceous vegetation, and other habitat types that do not provide the habitat or microhabitat required by the spider. Federal actions with effects limited to these other habitat types, therefore, would not trigger a section 7 consultation. Please note, however, that any activity authorized, funded, or carried out by a Federal agency that has a potential to affect the constituent elements of designated critical habitat, regardless of the activity's location in relation to designated critical habitat, will require a consultation with us, as required under the provisions of section 7 of the Act (see ''Effects of Critical Habitat Designation'' section).

Critical Habitat Designation

Designated critical habitat includes spruce-fir moss spider habitat throughout the species' existing range in the United States. Lands designated as critical habitat have been divided into four critical habitat units. Areas designated as critical habitat and their ownership are described below.

Unit 1: Swain County, North Carolina, and Sevier County, Tennessee

Unit 1 encompasses all portions of the GSMNP bounded to the north and to the south of the North Carolina/Tennessee State line (State line) by the 1,646-m (5,400-ft) contour, from the intersection of the 1,646-m (5,400-ft) contour with the State line, south of Mingus Lead, Tennessee, southwest and then west to the intersection of the 1,646-m (5,400-ft) contour with the State line, east of The Narrows and west of Jenkins Knob, North Carolina, and Tennessee.

Unit 2: Sevier County, Tennessee

Unit 2 encompasses all portions of the GSMNP at and above the 1,646-m (5,400-ft) contour, bounded on the southwest side by the North Carolina/Tennessee State line from the intersection of the State line with the 1,646-m (5,400-ft) contour near Dry Sluice Gap, southeast to the intersection of the State line with the 1,646-m (5,400-ft) contour at the head of Minnie Ball Branch, North Carolina, northwest of Newfound Gap, North Carolina, and Tennessee.

Unit 3: Avery and Mitchell Counties, North Carolina, and Carter County, Tennessee

Unit 3 encompasses all portions of the Pisgah National Forest in North Carolina and the Cherokee National Forest in Tennessee, bounded to the north and to the south of the North Carolina/Tennessee State line by the 1,646-m (5,400-ft) contour, from the intersection of the 1,646-m (5,400-ft) contour with the State line north of Elk Hollow Branch, Avery County, North Carolina, and southwest of Yellow Mountain, Carter County, Tennessee, west to the 1,646-m (5,400-ft) contour at Eagle Cliff, Mitchell County, North Carolina.

Unit 4: Avery, Caldwell, and Watauga Counties, North Carolina

Unit 4 encompasses all areas of privately owned Grandfather Mountain at and above the 1,646-m (5,400-ft) contour.

Effects of Critical Habitat Designation

Designating critical habitat does not, in itself, lead to the recovery of a listed species. The designation does not establish a reserve, create a management plan, establish numerical population goals, prescribe specific management practices (inside or outside of critical habitat), or directly affect areas not designated as critical habitat. Specific management recommendations for areas designated as critical habitat are most appropriately addressed in recovery and management plans and through section 7 consultation and section 10 permits.

Critical habitat receives regulatory protection only under section 7 of the Act through the prohibition against destruction or adverse modification of designated critical habitat by actions carried out, funded, or authorized by a Federal agency. Aside from the protection that may be provided under section 7, the Act does not provide other forms of protection to land designated as critical habitat. Because consultation under section 7 of the Act does not apply to activities on private or other non-Federal land that do not involve a Federal action, critical habitat designation would not afford any protection under the Act against such activities. Accordingly, the designation of critical habitat on Grandfather Mountain will not have any regulatory effect on private or State activities in these areas unless those activities

require a Federal permit, authorization, or funding.

Section 7(a)(2) of the Act and regulations at 50 CFR 402.10 require Federal agencies to consult with us on any action that is likely to result in the destruction or adverse modification of designated critical habitat. ''Destruction or adverse modification'' is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of the listed species for which critical habitat was designated.

Activities on Federal land, activities on private or State land carried out by a Federal agency, or activities receiving funding or requiring a permit from a Federal agency that may affect designated critical habitat of the spruce-fir moss spider will require consultation under section 7 of the Act. However, section 7 of the Act also requires Federal agencies to consult with us on any action that may affect a listed species and to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of listed species. Activities that jeopardize listed species are defined as actions that ''directly or indirectly, reduce appreciably the likelihood of both the survival and recovery of a listed species' (50 CFR 402.02). Federal agencies are prohibited from jeopardizing listed species through their actions, regardless of whether critical habitat has been designated for the species.

Where critical habitat is designated, section 7 requires Federal agencies also to ensure that activities they authorize, fund, or carry out do not result in the destruction or adverse modification of designated critical habitat. Activities that destroy or adversely modify critical habitat are defined as those actions that ''appreciably diminish the value of critical habitat for both the survival and recovery of the species' (50 CFR 402.02). Common to the definitions of both ''jeopardy'' and ''destruction or adverse modification of critical habitat'' is the concept that the likelihood of both survival and recovery of the species are appreciably reduced by the action. Because of the small size of surviving populations of the spruce-fir moss spider, the species' restricted range, and the limited amount of suitable habitat available to the species, actions that are likely to destroy or adversely modify critical habitat are also likely to jeopardize the species. Accordingly, even though Federal agencies will be required to evaluate the potential effects of their actions on any habitat that is designated as critical habitat for the spruce-fir moss spider, this designation would not be likely to change the outcome of section 7 consultations.

Section 4(b)(8) of the Act requires us to briefly evaluate, in any proposed or final regulation that designates critical habitat, those activities that may adversely modify such habitat or may be affected by such designation. Activities that may destroy or adversely modify critical habitat are, as discussed above, those that alter the primary constituent elements to the extent that the value of critical habitat for both the survival and recovery of the spruce-fir moss spider is appreciably diminished. We note that such activities may also jeopardize the continued existence of the species. Such activities may include, but are not limited to, the carrying out or issuance of permits for construction, recreation, and development; pesticide/herbicide applications for the control of noxious insects or weeds; controlled burns; timber activities; and other activities that could result in the removal or damage of high-elevation fir or fir-dominated forest canopy that is sheltering moss mats or that could cause damage to the moss mats themselves.

Requests for copies of the regulations on listed wildlife and inquiries about prohibitions and permits, or questions regarding whether specific activities will constitute adverse modification of critical habitat, may be addressed to the U.S. Fish and Wildlife Service, Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas as critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. However, we cannot exclude areas from critical habitat when the exclusion will result in the extinction of the species.

Economic effects caused by listing the spruce-fir moss spider as a federally protected endangered species, and by other statutes, are the baseline against which the effects of a critical habitat designation are evaluated. The economic analysis must then examine the incremental economic and conservation benefits and effects of the critical habitat designation. Economic effects are measured as changes in national income, regional jobs, and household income. An analysis of the economic effects of the proposed designation of critical habitat for the spruce-fir moss spider was prepared (Industrial Economics, Incorporated, 2001) and made available for public review and comment (February 12, 2001, through March 14, 2001; 66 FR 9806 and 66 FR 12450). The final analysis, which reviewed and incorporated public comments, concluded that no significant economic impacts, negative or beneficial, are expected from the designation of critical habitat for the spruce-fir moss spider above and beyond those already imposed by the listing of the species.

The most likely economic effect of the designation of critical habitat for the spruce-fir moss spider is associated with potential confusion and uncertainty of the implications of the critical habitat designation resulting in additional time spent on consultations between other Federal agencies and us. However, this effect is expected to be insignificant and for a short term, ranging from a total incremental impact of $300 to $1,000 for the first few section 7 consultations following the designation.

A copy of the final economic analysis is included in our administrative record and may be obtained by contacting the U.S. Fish and Wildlife Service, Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801.

Required Determinations

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, this rule is a significant regulatory action and has been reviewed by the Office of Management and Budget (OMB).

(a) This rule will not have an annual economic effect of $100 million or more, or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The spruce-fir moss spider was listed as an endangered species in 1995. Since that time, we have conducted, and will continue to conduct, formal and informal section 7 consultations with other Federal agencies to ensure that their actions would/will not jeopardize the continued existence of the spruce-fir moss spider.

Under the Act, critical habitat may not be adversely modified by a Federal agency action; critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored or permitted by a Federal agency (see Table 1 below). Section 7 requires Federal agencies to ensure that they do not jeopardize the continued existence of the species. Based upon our experience with the species and its needs, we believe that any Federal

action or authorized action that could potentially cause an adverse modification of the critical habitat would currently be considered as ''jeopardy'' to the species under the Act.

Accordingly, we do not expect the designation of areas as critical habitat within the geographical range occupied by the species to have any incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding. Non-Federal persons who do not have a Federal ''sponsorship'' of their actions are not restricted by the designation of critical habitat (however, they continue to be bound by the provisions of the Act concerning ''take'' of the species).

(b) This rule will not create inconsistencies with other agencies' actions. Federal agencies have been required to ensure that their actions do not jeopardize the continued existence of the spruce-fir moss spider since its listing in 1995. As shown in Table 1 (below), no additional effects on agency actions are anticipated to result from this critical habitat designation. We will continue to review this action for any inconsistencies with other Federal agency actions.

TABLE 1.—IMPACTS OF SPRUCE-FIR MOSS SPIDER LISTING AND CRITICAL HABITAT DESIGNATION

Categories of activities	Activities potentially affected by species listing only[1]	Additional activities potentially affected by critical habitat designation[2]
Federal Activities Potentially Affected[3].	Activities such as carrying out, or issuing permits, authorization, or funding for, utility construction; construction of recreational facilities; development activities; pesticide/herbicide applications; logging activities; or other activities that could result in damage to the moss mats or removal or damage to the high-elevation fir forest canopy that is sheltering moss mats providing habitat for the species..	None.
Private and other non-Federal Activities Potentially Affected[4].	Activities occurring on Federal land or that require a Federal action (permit, authorization, or funding) and that involve such activities as damaging or destroying spruce-fir spider habitat, whether by mechanical or other means (scientific or other collecting, timber harvest, right-of-way access across Federal land, etc.).	None.

[1] This column represents the activities potentially affected by listing the spruce-fir moss spider as an endangered species (February 6, 1995; 60 FR 6968) under the Endangered Species Act.
[2] This column represents the effects on activities resulting from critical habitat designation beyond the effects attributable to the listing of the species.
[3] Activities initiated by a Federal agency.
[4] Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

(c) This rule will not significantly impact entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies currently are required to ensure that their activities do not jeopardize the continued existence of the species, and we do not anticipate that the adverse modification prohibition (resulting from critical habitat designation) will have any incremental effects in areas of designated critical habitat.

(d) OMB has determined that this rule will raise novel legal or policy issues and, as a result, this rule has undergone OMB review.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

In the economic analysis (required under section 4 of the Act), we determined that the designation of critical habitat will not have a significant effect on a substantial number of small entities. As discussed in the ''Regulatory Planning and Review'' section above, this rule is not expected to result in any restrictions in addition to those currently in existence for areas of designated critical habitat. Therefore, we certify that the designation of critical habitat for the spruce-fir moss spider will not have a significant economic impact on a substantial number of small entities, and no regulatory flexibility analysis is required.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

In the economic analysis, we determined that the designation of critical habitat will not cause (a) any effect on the economy of $100 million or more; (b) any increases in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or (c) any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. As discussed above, we anticipate that the designation of critical habitat will not have any additional effects on these activities in areas of critical habitat within the geographical range occupied by the species.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order (E.O. 13211) on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not expected to significantly affect energy supplies, distribution, or use, this action is not a significant energy action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

a. This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. Small governments will not be affected unless they propose an action requiring Federal funds, permits, or other authorization. Any such activity will require that the involved Federal agency ensure that the action will not adversely modify or destroy designated critical habitat.

b. This rule will not produce a Federal mandate on State, local, or tribal governments or the private sector of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630, this rule does not have significant takings implications, and a takings implication assessment is not required. This rule will not ''take'' private property. The designation of critical habitat affects only Federal agency actions. Federal actions on private land could be affected by critical habitat designation; however, we expect no regulatory effect from this designation since all areas are considered to be within the geographical range occupied by the species and would be reviewed under both the jeopardy and adverse modification standards under section 7 of the Act.

The rule will not increase or decrease the current restrictions on private property concerning taking of the spruce-fir moss spider as defined in section 9 of the Act and its implementing regulations (50 FR 17.31). Additionally, critical habitat designation does not preclude the development of habitat conservation plans and the issuance of incidental take permits. Any landowners in areas that are included in the designated critical habitat will continue to have opportunity to utilize their property in ways consistent with the survival of the spruce-fir moss spider.

Federalism

In accordance with Executive Order 13132, this rule does not have significant federalism effects. A Federalism Assessment is not required. In keeping with Department of the Interior policy, we requested information from, and coordinated the development of this critical habitat proposal with, appropriate State resources agencies in North Carolina and Tennessee. We will continue to coordinate any future designation of critical habitat for the spruce-fir moss spider with the appropriate State agencies. The designation of critical habitat for the spruce-fir moss spider imposes few, if any, additional restrictions to those currently in place and therefore has little or no incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas essential to the conservation of the species are more clearly defined and, to the extent currently feasible, the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what federally sponsored activities may occur, doing so may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultations to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The Office of the Solicitor has reviewed this final determination. We have made every effort to ensure that this final determination contains no drafting errors, provides clear standards, simplifies procedures, reduces burden, and is clearly written such that litigation risk is minimized.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* This rule will not impose new record-keeping or reporting requirements on State or local governments, individuals, businesses, or organizations.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we understand that federally recognized Tribes must be related to on a Government-to-Government basis. We are not aware of any Tribal lands essential for the conservation of the spruce-fir moss spider. Therefore, we are not designating critical habitat for the spruce-fir moss spider on Tribal lands.

References Cited

A complete list of all references cited in this rule is available upon request from the Asheville Field Office (see **ADDRESSES** section).

Author

The primary author of this document is John Fridell (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h), revise the entry for the ''Spider, spruce-fir moss'' under ''ARACHNIDS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
ARACHINIDS							
*	*	*	*	*	*	*	
Spider, spruce-fir moss.	*Microhexura montivaga*.	U.S.A. (NC, TN)	NA	E	576	17.95 (g)	NA
*	*	*	*	*	*	*	

3. Amend § 17.95 by adding paragraph (g) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

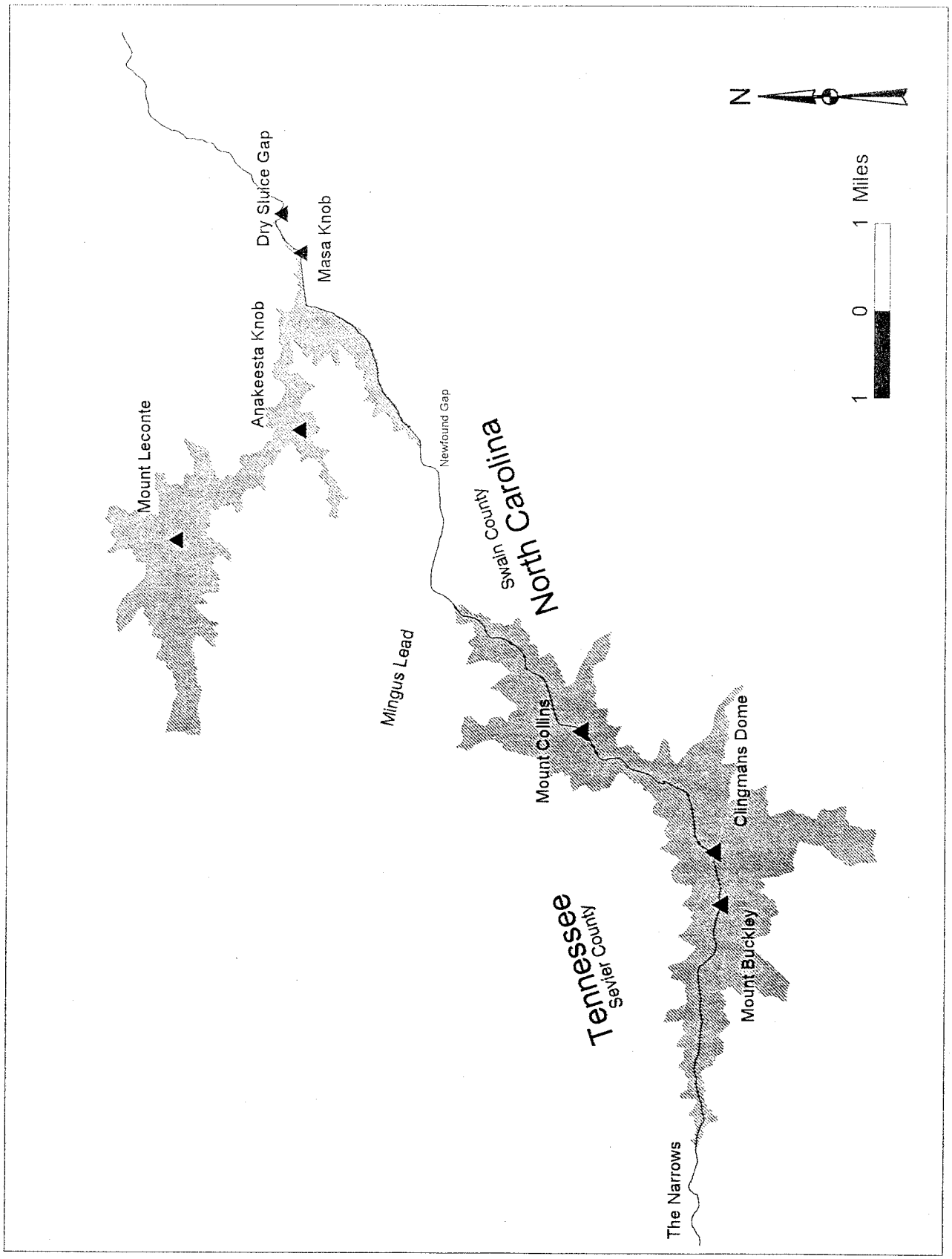
* * * * *

(g) *Arachnids.*

Spruce-Fir Moss Spider (*Microhexura montivaga*)

1. Critical habitat units and their ownership are described below and depicted in the following maps.

BILLING CODE 4310–55–P

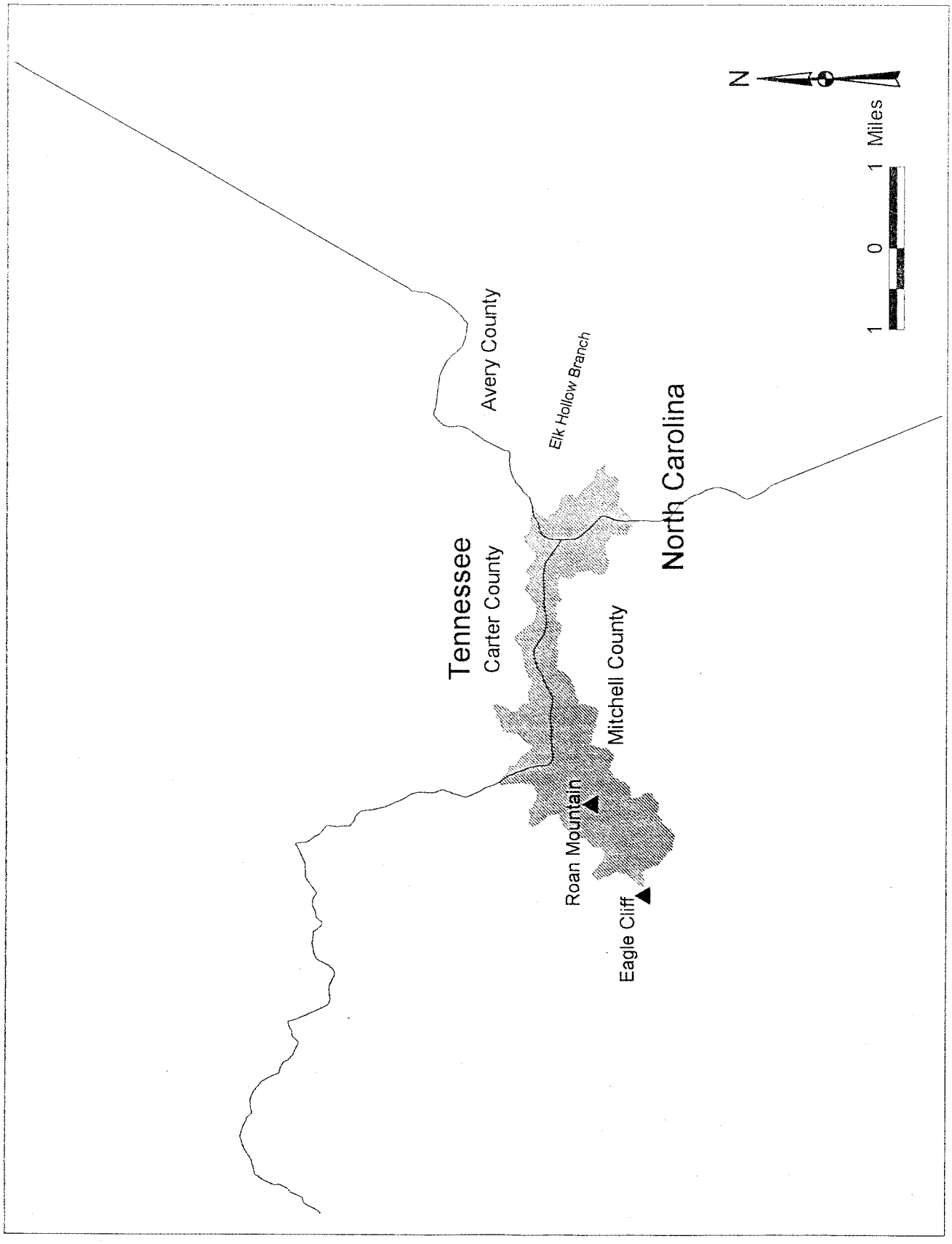


BILLING CODE 4310–55–C

Unit 1: Swain County, North Carolina, and Sevier County, Tennessee—all portions of the GSMNP bounded to the north and to the south of the North Carolina/Tennessee State line (State line) by the 1,646-m (5,400-ft) contour, from the intersection of the 1,646-m (5,400-ft) contour with the State line, south of Mingus Lead, Tennessee, southwest and then west to the intersection of the 1,646-m (5,400-ft) contour with the State line, east of The Narrows and west of Jenkins Knob, North Carolina, and Tennessee.

Unit 2: Sevier County, Tennessee—all portions of the GSMNP at and above the 1,646-m (5,400-ft) contour, bounded on the southwest side by the North Carolina/Tennessee State line from the intersection of the State line with the 1,646-m (5,400-ft) contour near Dry Sluice Gap, southeast to the intersection of the State line with the 1,646-m (5,400-ft) contour at the head of Minnie Ball Branch, North Carolina, northwest of Newfound Gap, North Carolina, and Tennessee.

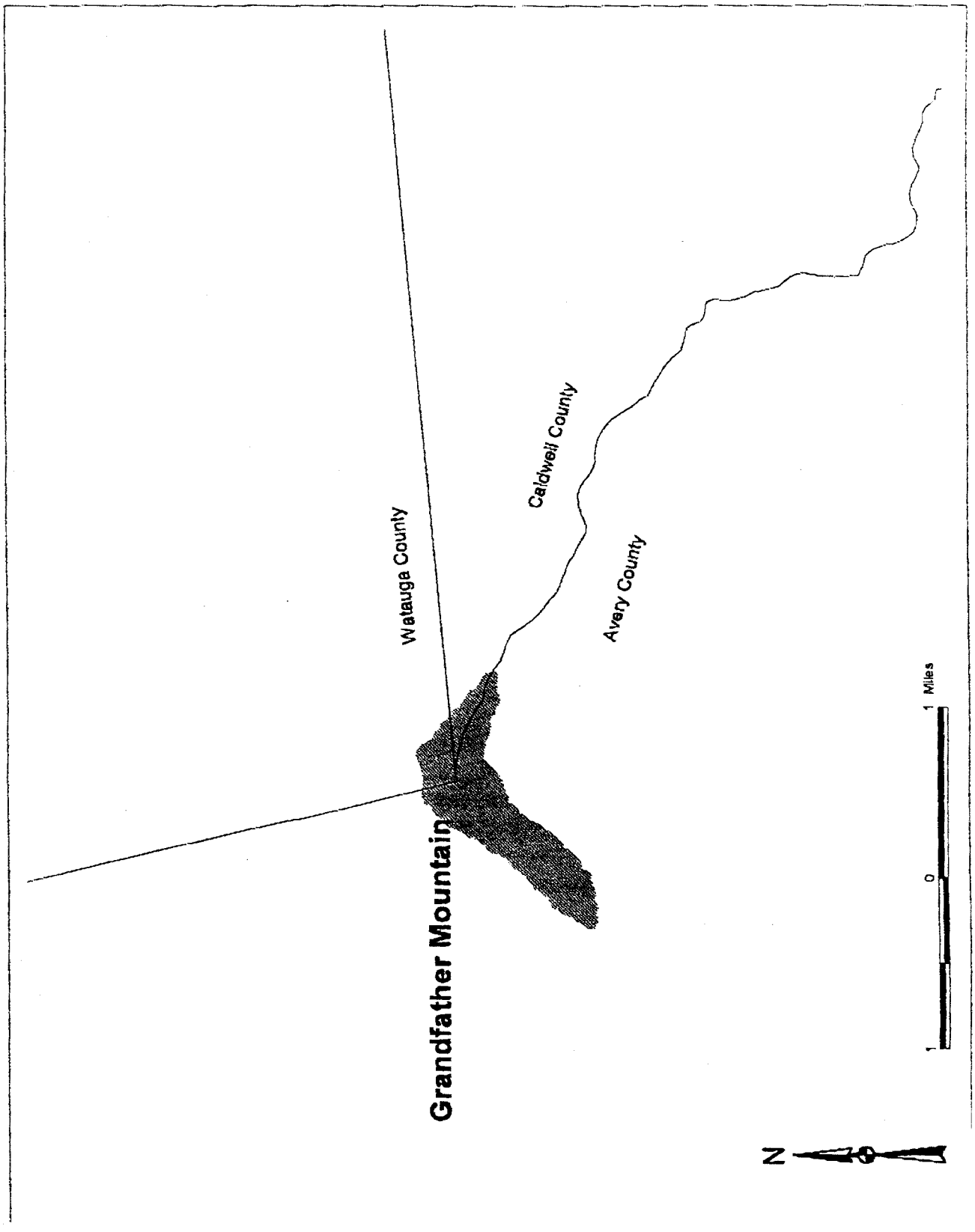
BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

Unit 3: Avery and Mitchell Counties, North Carolina, and Carter County, Tennessee—all portions of the Pisgah National Forest in North Carolina and the Cherokee National Forest in Tennessee, bounded to the north and to the south of the North Carolina/Tennessee State line by the 1,646-m (5,400-ft) contour, from the intersection of the 1,646-m (5,400-ft) contour with the State line north of Elk Hollow Branch, Avery County, North Carolina, and southwest of Yellow Mountain, Carter County, Tennessee, west to the 1,646-m (5,400-ft) contour at Eagle Cliff, Mitchell County, North Carolina.

BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

Unit 4: Avery, Caldwell, and Watauga Counties, North Carolina—all areas of Grandfather Mountain at and above the 1,646-m (5,400-ft) contour.

2. Within these areas, the primary constituent elements include:

(i) Fraser fir or fir-dominated spruce-fir forests at and above 1,646 m (5,400 ft) in elevation; and

(ii) Moderately thick and humid, but not wet, moss (species in the genus *Dicranodontium,* and possibly *Polytrichum*) and/or liverwort mats on rock surfaces that are adequately sheltered from the sun and rain (by overhang and aspect) and include a thin layer of humid soil and/or humus between the moss and rock surface.

3. Existing human structures and other features not containing all of the primary constituent elements are not considered critical habitat.

Dated: June 28, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–16866 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 001127331–1044–02; I.D. 102600B]

RIN 0648–AN69

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2001 Specifications and Foreign Fishing Restrictions; Correction

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

ACTION: Final rule; correction.

SUMMARY: The final rule to implement the 2001 specifications for the Atlantic mackerel, squid, and butterfish fisheries, published on Friday, March 2, 2001, contained an error in the designation of a paragraph related to distribution of *Loligo* squid commercial quotas. This document corrects the error.

DATES: Effective March 2, 2001.

FOR FURTHER INFORMATION CONTACT: William D. Chappell, Fishery Management Specialist, 301–713–2341 or e-mail at William.Chappell@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The final rule to implement the 2001 specifications for the Atlantic mackerel, squid, and butterfish fisheries was published on March 2, 2001 (66 FR 13024). In that rule, amendatory instruction 2 incorrectly stated that § 648.21(e) was revised. This amendatory instruction should have indicated that § 648.21 (f) was revised. This document corrects the error contained in the March 2, 2001, final rule by moving the text of the current § 648.21 (e) to § 648.21 (f) and reinstating the original language in § 648.21 (e). For the convenience of the user, amendatory instruction 2 and the related regulatory text are reprinted in their entirety.

Correction

Accordingly, the publication on March 2, 2001, of the 2001 specifications for the Atlantic mackerel, squid, and butterfish fisheries (I.D. 102600B), which appeared in the final regulations, was the subject of document FR Doc. 01–5133, is corrected as follows:

PART 648—[CORRECTED]

On page 13028, first and second columns, amendatory instruction 2 and the regulatory text following it are corrected to read as follows:

2. In § 648.21, paragraph (f) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(f) *Distribution of annual Loligo squid commercial quota.* (1) Beginning January 1, 2001, a commercial quota will be allocated annually for *Loligo* squid into quarterly periods, based on the following percentages:

Quarter	Percent
I—January-March	33.23
II—April-June	17.61
III—July-September	17.30
IV—October-December	31.86

(2) Beginning January 1, 2001, any overages of commercial quota landed from Quarter I will be subtracted from Quarter III and any overages of commercial quota landed from Quarter II will be subtracted from Quarter IV.

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

Dated: June 29, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–16980 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 130
Friday, July 6, 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 JUSTICE

28 CFR Part 25

[FBI 108P; AG Order No. 2466–2001]

RIN 1110–AA07

National Instant Criminal Background Check System

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational. Earlier this year, the Department published amendments to those regulations, which will take effect on July 3, 2001. In this notice, the Department is publishing, for public comment and further consideration, five proposals to make additional changes in the NICS regulations. The proposed changes balance the legitimate privacy interests of law-abiding firearms purchasers and the Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from purchasing firearms.

DATES: Written comments must be submitted on or before September 4, 2001.

ADDRESSES: All comments concerning this proposed rule should be sent to: Mr. Timothy Munson, Section Chief, Federal Bureau of Investigation, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0147.

FOR FURTHER INFORMATION CONTACT: Fanny Haslebacher, Attorney-Advisor, Federal Bureau of Investigation, Module A–3, 1000 Custer Hollow Road, Clarksburg, WV 26306–0147, (304) 625–2000.

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 2001, the Department published a Final Rule to make two changes to 28 CFR 25.9(b):

- To reduce from six months to 90 days the maximum retention period for information relating to allowed firearm transfers in the system's chronological log of background check transactions (''NICS Audit Log''); and
- To permit the FBI to extract and provide information from the NICS Audit Log to the Bureau of Alcohol, Tobacco and Firearms (''ATF'') for use in ATF's inspections of Federal Firearms Licencee (''FFL'') records.

These revisions originally were scheduled to take effect on March 5, 2001. 66 FR 6470. On March 1, 2001, the Department postponed the effective date of the NICS rule from March 5 to May 4, 2001. 66 FR 12854 (March 1, 2001). On May 4, 2001, the Department further postponed the effective date for another 60 days to July 3, 2001. 66 FR 22898.

These postponements were prompted by the Department's need to conduct a review of the rule and record in light of the Department's original commitment that it would ''work toward reducing the retention period to the shortest practicable period of time less than six months that will allow basic security audits of the NICS.'' 63 FR 58304 (1998). The Department made findings of good cause for forgoing notice and comment and for making these postponements effective immediately, in satisfaction of the legal requirements for rulemaking under the Administrative Procedure Act, 5 U.S.C. 553(b)(B), (d)(3), and on the assumption that section 553 might otherwise have been applicable. See 66 FR at 22898, 12855.

Based on the review occasioned by the 120-day postponement, the Department is taking two related steps at this time. First, the January 22, 2001, Final Rule will take effect on July 3, 2001, without further delay. Second, the Department is publishing this new Notice of Proposed Rulemaking (''NPRM'') to propose further changes in the NICS regulations, as discussed in Part II below.

The January 22, 2001, Final Rule amended 28 CFR 25.9(b)(1) to provide that, in the case of allowed transfers, all information in the NICS relating to the transfer—except for the date of the request and the NICS Transaction Number (''NTN'') assigned to that request—will be destroyed within 90 days. The FBI will implement this regulatory requirement as soon as it takes effect on July 3, 2001.

Section 25.9(b)(2) authorizes only the FBI to access directly information in the NICS Audit Log pertaining to allowed transfers, and permits such access only for the purpose of conducting audits of the use and performance of the NICS. The January 22, 2001, Final Rule, however, permits the FBI to extract information from the NICS Audit Log and provide it to ATF in connection with ATF's inspections of FFL records:

> Permissible uses include extracting and providing information from the NICS Audit Log to ATF in connection with ATF's inspections of FFL records, provided that ATF destroys the information about allowed transfers within the retention period for such information set forth in paragraph (b)(1) of this section and maintains a written record certifying the destruction.

This grant of permissive authority will also take effect on July 3, 2001. It does not, however, mandate any particular action. Rather, the provision states that ''extracting and providing'' information to ATF is among the ''(p)ermissible uses'' of the information in the NICS Audit Log.

Because the Department today proposes new changes to the maintenance and use of the NICS Audit Log, the FBI will not exercise this discretionary authority to ''extract and provide'' NICS Audit Log information to ATF except as specifically authorized by the Attorney General. Such restraint will maintain the status quo while the public provides comments on today's proposals and the Department considers those comments. This approach in no way alters or limits the FBI's legal authority under the NICS regulations as amended; it is instead a prudent and permissible exercise of discretion, during the pendency of this rulemaking, to preserve the current practices relating to the use of information in the NICS Audit Log.

II. New NPRM on the National Instant Criminal Background Check System

In this new rulemaking, the Department is publishing, for public comment and further consideration, several proposed changes in the NICS regulations. The proposed changes balance the legitimate privacy interests of law-abiding firearms purchasers and the Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from

purchasing firearms. The Department welcomes comments from all interested persons regarding both the legal and practical effects of these proposals.

1. Proposal #1: Prompt Destruction of Records of Allowed Transactions (§ 25.9(b)(1), (2) and (3))

The first proposal would amend § 25.9(b)(1) to provide for a general rule requiring prompt destruction of information in the NICS Audit Log pertaining to allowed transfers, coupled with specific authority to retain information in two respects in order to ensure the security and integrity of the system. This proposal also revises and reorganizes the existing provisions of § 25.9(b) for greater clarity.

The basis for this change lies in three provisions of the Brady Act. Section 103(h) requires the Attorney General to ''prescribe regulations to ensure the privacy and security of the information of the system.'' Section 103(i) prohibits the establishment of a registration system with respect to firearms, and section 102(b) requires the FBI to ''destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer,'' when the receipt of a firearm would not violate state or federal law.

This proposal would require the destruction of all information in the Audit Log relating to the lawful purchaser or the transfer (other than the NTN, and date of inquiry) on all allowed transactions prior to the start of the next business day following the date on which the ''proceed'' message was received by the initiator of the NICS check. Under this proposal, the FBI would retain only that information on allowed transfers specified in 18 U.S.C. 922(t)(2)(C)—namely, the NTN and the date the NTN was assigned. In addition, as discussed more fully below, this proposal would authorize the FBI to retain the ORI (Originating Agency Identifier), as defined in 28 CFR 25.2, and/or the FFL identifier issued by the Bureau of Alcohol, Tobacco and Firearms, when requested to do so, in writing, by ATF for inspection purposes.

This proposal makes no change in the existing provisions of the NICS rules pertaining to the retention of records of transactions where the transfer was *denied* because the putative purchaser is prohibited by state or federal law from purchasing a firearm.

This proposal balances the privacy interests of law-abiding citizens and the law enforcement interests of the Department in ensuring that the Brady Act and Gun Control Act are enforced to prevent prohibited persons from purchasing firearms. The FBI and ATF need to enforce the law to prevent misuse of the NICS system by FFLs and POCs (as defined in 28 CFR 25.2). There is no change in the provision authorizing the FBI to retain and use information pertaining to allowed transfers as long as needed to pursue cases of identified misuse of the system. By retaining only that information specified by statute, this proposal reduces the impact on the privacy rights of individual purchasers while still meeting the law enforcement requirements of the Department and ensuring the security of the NICS system as a whole.

By keeping all records until the start of the next business day, the NICS Operations Center would be able to compile statistics on the operation of the system, such as the number of calls per state per day, the percentage of checks run on long guns versus handguns, and other statistical information that does not include personally identifiable information on lawful purchasers. The NICS operates every day of the year except Thanksgiving and Christmas Day. By destroying personally identifiable information on allowed transfers before the start of the next business day, the NICS Operations Center would have the hours between the close of one business day and the start of the next business day to run internal audits, amass statistical data, accomplish destruction of the necessary records, and carry out other system maintenance with minimal disturbance to the system. The Department welcomes comments as to whether this proposal will accommodate the needs of the NICS Operations Center regarding statistical compilations and internal operating procedures.

In addition, the Department seeks comments as to the ability of the NICS system to ensure the privacy and security of the information of the system in the absence of retaining all records of allowed transactions, specifically, the costs and increased efficiency available by conducting the quality control and system performance evaluations using control data and real time performance reviews.

2. Proposal #2: Individual FFL Audit Logs (§ 25.9(b)(4))

Under 18 U.S.C. 922(t), FFLs are required, prior to transferring a firearm to an unlicenced individual, to examine a valid identification document of the potential purchaser, contact the NICS system, receive and record from the NICS a unique NTN, and either receive an indication that the transaction may proceed or wait until three business days have passed without receiving a determination from the NICS system that the transfer is denied. In addition, 18 U.S.C. 923(g)(1) outlines the FFL record keeping requirements and the authority for ATF to review records of the FFL. Specifically, subsection 923(g)(1)(B)(ii)(I) provides for ATF inspection or examination, not more than once in any 12-month period, of the inventory and records of a licensed dealer to ensure compliance with the record keeping requirements of the Gun Control Act and the Brady Act.

In order to ensure that ATF and the FBI have sufficient information to enforce the requirements of federal firearms laws, this proposal would allow the FBI to extract information from the NICS system to create, upon prior written request from ATF in connection with its inspections of FFL records, Individual FFL Audit Logs that contain not more than 30 days worth of allowed transactions from an identified FFL. Such Individual FFL Audit Logs would contain, with respect to allowed transfers, the NTN and the date of inquiry. All information on denied transactions or unresolved transactions will also be included in the Individual FFL Audit Log.

The proposal seeks to meet the law enforcement needs of ATF and the FBI by providing to ATF, prior to an inspection of an identified FFL, information necessary to ensure that the licensee is complying with the Brady Act's requirements to conduct a NICS check prior to transferring a firearm to an unlicenced person. By receiving an Individual Audit Log before inspecting an FFL, ATF will also have the tools necessary to determine if an FFL has run a NICS check on an individual who is not a potential firearm purchaser, which would be a misuse of the NICS system and therefore a violation of the Brady Act.

Example: Before June 1, ATF notifies the NICS Operations Center that it intends to audit Joe's Gun Shop on or after July 1. On June 1, the NICS Operations Center begins compilation of an Individual Audit Log for Joe's Gun Shop that contains the following information on those NICS checks originating at Joe's during the month of June: The NTN and date of inquiry for allowed transactions, and all information on transactions determined to be denied or unresolved. On July 1, the NICS Operations Center transfers this information to ATF. The ATF agent inspector, now equipped with a list of the last 30 days worth of transactions, visits Joe's Gun Shop to ensure that for every transaction on the Audit Log, there is a corresponding Form 4473, and that for every Form 4473,

there is a corresponding Audit Log record, indicating that a potential purchase is linked to each check and that each potential purchase received the NICS check required by federal law. If the inspector determines that the number of NICS transactions on the Audit Log does not correspond with the number of Form 4473s in Joe's Shop, further investigation is warranted.

Under this proposal, pursuant to the requirements of the Brady Act section 102(b) (destruction of all records of allowed transactions other than the NTN and date of inquiry) and section 103(i)(prohibition against establishing any registration system for firearms), ATF would be required to destroy all information on allowed transfers within a set period of time (90 days) after the date of creation of the Individual FFL Audit Log. The NICS would also be required to delete the ORI and/or FFL identifier from its system within 90 days of the date of the transaction.

As stated above, the provision authorizing the FBI and ATF to retain and use information pertaining to allowed transfers as long as needed to pursue cases of identified misuse of the system is maintained. By retaining only that information specified by statute, this proposal reduces the impact on the privacy rights of individual purchasers while still meeting the law enforcement requirements of both the Department and ATF.

3. Proposal #3: New Definition of ''Unresolved'' Transaction (§ 25.2)

This proposal would provide a new definition in § 25.2 pertaining to unresolved transactions, for two reasons.

First, in those states in which the NICS performs background checks for FFLs, if the NICS examiner cannot determine within three business days whether the proposed firearm transfer would violate state or Federal law, the transaction is designated informally as a ''default proceed.'' Under the Brady Act, the FFL is not prohibited from transferring the firearm if the NICS has not responded with a denial notification within three business days. (18 U.S.C. 922(t)(1)(B)(ii)). Despite the fact that three business days have elapsed, it is the practice of NICS examiners to continue research on such transactions for 21 days to determine whether the transaction is an actual ''proceed'' (allowed) or ''denied''. Under Proposal #1 above, it is possible the system may be required to purge information concerning ''default proceeds'' after three business days. The Department does not intend this result. The NICS system should retain information on transactions that have not been definitively resolved after three business days.

This proposal would create a new internal classification system for transactions that are ''unresolved,'' meaning the NICS examiner could not verify that a ''hit'' in the database is or is not a disqualifier under state or federal law. This classification will allow the NICS system to maintain such unresolved transactions until either (1) a final determination on the transaction is reached resulting in the transaction being changed to a ''proceed'' (prompt destruction) or a ''denied'' (permanent retention) status, or (2) the expiration of the retention period for unresolved transactions. The Department proposes a retention period of no more than 90 days, consistent with the retention period under the final rule that takes effect on July 3, 2001. Statistics compiled by the FBI show that as a result of initially unresolved transactions that were later determined to be denied, over 5,400 firearms retrievals have been referred within 30 days of the default proceed, and that more than 9,700 have been determined to be denials by retention of such records for up to 90 days.

In cases of ''unresolved'' transactions, the NICS examiner would continue to respond to an FFL in the same manner as is current practice for ''default proceeds''. This change does not affect the manner or form in which response information is relayed by the NICS examiner to the FFL.

Second, in the POC (Point of Contact) states, a state agency is responsible for performing background checks for potential gun purchasers, including contacting the NICS system as part of that background check. When a state agency contacts the NICS as part of a POC-initiated background check, the NICS system presently records that transaction as an ''implied proceed'' unless and until the state transmits to the NICS system the ultimate determination for that transaction: either ''proceed'' or ''denied''. Once again, under a prompt destruction alternative, these transactions records could be removed from the NICS system before a final determination is made.

In order to have the most accurate record of denials in the system, this proposal would classify all state POC transactions as ''unresolved'' until the POC transmits the final determination to NICS. In cases of ''proceed'' or allowed transfers, the NICS system would be required to destroy such records within the time frame discussed in Proposal #1, above. Again, records of unresolved transactions would be deleted from the system within 90 days.

The new category of ''unresolved'' would not affect an FFL's ability to transfer or not transfer a firearm after three business days, but would allow the NICS system to keep accurate records of the precise status of NICS transactions.

4. Proposal #4: Require POC States To Transmit State Determinations to the NICS System (§ 25.6(h))

Under current § 25.6(h), POC states are encouraged, but not required, to transmit to the NICS system determinations that a background check indicates a firearm transfer is denied. Unfortunately, most POC states currently do not transmit this information to the NICS system. This means that a potential purchaser could be prohibited under state or federal law (based upon information available to a state from records available to that state only), yet the NICS system would not have access to that determination. If the prohibited purchaser then traveled to another state and again attempted to purchase a firearm, the NICS system would be unable to stop the prohibited purchase.

This proposal would condition participation as a POC state on transmission of state determination information to the NICS system as soon as it is available, so that the NICS system will have accurate records of all prohibited persons. Because state laws vary on how quickly the background check must be completed, the proposed rule does not specify a particular length of time for transmittal, but instead requires the transmittal ''upon communication of the determination to the FFL or the expiration of any applicable state waiting period''. Until the NICS system receives the determination information, it will identify the transaction as unresolved.

Determination information from POC states would still be subject to the rules governing record retention. The NICS system may not retain information on allowed transfers that originate in a POC state for a longer period of time than it may keep information about a NICS-originated allowed transaction.

5. Proposal #5: Voluntary Appeals File (§ 25.10(g))

This proposal addresses those situations in which a lawful firearms purchaser might desire to have personal information retained in the NICS system to avoid confusion or delays in future purchases. Because the NICS system must destroy all identifying information on allowed transactions after not more than 90 days (or before the start of the next business day under Proposal #1

above), if a potential purchaser is delayed or denied a firearm and then successfully appeals the decision, the NICS system would not be able to retain a record of the appeal and supporting documents.

This means that if a lawful purchaser has a similar name and date of birth as a convicted felon, he or she may be delayed, or denied a purchase, until the NICS system can determine that the lawful purchaser is not the felon. Often this is done through submission of fingerprints.

However, under the existing retention rules, once that purchase is determined to be allowed, the NICS system cannot retain the information identifying the person as a lawful purchaser for more than 90 days and must destroy all identifying information relating to the person and the transfer—even if retention is requested by the lawful purchaser. Both the NICS Operations Center and individual purchasers have requested creation of a mechanism by which NICS can keep, upon request of the purchaser, such clarifying information in a separate computer file within the NICS system.

This proposal would allow the creation of a Voluntary Appeals File for the purpose of allowing lawful purchasers to request that the NICS system retain such information to facilitate future NICS transactions. Under this proposal, potential firearms transferees experiencing erroneous delays or denials by the system will have the option to supply the FBI with information such as name, date of birth, social security number, any other identifying numbers, and any documents that may clarify their records or prove their identity. The NICS system would be required to destroy any records submitted to the Voluntary Appeals File upon written request from the individual. Of course, such information could be retained and used by the FBI as long as needed to pursue cases of identified misuse of the system.

Applicable Administrative Procedures and Executive Orders

Regulatory Flexibility Analysis

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Although many FFLs are small businesses, they are not subject to any additional burdens under the plan adopted to audit their use of the NICS. In addition, the rule will not have any impact on an FFL's ability to contact the NICS, nor will it result in any delay in receiving responses from the NICS.

Executive Order 12866

The Department of Justice has drafted this notice of proposed rulemaking in light of Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a ''significant regulatory action'' under section 3(f) of Executive Order 12866, and accordingly it has been reviewed by the Office of Management and Budget (OMB).

Executive Order 13132

This proposed rule 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, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act

This proposed rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more, a major increase in costs or prices, or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act of 1995

The collection of information contained in this notice of proposed rulemaking has been submitted to OMB for emergency review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer of the Department of Justice, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place Building, 1331 Pennsylvania Avenue NW., Washington, DC 20530. Comments are specifically requested concerning:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Justice and the FBI, including whether the information will have practical utility;

(2) The accuracy of the estimated burden associated with the proposed collection of information (see below);

(3) How the quality, utility, and clarity of the information to be collected may be enhanced; and

(4) How the burden of complying with proposed collection of information may be minimized, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The proposed rule adds as a condition for a state to participate in the system as a POC the requirement that POCs transmit determination information to the NICS as soon as it is available to the state, including determinations that a firearm transfer may proceed, is denied, or the check is unresolved. Some POCs already provide such information to the NICS. This collection of information is for the purpose of enhancing the performance of the NICS, by giving the system the same information about determinations on the checks processed by POCs that the system has about determinations made on the checks processed by the FBI.

The number of respondents that will be affected by this information collection will be 21, which is the number of states that act as POCs for the NICS (states that do NICS checks in connection with the issuance of firearm permits only are not considered POCs). The notifications will be made by electronic message to the NICS immediately upon the acknowledgment of the receipt of the determination by the FFL or the expiration of any applicable state waiting period. It is estimated that it will take 6 months for each POC state to make the programming changes necessary to provide this information to the NICS. It is estimated it will take one (1) minute for each POC state to send the information relating to each check to the NICS. Collectively, the POCs conduct approximately 4.4 million NICS checks

per year. Thus, it is estimated that the total public burden (in hours) associated with the collection from the estimated 21 respondents is 73,333 hours in the first year.

List of Subjects in 28 CFR Part 25

Administrative practice and procedure, Computer technology, Courts, Firearms, Law enforcement officers, Penalties, Privacy, Reporting and recordkeeping requirements, Security measures, Telecommunications.

Accordingly, part 25 of title 28 of the Code of Federal Regulations is proposed to be amended as follows:

PART 25—DEPARTMENT OF JUSTICE INFORMATION SYSTEMS

1. The authority citation for Part 25 continues to read as follows:

Authority: Pub. L. 103–159, 107 Stat. 1536.

Subpart A—The National Instant Criminal Background Check System

§ 25.2 [Amended] [Proposal #3]

2. In § 25.2, the following definition is added:

* * * * *

Unresolved means that information available to the system required further inquiry that could not be resolved before the end of three business days and resulted in no determination by the system that the receipt of a firearm by the prospective transferee would not violate Federal or state law. In cases of ''unresolved'' responses, the NICS continues research to discover definitive information regarding the transferee and, if definitive information is obtained, communicates to the FFL the final determination that the check resulted in a proceed or a denied. An ''unresolved'' response does not prohibit an FFL from transferring a firearm after three business days have elapsed since the FFL provided to the system the identifying information about the prospective transferee.

* * * * *

§ 25.6 [Amended] [Proposal #4]

4. In § 25.6, paragraph (h) is revised to read as follows:

* * * * *

(*h*) *POC Determination Notification.* POCs shall provide notification to the NICS of their determinations that a firearm transfer may proceed, is denied, or that the check is unresolved. These notifications will include all information relating to the transaction, including the identifying information provided for the background check, the FFL number, the records that were returned by the check, the NTN, the date of the determination, and, in the case of denials, the category of denial. The information provided in the POC determination notification will be maintained in the NICS Audit Log described in § 25.9(b). These notifications shall be provided by electronic message to the NICS immediately upon communication of the determination to the FFL or the expiration of any applicable state waiting period. Until the POC determination notification is received by the NICS, the NICS will assume that the check is unresolved.

* * * * *

§ 25.9 [Amended] [Proposal #1]

5. In § 25.9, paragraph (b) is revised to read as follows:

* * * * *

(b) The FBI will maintain an automated NICS Audit Log of all incoming and outgoing transactions that pass through the system.

(1) *Contents.* The NICS Audit Log will record the following information: Type of transaction (inquiry or response), line number, time, date of inquiry, header, message key, ORI or FFL identifier, and inquiry/response data (including the name and other identifying information about the prospective transferee and the NTN).

(i) The NICS Audit Log will contain all records of denied transfers, and unresolved transfers. NICS Audit Log records relating to denials will be retained for 10 years, after which time they will be transferred to a Federal Records Center for storage. NICS Audit Log records relating to NICS checks where an ''Unresolved'' response is indicated will be destroyed after not more than 90 days from the date of inquiry.

(ii) Except as provided in § 25.10(g), in cases of allowed transfers, all information in the NICS Audit Log related to the person or the transfer, other than the NTN assigned to the transfer and the date the number was assigned, will be destroyed prior to the beginning of the next NICS business day following the date on which an FFL receives communication of the determination that the transfer may proceed.

(2) *Use of information in the NICS Audit Log.* The NICS Audit Log will be used to analyze system performance, assist users in resolving operational problems, support the appeals process, or support audits of the use of the system. Searches may be conducted on the Audit Log by time frame, i.e., by day or month, or by a particular state or agency. Information in the NICS Audit Log pertaining to allowed transfers may be accessed directly only by the FBI for the purpose of conducting audits of the use and performance of the NICS. Such information, however, may be retained and used by the FBI as long as needed to pursue cases of identified misuse of the system, and as provided in § 25.9(b)(4).

(3) *Limitation on use.* The NICS, including the NICS Audit Log, will not be used by any Department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving a firearm by 18 U.S.C. 922(g) or (n) or by state law. The NICS Audit Log will be monitored and reviewed on a regular basis to detect any possible misuse of the NICS data.

* * * * *

§ 25.9 [Amended] [Proposal #2]

6. Section 25.9 is amended by revising paragraph (b), to read as follows:

* * * * *

(b) The FBI will maintain an automated NICS Audit Log of all incoming and outgoing transactions that pass through the system.

(1) *Contents.* The NICS Audit Log will record the following information: Type of transaction (inquiry or response), line number, time, date of inquiry, header, message key, ORI or FFL identifier, and inquiry/response data (including the name and other identifying information about the prospective transferee and the NTN).

(i) The NICS Audit Log will contain all records of denied transfers, and unresolved transfers. NICS Audit Log records relating to denials will be retained for 10 years, after which time they will be transferred to a Federal Records Center for storage. NICS Audit Log records relating to NICS checks where an ''Unresolved'' response is indicated will be destroyed after not more than 90 days from the date of inquiry.

(ii) Except as provided in § 25.10(g), in cases of allowed transfers, all information in the NICS Audit Log related to the person or the transfer, other than the NTN assigned to the transfer and, the date the number was assigned, will be destroyed prior to the beginning of the next NICS business day following the date on which an FFL receives communication of the determination that the transfer may proceed.

(2) *Use of information in the NICS Audit Log.* The NICS Audit Log will be

used to analyze system performance, assist users in resolving operational problems, support the appeals process, or support audits of the use of the system. Searches may be conducted on the Audit Log by time frame, i.e., by day or month, or by a particular state or agency. Information in the NICS Audit Log pertaining to allowed transfers may be accessed directly only by the FBI for the purpose of conducting audits of the use and performance of the NICS. Such information, however, may be retained and used by the FBI as long as needed to pursue cases of identified misuse of the system, and as provided in § 25.9(b)(4).

(3) *Limitation on use:* The NICS, including the NICS Audit Log, will not be used by any Department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving a firearm by 18 U.S.C. 922(g) or (n) or by state law. The NICS Audit Log will be monitored and reviewed on a regular basis to detect any possible misuse of the NICS data.

(4) *Creation and Use of Individual FFL Audit Logs:* Upon written request from ATF containing the name and license number of the FFL, the proposed date of inspection of the named FFL by ATF, and the requested start date for record retention, the FBI may extract information from the NICS Audit Log and create an Individual FFL Audit Log for transactions originating at the named FFL for a limited period of time. An Individual FFL Audit Log shall contain all information on unresolved transactions and denied transactions, and, with respect to allowed transfers, only the NTN and date of inquiry. In no instance shall an Individual FFL Audit Log contain more than 30 days worth of allowed transfer records originating at the FFL. The ATF shall destroy all records of allowed transfers within 90 days of the date on which the Individual Audit Log was created. The ATF shall maintain a written record certifying the destruction. Such information, however, may be retained as long as needed to pursue cases of identified misuse of the system.

* * * * *

§ 25.10 [Amended] [Proposal #5]

6. In § 25.10, a new paragraph (g) is added to read as follows:

* * * * *

(g) An individual may provide written consent to the FBI to maintain information about himself or herself in a voluntary appeal file checked by the NICS for the purpose of preventing the future erroneous delay or denial of a firearm transfer. Such file shall only be used by the NICS for this purpose. The FBI shall remove all information in the voluntary appeal file upon receipt of a written request by the individual. However, the FBI shall not be prohibited from retaining such information contained in the Voluntary Audit Log as long as needed to pursue cases of identified misuse of the system.

* * * * *

Dated: June 28, 2001.

John Ashcroft,

Attorney General.

[FR Doc. 01–16766 Filed 7–5–01; 8:45 am]

BILLING CODE 4410–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 122, 123, 124, and 125

[FRL–7009–2]

Reopening of Comment Period for Certain Documents Referenced in the Notice of Data Availability; National Pollutant Discharge Elimination System—Regulations Addressing Cooling Water Intake Structures for New Facilities

AGENCY: Environmental Protection Agency.

ACTION: Reopening of comment period.

SUMMARY: On August 10, 2000, EPA published proposed regulations addressing cooling water intake structures at new facilities in the **Federal Register** for public review and comment (65 FR 49060). On May 25, 2001, EPA published a Notice of Data Availability in the **Federal Register** (66 FR 28853) regarding the proposed regulations. The comment period closed on June 25, 2001. This action reopens the comment period for certain documents for an additional 30 days, to August 6, 2001.

DATES: Comments on certain documents and issues related to those documents listed below under **SUPPLEMENTARY INFORMATION** will be accepted through August 6, 2001.

ADDRESSES: Send written comments to: Cooling Water Intake Structure (New Facilities) Proposed Rule Comment Clerk-W–00–03R, Water Docket, Mail Code 4101, EPA, Ariel Rios Building, 1200 Pennsylvania Ave., N.W., Washington, DC 20460. Comments delivered in person and/or any overnight delivery should be submitted to the Cooling Water Intake Structure (New Facilities) Proposed Rule Comment Clerk-W–00–03R, Water Docket, Room EB 57, 401 M Street, S.W., Washington, D.C. 20460. You may also submit comments electronically to ow-docket@epa.gov. Please submit any references cited in your comments. Please submit an original and three copies of your written comments and enclosures. No facsimiles (faxes) will be accepted. For additional information on how to submit comments, see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Deborah G. Nagle at (202) 260–2656, or Claudio H. Ternieden at (202) 260–6026. The e-mail address for the above contacts is rule.316b@epa.gov.

SUPPLEMENTARY INFORMATION: The Notice of Data Availability presented a summary of the data EPA had received or collected since proposal, an assessment of the relevance of the data to EPA's analysis, some modified technology options suggested by commenters, and an alternative approach suggested by a trade group representing the utility industry.

EPA received a request to extend the comment period for all documents and issues discussed in the Notice of Data Availability. After considering this request and a similar but narrower request, EPA is reopening the comment period for six documents and the issues associated with these documents because certain pages of these documents or their references and attachments were not available for public review at the time the Notice of Data Availability was published in the **Federal Register**. EPA is also reopening the comment period for two lengthy documents that were available in the docket in an electronic format at the start of the public comment period but were not copied and made available for off-site review until June 1, 2001. The comment period for these documents is 30 days, through August 6, 2001.

If you already submitted comments to EPA in response to the Notice of Data Availability published on May 25, 2001, and wish to submit additional comments per today's reopening, EPA requests that the later set of comments clearly specify whether they supplement or supersede the earlier-filed comments.

In addition to accepting hard-copy written comments, please note that EPA will also accept comments submitted electronically. Electronic comments must be submitted as a Word Perfect 5/

6/7/8 or ASCII file and must be submitted to: ow-docket@epa.gov.

EPA is reopening the comment period for the following documents:

- DCN# 2–007 Energy Information Agency, Department of Energy Forms 860A and 860B–1998
- DCN# 2–010 Energy Information Agency, Department of Energy; Utility Data Institute; Form EIA–767 1994, 1997; Selected Tables from UDI Power Statistics
- DCN# 2–017A & All References Memo Re: Ecological Reasons Why Freshwater River and Reservoir Ecosystems Do Not Normally Experience Substantive Impact As a Result of Impingement and Entrainment (April 27, 2001)
- DCN# 2–018B R2 Computation and Interpretation of Biological Statistics of Fish Populations (1975)
- DCN# 2–019A & All References Memo Re: Scientific Literature On Population Modeling (April 27, 2001)
- DCN# 2–025E Fact Sheet for Draft NJPDES Permit Renewal Including Section 316(a) Variance Determination and Section 316(b) ''BTA'' Decision (June 24,1993)
- DCN# 2–036C Draft Steam Plant Energy Penalty Evaluation (April 20, 2001)
- DCN# 2–041A Methods for Sampling Fish Communities as Part of the National Water Quality Assessment Program (1993)

Dated: June 29, 2001.

Diane C. Regas,

Acting Assistant Administrator for Water.

[FR Doc. 01–16949 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA245–0242; FRL–7008–4]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from the miscellaneous metal parts source category. We are proposing action on a local rule regulating these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by August 6, 2001.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814; and,

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Street, Fresno, CA 93726.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1226.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the SJVUAPCD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
SJVUAPCD	4603	Surface Coating of Metal Parts and Products	09/21/00	12/11/00

On February 8, 2001, EPA found this rule submittal met the completeness criteria in 40 CFR part 51, appendix V. These criteria must be met before formal EPA review can begin.

B. Are there other versions of this rule?

We approved a version of Rule 4603 into the SIP on December 1, 1994. There are no extant submittals of Rule 4603 beyond the submittal in today's action.

C. What is the purpose of the submitted rule revisions?

SJVUAPCD Rule 4603 is a rule designed to reduce volatile organic compound (VOC) emissions at industrial sites engaged in metal coating operations. VOCs are emitted during the preparation and coating of the metal parts, as well as the drying phase of the coating process. Rule 4603 establishes general emission limits of VOC per liter of coating less water and exempt compounds as applied and allows for the use of add-on emission controls with a combined capture/control efficiency of 90 percent.

SJVUAPCD's September 21, 2000 amendments to Rule 4603 included these significant changes to its 1994 SIP-approved version (adopted May 20, 1993):

—a definition for solid film lubricant was added (section 3.35);

—VOC content and viscosity requirements for dip coating and air drying of steel joists was added (sections 5.1.3.1 & 5.1.3.2);

—a specialty coating limit of 880 grams/liter for solid film lubricant was added (section 5.2); and,

—a recordkeeping requirement for viscosity was added (section 6.2.3.2).

The TSD has more information about this rule.

II. EPA's Evaluation and Action

A. How is EPA evaluating this rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available

Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SJVAPCD regulates an ozone nonattainment area (see 40 CFR part 81), so Rule 4603 must fulfill RACT.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** document,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

3. ''Control of Volatile Organic Emissions from Existing Stationary Sources Volume VI: Surface Coating of Miscellaneous Metal Parts and Products,'' USEPA, June 1978, EPA–450/2–78–015.

B. Does the rule meet the evaluation criteria?

This rule improves the SIP by establishing emission and viscosity limits for structural steel dip coating and recordkeeping provisions. This rule is largely consistent with the relevant policy and guidance regarding enforceability, RACT and SIP relaxations. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

C. What are the rule's deficiencies?

These provisions conflict with section 110 and part D of the Act and prevent full approval of the SIP revision.

1. The language in Section 4.1 allows at least two competing interpretations of the rule. This section should be revised to allow only one interpretation consistent with EPA guidance and policy concerning rule applicability, size cut-offs, and allowable non-compliant coating use. District practice of exempting fifteen pounds per day of non-compliant VOC emissions from all sources contradicts the intent of the size cutoff requirements of EPA's RACT Guidance. Furthermore, this practice is inconsistent with EPA policy providing for no more than 55 gallons of non-compliant coating use per rolling 12 month period.

2. Rule 4603 sets a viscosity limit for dip coating of structural steel components. However, SJVUAPCD did not provide a test method for determining compliance with this viscosity limit.

3. Rule 4603 incorporates a solid film lubricant specialty category emissions limit of 880 gr/l. This limit exceeds the CTG limit of 420 gr/l.

D. EPA recommendations to further improve the rule

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rule.

E. Proposed action and public comment

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of Rule 4603 to improve the SIP. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the Act unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months. These sanctions would be imposed according to 40 CFR 52.31. Also, a final disapproval would trigger the federal implementation plan (FIP) requirement under section 110(c). Unless EPA approves subsequent SIP revisions correcting the rule's deficiencies within 24 months, EPA must produce a FIP. Note that the submitted Rule 4603 has been adopted by the SJVUAPCD, and EPA's final limited disapproval would not prevent the local agency from enforcing it.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

III. Background Information

Why was this rule submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2–OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP–Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990.	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

Executive Order 13045, entitled 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 13132

Executive Order 13132, entitled 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 proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on 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. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

D. Executive Order 13175

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 proposed 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 proposed rule from tribal officials.

E. 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 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 proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval 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.

EPA's proposed disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 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 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 the proposed action 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 proposed Federal action acts on pre-existing requirements under State or local law, 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. 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.

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: June 15, 2001.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 01–16947 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 450

[FRL–7008–7]

RIN 2040–AD42

Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development Point Source Category; Announcement of Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice, announcement of meetings.

SUMMARY: EPA will conduct informational meetings on the upcoming Construction and Development (C&D) Effluent Guidelines proposed rulemaking. The Agency will provide an overview of the C&D project. EPA intends to propose effluent guidelines and standards for the C&D category in March 2002. The meetings are open to the public, and limited seating is available on a first-come, first-served basis.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for meeting locations.

FOR FURTHER INFORMATION CONTACT: Eric Strassler, Engineering and Analysis Division (4303), EPA Office of Water, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 260–7150; e-mail: *strassler.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is developing proposed effluent limitations guidelines and standards for the C&D Point Source Category under authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*). The C&D effluent guidelines will establish technology-based standards for discharges from construction sites regulated by the National Pollutant Discharge Elimination System (NPDES). The C&D rule will cover construction activities associated with new development and re-development. The regulations will address stormwater runoff from construction sites during the active phase of construction, as well as post-construction runoff. The industrial sectors which are being examined during the rulemaking include residential buildings, non-residential buildings, heavy construction, and land development. Additional information is available on the C&D website at *http://www.epa.gov/ost/guide/construction/.*

The meetings will provide an update on the development of the proposed rule. EPA will discuss the data collection efforts, the potential technology options, and the schedule for the C&D rulemaking. The meetings are not a mechanism for submitting formal comments. The meetings will not be recorded by a reporter nor transcribed for inclusion in the administrative record for the C&D rulemaking. Limited seating is available on a first-come, first-served basis.

A more detailed agenda and other documents related to the C&D project will be available at the meetings. For those unable to attend a meeting, EPA will make documents available at the EPA website listed above, and they can be obtained by an e-mail or telephone request to Eric Strassler at the above address.

Meeting Times and Locations

1. Tuesday, July 24, 2001, 9:00 am to 12:00 noon. EPA Education Center Auditorium, Waterside Mall, 401 M Street, SW., Washington, DC. Directions: The Auditorium is located on the ground floor at the rear of the Waterside Mall complex. Limited parking is available in the vicinity of the mall. EPA recommends that attendees travel by Metro subway to the Waterfront station (Green line). Upon exiting the Metro station, enter Waterside Mall, proceed to the rear exit (I Street), and turn left to reach the EPA Education Center.

2. Wednesday, August 1, 2001, 9:00 am to 12:00 noon. Executive Tower Hotel, 1405 Curtis Street, Denver, CO. For information on accommodations and directions to the hotel, please telephone 800–525–6651 or see the hotel website at *http://www.exectowerhotel.com.*

Dated: June 28, 2001.

Louise P. Wise,

Acting Director, Office of Science and Technology.

[FR Doc. 01–16953 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 46

RIN 0940–AA03

Protection of Human Research Subjects

AGENCY: Department of Health and Human Services (DHHS).

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Department of Health and Human Services (DHHS) is proposing to amend Subpart B of its human subjects protection regulations published on January 17, 2001. These regulations provide additional protections for pregnant women and human fetuses involved in research and pertain to human in vitro fertilization. The rule continues the special protections for pregnant women and human fetuses that have existed since 1975. The Department proposes to amend the regulations by making limited changes in terminology referring to neonates, clarifying provisions for paternal consent when research is conducted on fetuses, and clarifying language that applies to research on newborns of uncertain viability.

DATES: Comments on the proposed regulation must be received on or before September 4, 2001.

ADDRESSES: Comments must be sent to: Irene Stith-Coleman, Ph.D., Office of Human Research Protections (OHRP) 200 Independence Avenue, SW., Room 733–E, Washington, DC, 20201. Telephone 202–260–1587. Email *istithco@osophs.dhhs.gov.* The Department invites written comments on the proposed regulations and requests that comments identify the specific regulatory provisions to which they relate.

FOR FURTHER INFORMATION CONTACT: Irene Stith-Coleman, Ph.D., Office of Human Research Protections (OHRP) 200 Independence Avenue, SW., Room 733–E, Washington, DC, 20201. Telephone 202–260–1587. Interested persons may obtain a copy of the current regulations for the protection of human subjects, including Subpart B, at *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/45cfr46.htm.*

SUPPLEMENTARY INFORMATION:

Background

The Department of Health and Human Services (DHHS) regulates research involving human subjects conducted or supported by the agency through regulations codified at Title 45, part 46,

of the Code of Federal Regulations. Subpart B of 45 CFR part 46, promulgated on August 8, 1975, pertains to research involving fetuses, pregnant women, and human in vitro fertilization. The 1975 regulations were jointly published in the **Federal Register** with the report and recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Research on the Fetus (40 FR 33526). Subsequent changes were incorporated January 11, 1978 (43 FR 1758), November 3, 1978 (43 FR 51559), and June 1, 1994 (59 FR 28276).

On January 17, 2001, the Department published in the **Federal Register** a Final Rule, with an effective date of March 19, 2001 (66 FR 3878), intended to amend Subpart B of 45 CFR Part 46. This preamble refers to that rule as ''the January rule.'' The January rule's effective date was delayed by 60 days on March 19, 2001, in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled A Regulatory Review Plan, published in the **Federal Register** on January 24, 2001. (66 FR 15352). The effective date of the January rule was further delayed by 180 days on May 18, 2001 to give the Department an opportunity to obtain comment on three modifications to the rule. (66 FR 27559).

The Department determined that there was a need to delay the January rule's effective date to seek public comment on three limited aspects: (1) Whether paternal consent (when the father is readily available) should be obtained for participation in federally funded research that is directed solely at a fetus; (2) whether the definition of ''fetus'' should be modified so that it describes only the stage prior to delivery; and (3) whether the rule should be modified to make clear that fetuses of uncertain viability may be subjected to added risk only if the research is intended to enhance the probability of survival of the particular fetus to the point of viability.

First, the Department proposes to require a father's consent (when the father is readily available) for participating in research that is directed solely at a fetus and that does not affect a mother's health. We believe that this approach is the most respectful of the parents' joint interests in their fetus's health. In this narrow situation, the January rule allowed the mother alone to consent for the research on the fetus. The preamble to the January rule explained that consent requirements for research involving pregnant women were modified to address cases in which a requirement for the father's consent had been a barrier to participation in research which held potential benefit for both pregnant women and their fetuses. We believe that this problem is addressed by the clarification in this rule that only the mother's consent is required for participation in research that may benefit both the pregnant woman and the fetus. In keeping with the January rule, a father's consent would not be needed for a woman to participate in a research activity that would benefit her health.

Second, the Department proposes to add to the regulations the term ''neonate'' to describe an infant that has been delivered but for which a viability determination has not yet been made. The January rule uses the term ''fetus'' to describe not only infants at the stage prior to delivery, but also just-delivered newborns. We believe that using the term ''fetus'' only for those infants that have not been delivered is preferable because it is more consistent with the ordinary understanding of that word and because using the term neonate for a fetus that has been delivered is more appropriate. We propose to use the term ''neonate'' to describe a newborn for which a viability determination has not yet been made. This modification will not change the strong protections the rule gives to pregnant women and fetuses, or change the regulatory framework that has been established to guide decisions regarding conduct of federally-supported research.

Third, the Department proposes to clarify the language that governs decisions regarding conduct of federally-supported research on neonates of uncertain viability. Some changes in wording were introduced in the January rule that may have created confusion on this issue. We wish to make clear that these neonates may be subjected to added risk only if the research is intended to enhance the particular neonate's probability of survival to the point of viability.

The Department proposes other minor clarifying and technical changes that are consistent with these proposed amendments.

Proposed Changes to Subpart B

Title Subpart B—Additional Protections for Pregnant Women and Human Fetuses Involved in Research, and Pertaining to Human In Vitro Fertilization

The title is changed to add the word ''neonate.''

Section 46.201 To what do these regulations apply?

Paragraph (a)—There is no substantive change to this paragraph. The word ''neonate'' is added to reflect that the rule covers neonates.

Paragraphs (b)–(d)—No change.

Section 46.202—Definitions

Paragraph (a)—The definition of ''dead fetus'' is modified by changing the word ''fetus'' to ''neonate.'' The words ''after delivery'' are deleted to avoid redundancy.

Paragraph (b)—The definition of ''fetus'' is modified to clarify that the term refers only to the stage prior to delivery.

Paragraph (c)—No change.

Paragraph (d)—A new paragraph (d) and new definition of ''neonate'' is added.

Paragraph (d)—Paragraph (d) is relabeled paragraph (e). The definition of ''nonviable fetus'' in new paragraph (e) is modified by changing the word ''fetus'' to ''neonate.''

Paragraphs (e) and (f) are relabeled paragraphs (f) and (g).

Paragraph (g)—Paragraph (g) is relabeled paragraph (h). The definition of ''viable'' in new paragraph (h) is modified by changing the word ''fetus'' to ''neonate'' and deleting the language ''after delivery.'' Language regarding the application of Subpart D of the human subjects regulations is clarified.

Section 46.203 Duties of IRBs in connection with research involving pregnant women, fetuses, and human in vitro fertilization

The title of this section is changed to add the term ''neonate.''

Section 46.204 Research involving pregnant women or fetuses prior to delivery

The words ''prior to delivery'' are deleted from the title and introductory text. This description is not needed in light of the change in the definition of the term ''fetus'' in Section 46.202(b).

Paragraph (b)—The paragraph is clarified to explain that research involving fetuses may only be conducted when risk is caused solely by interventions or procedures that hold out the prospect of direct benefit for the woman or the fetus, or, if there is no such prospect of benefit, the risk is not greater than minimal and the purpose of the research is the development of important biomedical knowledge which cannot be obtained by any other means. This change is consistent with language in the January rule regarding research involving neonates that is not greater than minimal risk.

Paragraph (c)—No change.

Paragraph (d)—The paragraph is modified to clarify that if the research holds out the prospect of direct benefit to the pregnant woman, only her consent must be obtained, consistent with provisions of Subpart A of the human subjects protection regulations. The phrases ''or the consent of her legally authorized representative'' and ''unless altered or waived in accord with § 46.101(i) or § 46.116(c) or (d)'' are deleted to avoid redundancy, as these provisions are incorporated by the reference to subpart A.

A new paragraph (e) is added to clarify that if the research holds out the prospect of direct benefit solely to the fetus, the consent of the father (when the father is readily available) is required, consistent with provisions of Subpart A of the human subjects protection regulations. The father's consent is not required if he is unable to consent because of unavailability, incompetence, or temporary incapacity. Consent of the father's legally authorized representative thus would not be required under this provision. This revision changes the January rule, which allowed the mother alone to consent to research involving the fetus. We believe that this revision better recognizes the joint interests of a mother and father in a fetus's participation in research in the situation in which the research holds out the prospect of direct benefit solely to the fetus.

Paragraph (e) is relabeled paragraph (f) and new paragraph (f) is modified by replacing the language ''the woman or her legally authorized representative'' with ''the individual(s) providing consent under paragraph (d) or (e) under this section'' to take into account new Section 46.204(e).

Paragraphs (f)–(i) are relabeled paragraphs (g)–(j), and in new paragraph (j) the term ''fetus'' is changed to ''neonate.''

Section 46.205 Research involving fetuses after delivery

The title is modified by changing ''fetus'' to ''neonate'' and by deleting the words ''after delivery'' which are not needed due to the new definition of ''neonate'' provided under Section 46.202(d).

Paragraph (a)—The term ''fetus'' is changed to ''neonate'' throughout the paragraph. The words ''after delivery'' are deleted, as they are not needed due to the new definition of ''neonate'' provided under Section 46.202(d). The words ''or resultant child'' are deleted from subparagraph (2) as they are not needed due to clarifications to Section 46.202(g) described above.

Paragraph (b)—The term ''fetus'' is changed to ''neonate'' and the words ''after delivery'' are deleted throughout the paragraph. In subparagraph (1), the word ''that'' replaces ''the,'' and the words ''of the research'' are deleted to clarify that research involving risk is permitted on fetuses of uncertain viability only when it is intended to increase the probability of their survival to the point of viability. This modification is consistent with the January rule, but clarifies any ambiguity that may have been raised by minor changes to this section in that rule. In subparagraph (2), the phrase ''unless altered or waived in accord with § 46.101(i) or § 46.116(c) or (d)'' is deleted to avoid redundancy, as these provisions are incorporated by the reference to subpart A.

Paragraph (c)—The term ''fetus'' is changed to ''neonate'' throughout the paragraph.

Paragraph (d)—The term ''fetus'' is changed to ''neonate'' throughout the paragraph. Language regarding the application of Subpart D of the human subjects regulations is clarified.

Section 46.206 Research involving, after delivery, the placenta, the dead fetus, or fetal material

The term ''fetus'' is changed to ''neonate'' and the term ''fetal'' is changed to ''neonatal'' in the title.

Paragraph (a)—The term ''fetus'' is changed to ''neonate'' throughout the paragraph, and the term ''fetal is changed to ''neonatal.''

Paragraph (b)—No change.

Section 46.207 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of pregnant women, or fetuses

The term ''neonates'' is added to the title and throughout the section and in subparagraph (2)(iii), the phrase ''unless altered or waived in accord with § 46.101(i) or § 46.116(c) or (d)'' is deleted to avoid redundancy, as these provisions are included in the reference to subpart A.

Executive Order 12866

Executive Order 12866 requires that all regulatory actions reflect consideration of the costs and benefits they generate and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If an action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in Sec. 3(f) of the Order, a pre-publication review by the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) is necessary. OMB deemed this rule a ''significant regulatory action,'' as defined by Executive Order 12866. Therefore, the rule was submitted to OIRA for review prior to its publication in the **Federal Register.**

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. Chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. This rule primarily affects individual research subjects and institutions that receive funding from DHHS for research involving human subjects. It will not have the effect of imposing significant additional costs on small research institutions that are within the definition of small entities. Therefore, the Secretary certifies that this rule will not have significant impact on a substantial number of small entities and that preparation of an initial regulatory flexibility analysis is not required.

Paperwork Reduction Act

This rule does not contain any new information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 45 CFR Part 46

Civil rights, Health—clinical research, Human research subjects, Infants and children, Medical research, Reporting and recordkeeping requirements.

Dated: June 13, 2001.

Arthur J. Lawrence,

Acting Principal Deputy Assistant Secretary for Health.

Dated: June 14, 2001.

Tommy G. Thompson,

Secretary of Health and Human Services.

For the reasons presented in the preamble, it is proposed to amend part 46 of title 45 of the Code of Federal Regulations as set forth below.

PART 46—PROTECTION OF HUMAN SUBJECTS

1. The authority citation for part 46 is revised to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a).

2. Subpart B of part 46 is revised to read as follows:

Subpart B—Additional Protections for Pregnant Women, Human Fetuses and Neonates Involved in Research, and Pertaining to Human In Vitro Fertilization

Sec.
46.201 To what do these regulations apply?
46.202 Definitions.
46.203 Duties of IRBs in connection with research involving pregnant women, fetuses, neonates, and human in vitro fertilization.
46.204 Research involving pregnant women or fetuses.
46.205 Research involving neonates.
46.206 Research involving, after delivery, the placenta, the dead neonate, or neonatal material.
46.207 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of pregnant women, fetuses, or neonates.

Subpart B—Additional Protections for Pregnant Women, Human Fetuses and Neonates Involved in Research, and Pertaining to Human In Vitro Fertilization

§ 46.201 To what do these regulations apply?

(a) Except as provided in paragraph (b) of this section, this subpart applies to all research involving pregnant women or human fetuses or neonates, and to all research involving the in vitro fertilization of human ova, conducted or supported by the Department of Health and Human Services (DHHS). This includes all research conducted in DHHS facilities by any person and all research conducted in any facility by DHHS employees.

(b) The exemptions at § 46.101(b)(1) through (6) are applicable to this subpart.

(c) The provisions of § 46.101(c) through (i) are applicable to this subpart. Reference to State or local laws in this subpart and in § 46.101(f) is intended to include the laws of federally recognized American Indian and Alaska Native Tribal Governments.

(d) The requirements of this subpart are in addition to those imposed under the other subparts of this part.

§ 46.202 Definitions.

The definitions in § 46.102 shall be applicable to this subpart as well. In addition, as used in this subpart:

(a) *Dead neonate* means a neonate that exhibits neither heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles, nor pulsation of the umbilical cord.

(b) *Delivery* means complete separation of the fetus from the woman by expulsion or extraction or any other means.

(c) *Fetus* means the product of conception from implantation until delivery.

(d) *In vitro fertilization* means any fertilization of human ova which occurs outside the body of a female, either through admixture of donor human sperm and ova or by any other means.

(e) *Neonate* means a newborn.

(f) *Nonviable neonate* means a neonate after delivery that, although living, is not viable.

(g) *Pregnancy* encompasses the period of time from implantation until delivery. A woman shall be assumed to be pregnant if she exhibits any of the pertinent presumptive signs of pregnancy, such as missed menses, until the results of a pregnancy test are negative or until delivery.

(h) *Secretary* means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom authority has been delegated.

(i) *Viable,* as it pertains to the neonate, means being able, after delivery, to survive (given the benefit of available medical therapy) to the point of independently maintaining heartbeat and respiration. The Secretary may from time to time, taking into account medical advances, publish in the **Federal Register** guidelines to assist in determining whether a neonate is viable for purposes of this subpart. If a neonate is viable then it may be included in research only to the extent permitted and in accordance with the requirements of Subparts A and D of this part.

§ 46.203 Duties of IRBs in connection with research involving pregnant women, fetuses, neonates, and human in vitro fertilization.

In addition to other responsibilities assigned to IRBs under this part, each IRB shall review research covered by this subpart and approve only research which satisfies the conditions of all applicable sections of this subpart and the other subparts of this part.

§ 46.204 Research involving pregnant women or fetuses.

Pregnant women or fetuses may be involved in research if all of the following conditions are met:

(a) Where scientifically appropriate, preclinical studies, including studies on pregnant animals, and clinical studies, including studies on nonpregnant women, have been conducted and provide data for assessing potential risks to pregnant women and fetuses;

(b) The risk to the fetus is caused solely by interventions or procedures that hold out the prospect of direct benefit for the woman or the fetus; or, if there is no such prospect of benefit, the risk to the fetus is not greater than minimal and the purpose of the research is the development of important biomedical knowledge which cannot be obtained by any other means;

(c) Any risk is the least possible for achieving the objectives of the research;

(d) If the research holds out the prospect of direct benefit to the pregnant woman or a direct benefit both to the pregnant woman and the fetus, her consent is obtained in accord with the informed consent provisions of subpart A of this part;

(e) If the research holds out the prospect of direct benefit solely to the fetus, then the consent of the pregnant woman and the father is obtained in accord with the informed consent provisions of subpart A of this part, except that the father's consent need not be obtained if he is unable to consent because of unavailability, incompetence, or temporary incapacity;

(f) The individual(s) providing consent under paragraph (d) or (e) of this section is fully informed regarding the reasonably foreseeable impact of the research on the fetus or neonate;

(g) For children as defined in § 46.402(a) who are pregnant, assent and permission are obtained in accord with the provisions of subpart D of this part;

(h) No inducements, monetary or otherwise, will be offered to terminate a pregnancy;

(i) Individuals engaged in the research will have no part in any decisions as to the timing, method, or procedures used to terminate a pregnancy; and

(j) Individuals engaged in the research will have no part in determining the viability of a neonate.

§ 46.205 Research involving neonates.

(a) Neonates may be involved in research if all of the following conditions are met:

(1) Where scientifically appropriate, preclinical and clinical studies have been conducted and provide data for assessing potential risks to neonates.

(2) The individual(s) providing consent under paragraph (b)(2) or (c)(5) of this section is fully informed regarding the reasonably foreseeable impact of the research on the neonate.

(3) No inducements, monetary or otherwise, will be offered to terminate a pregnancy.

(4) Individuals engaged in the research will have no part in any decisions as to the timing, method, or procedures used to terminate a pregnancy.

(5) Individuals engaged in the research will have no part in determining the viability of a neonate.

(6) The requirements of paragraph (b) or (c) of this section have been met as applicable.

(b) Neonates of uncertain viability. Until it has been ascertained whether or not a neonate is viable, a neonate may not be involved in research covered by this subpart unless the following additional conditions are met:

(1) The IRB determines that:

(i) The research holds out the prospect of enhancing the probability of survival of the neonate to the point of viability, and any risk is the least possible for achieving that objective, or

(ii) The purpose of the research is the development of important biomedical knowledge which cannot be obtained by other means and there will be no risk to the neonate resulting from the research; and

(2) The legally effective informed consent of either parent of the neonate or, if neither parent is able to consent because of unavailability, incompetence, or temporary incapacity, the legally effective informed consent of either parent's legally authorized representative is obtained in accord with subpart A of this part.

(c) Nonviable neonates. After delivery, a nonviable neonate may not be involved in research covered by this subpart unless all of the following additional conditions are met:

(1) Vital functions of the neonate will not be artificially maintained;

(2) The research will not terminate the heartbeat or respiration of the neonate;

(3) There will be no risk to the neonate resulting from the research;

(4) The purpose of the research is the development of important biomedical knowledge that cannot be obtained by other means; and

(5) The legally effective informed consent of both parents of the neonate is obtained in accord with subpart A of this part, except that the waiver and alteration provisions of § 46.116(c) and (d) do not apply. However, if either parent is unable to consent because of unavailability, incompetence, or temporary incapacity, the informed consent of one parent of a nonviable neonate will suffice to meet the requirements of this paragraph (c)(5). The consent of a legally authorized representative of either or both of the parents of a nonviable neonate will not suffice to meet the requirements of this paragraph (c)(5).

(d) Viable neonates. A neonate, after delivery, that has been determined to be viable may be included in research only to the extent permitted by and in accord with the requirements of subparts A and D of this part.

§ 46.206 Research involving, after delivery, the placenta, the dead neonate, or neonatal material.

(a) Research involving, after delivery, the placenta; the dead neonate; macerated neonatal material; or cells, tissue, or organs excised from a dead neonate, shall be conducted only in accord with any applicable Federal, State, or local laws and regulations regarding such activities.

(b) If information associated with material described in paragraph (a) of this section is recorded for research purposes in a manner that living individuals can be identified, directly or through identifiers linked to those individuals, those individuals are research subjects and all pertinent subparts of this part are applicable.

§ 46.207 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of pregnant women, fetuses, or neonates.

The Secretary will conduct or fund research that the IRB does not believe meets the requirements of § 46.204 only if:

(a) The IRB finds that the research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of pregnant women, fetuses or neonates; and

(b) The Secretary, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, ethics, law) and following opportunity for public review and comment, including a public meeting announced in the Federal Register, has determined either:

(1) That the research in fact satisfies the conditions of § 46.204, as applicable; or

(2) The following:

(i) The research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of pregnant women, fetuses or neonates;

(ii) The research will be conducted in accord with sound ethical principles; and

(iii) Informed consent will be obtained in accord with the informed consent provisions of subpart A and other applicable subparts of this part.

[FR Doc. 01–16841 Filed 7–5–01; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH96

Endangered and Threatened Wildlife and Plants; Availability of Draft Environmental Assessment on Proposed Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service announce the availability of the draft Environmental Assessment for the proposal to designate critical habitat for the northern Great Plains breeding population of the piping plover (*Charadrius melodus*), under the Endangered Species Act of 1973, as amended. We invite all interested parties to comment on the draft Environmental Assessment and any other aspect of the proposed designation.

DATES: The comment period for the draft Environmental Assessment will close on August 13, 2001. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: You may submit written comments and information to Piping Plover Comments, South Dakota Ecological Services Field Office, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, South Dakota 57501 or by facsimile to 605–224–9974.

You may hand-deliver written comments to our South Dakota Field Office at the address given above.

You may send comments by electronic mail (e-mail) to FW6_PipingPlover@fws.gov. See the Public Comments Solicited section below for file format and other information on electronic filing.

Copies of the draft Environmental Assessment for the northern Great Plains breeding population of the piping plover are available from the aforementioned address or on the Internet at http://mountain-prairie.fws.gov/pipingplover/ch.

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment,

during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nell McPhillips, Fish and Wildlife Biologist, at the above address or at (605) 224–8693, extension 32.

SUPPLEMENTARY INFORMATION:

Background

We published a proposed rule to designate critical habitat for the northern Great Plains breeding population of the piping plover in the **Federal Register** (66 FR 31760). Section 4(b)(2) of the Endangered Species Act (Act) requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impacts, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

The proposed designation includes 11 areas of prairie alkali wetlands and reservoir lakes in 5 counties in Montana, 18 counties in North Dakota, and 1 county at Lake-of-the-Woods, Minnesota, totaling approximately 196,576.5 acres (ac) [79,553.1 hectares (ha)]. It also includes five areas of portions of four rivers in the States of Montana, North Dakota, South Dakota, and Nebraska, totaling approximately 1,338 miles (mi) [2,152.9 kilometers (km)] of river. If this proposal is made final, section 7 of the Act would prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

Public Comments Solicited

We will accept written comments and information during this comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES**). If you would like to submit comments by electronic format, please submit them in ASCII file format and avoid the use of special characters and encryption. Please include your name and return e-mail address in your e-mail message. Please note that the e-mail address will be closed out at the termination of the public comment period. If you do not receive confirmation from the system that we have received your message, contact us directly by calling our South Dakota Field Office at (605) 224–8693.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for public inspection, by appointment, during normal business hours at the above address. Copies of the draft Environmental Assessment are available on the Internet at http://mountain-prairie.fws.gov/pipingplover/ch or by writing to Pete Gober, Field Supervisor (see **ADDRESSES**).

Public Meetings

We have scheduled five informal public meetings at the following addresses on the dates indicated. Public meetings will run from 6–9 p.m., except for Yankton which will run from 5:30–8:30 p.m.

1. Cottonwood Inn Convention Center, U.S. Highway 2E, Glasgow, Montana, July 10, 2000

2. Doublewood Inn, I–94 and Exit 159, Bismarck, North Dakota, July 12, 2001

3. Pierre Chamber of Commerce, Community Room, 800 W. Dakota Avenue, Pierre, South Dakota, July 16, 2001

4. Summit Activities Center, 1801 Summit Street, Yankton, South Dakota, July 17, 2000

5. Central Community College, Main Building, Room 210, 3134 W. Highway 34, Grand Island, Nebraska, July 18, 2001

Author

The primary authors of this notice are the South Dakota Field Office staff (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 29, 2001.

John A. Blankenship,

Acting Regional Director, Denver, Colorado.

[FR Doc. 01–16924 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 66, No. 130
Friday, July 6, 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

Forest Service

Oak Decline and Forest Health Project, Crawford, Dent, Iron, Reynolds, Shannon, and Washington Counties, MO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare a Draft Environmental Impact Statement (DEIS) to disclose the environmental consequences of the proposed Oak Decline and Forest Health Project. The main purpose for this project proposal is to examine opportunities to minimize adverse impacts from insects and disease on forest vegetation. Extensive growth loss and tree mortality are occurring as a result of extended drought (1998–2001) and extensive insect infestation (1999–2001). The large accumulation of dead or dying trees is contributing to the rapidly increasing population of the red oak borer on lands with oak forests. Excessive build-up of dead woody vegetation poses an increased risk of high-intensity wildlife fire that may result in a threat to public safety. In an effort to limit the potential adverse effects on forest health, the Forest Service is proposing a range of management activities on approximately 25,000 acres of National Forest land distributed over a 175,000-acre area located on the Salem and Potosi Ranger Districts of the Mark Twain National Forest. Implementation would occur within the next 5 years.

Management activities would include reforestation treatments, commercial timber harvests, fuels reduction, and wildlife habitat enhancement. All treatment acreages listed are approximate.

• Proposed harvest treatments would consist of over-story removals or final harvest (500 acres); two-age shelter wood harvest (6,200 acres); seed tree harvests (5,400 acres); thinnings, sanitation, and improvement cuts (6,000 acres); as well as uneven-aged management (UAM) with group selections (4,000 acres).

• Reforestation activities would consist of mechanical treatment of vegetation (16,000 acres) or prescribed burning (700 acres) for slash treatment and natural regeneration.

• The proposed action would include wildlife habitat improvement, wildlife habitat restoration, and hazardous fuel reduction activities on 4,000 acres. These activities include use of prescribed fire, mechanical treatment of vegetation, and designation of old growth habitat to accomplish the forest health objectives.

DATES: Initial comments and suggestions concerning the scope of the analysis should be submitted in writing and postmarked within 30 days of the publication of this notice to ensure timely consideration in the preparation of the draft environmental impact statement. On July 14th, 2001 an open house will be held at the Salem District Office between the hours of 9:00 and 12:00 in the morning. There will be an optional field trip that afternoon on the Salem District. The District office is located on Highway 19 South at 1401 Main Street in Salem, Missouri.

ADDRESSES: Send written comments on this proposed action to Oak Decline and Forest Health Project, Salem Ranger District, PO Box 460, Salem, Missouri 65560. Comments will be accepted by electronic mail: mailroom_r9_mark_twain@fs.fed.us In the subject line please note: Oak Decline and Forest Health Project also includes a US Postal Service address, so that you can receive future information for this project.

FOR FURTHER INFORMATION CONTACT: Karen Mobley (573–729–6656) Team Leader or the Salem Ranger District.

SUPPLEMENTARY INFORMATION: Management of forest resources is provided for in the Mark Twain National Forest Land and Resource Management Plan (Forest Plan), approved in 1986. Specific management objectives and practices are defined for each Management Prescription in Chapter IV of the Forest Plan. This project proposal is located within Management Prescriptions 3.2, 4.1, 6.1 and 6.2.

Areas of decline and mortality of scarlet and black oak have been occurring on the Mark Twain National Forest for several years. Scarlet and black oaks are relatively short-lived species, particularly on upper slopes and broad ridge tops, due in part to the drought susceptibility of the soils. Precipitation deficit exceeded 12 inches in each of the past two years, consequently, decline and mortality has accelerated in many areas. This stress, coupled with aging stands, renders scarlet and black oaks susceptible to insects and diseases.

More than 16,000 acres of mortality were mapped on the Salem and Potosi Districts by aerial survey in September of 2000. Subsequent ground verification showed red oak borer was associated with the damage, along with secondary agents, including Armillari root disease, Hypoxylon canker, and two-lined chestnut borer.

Increasing numbers of dead and dying trees invigorates populations of Armillari root rot, placing residual trees at increased risk of attack. Trees attacked by red oak borer serve as broad trees, increasing their numbers, and putting even more pressure on the remaining susceptible host trees.

Mark Twain National Forest, Forest Health Protection (USDA FS, State and Private Forestry), North Central Forest Experiment Station, Missouri Department of Conservation, Ozark National Forest, and Arkansas Forestry Commission have been collecting information about the decline in forest health in the Ozark Highlands. These agencies are interested in quantifying the severity of the decline and mortality in affected stands, monitoring the progression of the red oak borer and implementing long-term strategies to limit the impacts of these insects and disease.

Four environmental analyses are currently underway within the analysis area for this proposal. They are Johnson Mountain, Buick, Fletcher Salvage and 4.1–3 Management Area. The Forest has decided to incorporate these four analyses into this proposal due to the declining forest health in these ares.

Several preliminary issues have been identified. They include: (1) Commercial harvests and the role of public forests in supplying goods and

services; (2) the application of even-aged and uneven-aged timber harvest; (3) improving forest health; (4) economic effects of the widespread oak decline and mortality in the oak ecosystems found across Missouri and Arkansas; (5) effects of alternatives considered in the ongoing analysis of the Area of Influence for the Indiana Bat; (6) visual impacts of proposed management activities; (7) fuel build-up and greater risks for catastrophic wildland fire; and (8) the environmental effects of management activities and decline to threatened and endangered species.

A range of alternatives that address the decline in forest health will be considered. A No Action alternative will be analyzed. Other alternatives will be developed that may consider the use of various commercial vegetation management activities, non-commercial activities to achieve management objectives, or different combinations of activities. Issues generated through this public involvement process will be considered in the development of the alternatives.

Decision To Be Made

The decision to be made will be what combination of management activities, if any, should be selected to improve the health of the forest, reduce the adverse ecological, social, and economic impacts of the insect infestation, while providing for public health and safety.

Estimated Dates for Filing

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by October 1, 2001. At that time, the EPA will publish a notice of availability of the DEIS in the **Federal Register**. The comment period on the draft will be 45 days from the date the EPA notice appears in the **Federal Register**.

The Reviewers Obligation To Comment

It is very important that those interested in the management of the Mark Twain National Forest participate during the DEIS comment period. To be useful, comments on the DEIS should be as specific as possible, and address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations (CEQ) for implementing the procedural provisions of NEPA at 40 CFR 1503.0).

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposals so that it is meaningful and alerts an agency to the reviewer's position and contentions.

Vermont Yankee Nuclear Power Cor. v. *NRDC, 435 U.S. 519, 533 (1978).* Also, environmental objections that could be raised at the draft EIS stage may be waived if not raised until after completion of the final EIS, *City of Arnoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1988),* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

Comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement (Reviewers may wish to refer to CEQ Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points). After the comment period ends on the draft environmental impact statement, the comments received will be analyzed and considered by the Forest Service in preparing the final EIS.

The final EIS is scheduled for completion in January of 2002. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision.

The decision will be subject to appeal under 36 CFR part 215.

Responsible Official: The responsible official is Randy Moore, Forest Supervisor, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401.

Dated: June 29, 2001.

Randy Moore,

Forest Supervisor.

[FR Doc. 01–16921 Filed 7–5–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Licking Creek Timber Sale Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) to provide timber for the Tongass National Forest timber sale program. The Record of Decision will disclose how the Forest Service decides to provide harvest units, roads, and associated timber harvesting facilities. The proposed action is to harvest up to an estimated 20 million board feet (mmbf) of timber on an estimated 960 acres in one timber sale. A range of alternatives responsive to significant issues will be developed and will include a no-action alternative. The proposed timber harvest is located within Tongass Forest Plan Value Comparison Unit 7460 on Revillagigedo Island, Alaska, on the Ketchikan-Misty Fiords Ranger District of the Tongass National Forest.

DATES: Opportunities for comment will be made available throughout the process and are identified below. In order to take full advantage of scheduled comment periods, individuals interested in receiving a scoping package should contact us by July 20, 2001. Further opportunities for comment will be provided following development of a specific agency proposed action, during alternative development and following release of the Draft EIS.

ADDRESSES: Please send written comments to District/Monument Ranger, Ketchikan-Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901.

FOR FURTHER INFORMATION CONTACT: Questions about the proposal and EIS should be directed to Jerry Ingersoll, District/Monument Ranger, Ketchikan-Misty Fiords Ranger District, Tongass National Forest, 3031 Tongass Ave. Ketchikan, AK 99901 telephone (907) 228–4100 or Kathy O'Connor, NEPA Coordinator, Ketchikan-Misty Fiords Ranger District, 3031 Tongass Ave, Ketchikan, AK 99901 telephone (907) 228–4124.

SUPPLEMENTARY INFORMATION: Public participation will be an integral component of the study process and will be especially important at several points during the analysis. The first is during the scoping process. The Forest

Service will be seeking information, comments, and assistance from Federal, State, local and tribal agencies, individuals and organizations that may be interested in, or affected by, the proposed activities. The scoping process includes: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; (3) elimination of insignificant issues or those which have been covered by a previous environmental review, and (4) suggestions for possible alternatives.

Opportunities to provide both written and verbal comment and to provide feedback on the process will be made available. A public meeting will be scheduled after the Draft EIS is published. This active scoping will begin with the publication of this Notice of Intent (NOI) and continue through preparation of the Draft EIS.

Based on results of scoping and the resource capabilities within the project area, alternatives including a ''no action'' alternative will be developed for the Draft EIS. The Draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in early December 2001. Subsistence hearings, as provided for in Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), if needed, will be held during the comment period on the Draft EIS. The Final EIS is anticipated by March 2002.

The comment period on the draft environmental impact statement will be a minimum of 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553, (1978). Environmental objections that could have been raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments during scoping and comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Requesters should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 7 days.

Permits: Permits required for implementation may include the following:

1. U.S. Army Corp of Engineers
   —Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
   —Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899;
2. Environmental Protection Agency
   —National Pollutant Discharge Elimination System (402) Permit;
   —Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
   —Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
   —Solid Waste Disposal Permit;
   —Certification of Compliance with Alaska Water Quality Standards (401 Certification)

Responsible Official: Thomas Puchlerz, Forest Supervisor, Tongas National Forest, Federal Building, Ketchikan, Alaska 99901, is the responsible official. The responsible official will consider the comments, response, disclosure of environmental consequences, and applicable laws, regulations, and policies in making the decision and stating the rationale in the Record of Decision.

Dated: June 26, 2001.

Thomas Puchlerz,

Forest Supervisor.

[FR Doc. 01–16959 Filed 7–5–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Grants for State Revolving Loan Funds for Fuel Purchases

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability (NOFA).

SUMMARY: The Rural Utilities Service (RUS) of the United States Department of Agriculture (USDA) announces the availability of up to $5,000,000 for fiscal year (FY) 2001 in a new program of grants to state entities to establish and support revolving loan funds to provide a more cost-effective means of purchasing fuel for communities where the fuel cannot be shipped by means of surface transportation. This notice describes the grant eligibility and application requirements, and the criteria that will be used by RUS to award grants. The intended effect of this NOFA is to make grant funds available as expeditiously as possible to enable grantees to assist persons, particularly those in isolated rural areas, in meeting their critical fuel needs during a period of growing demand and high energy prices.

DATES: Applications for grants must be postmarked no later than August 6, 2001, to be considered. Grant applications will be accepted on publication of this notice.

ADDRESSES: Applications are to be submitted to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1560, Room 4037 South Building, Washington, DC 20250–1522. The applicant should submit an original and two copies of the proposal, with all required forms and documentation in one package. The package should be marked ''Attention: State Fuel Purchase Revolving Loan Fund Grants.''

FOR FURTHER INFORMATION CONTACT: Karen Larsen, Management Analyst, U.S. Department of Agriculture, Rural Utilities Service, Electric Program, 1400 Independence Avenue, SW., STOP 1560, Room 4037 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, email klarsen@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Programs Affected

The Catalog of Federal Domestic Assistance Program number assigned to this program is 10.857.

Information Collection and Recordkeeping Requirements

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) (the ''Act''), OMB must approve all ''collections of information'' by RUS. The Act defines ''collection of information'' as a requirement for ''answer to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *.'' (44 U.S.C. 3502(3)(A).) RUS has concluded that the reporting requirements contained in this NOFA will involve less than 10 persons and do not require approval under the provisions of the Act.

Background

For FY 2001, RUS will make available up to $5,000,000 under a new grant program authorized by section 19 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*). Section 19(a)(3) authorizes the Secretary, acting through RUS, to make grants to State entities that were in existence as of November 30, 2000, the date of the enactment of section 19, ''to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel where the fuel cannot be shipped by means of surface transportation.'' Fuel purchases typically would include, but are not limited to purchases of fuel oil, diesel, gasoline, and other petroleum products, coal, or other energy fuels. Section 19(b)(2) provides that not more than 4 percent of the amounts made available under these grants may be used for planning and administrative expenses.

RUS is interested in gaining experience in the use of State revolving loan funds designed to help persons, particularly those in the more isolated rural areas, to manage their energy needs. RUS believes that such partnerships with State entities may serve to create new approaches to meeting the energy needs of rural residents. In considering applications for financial assistance under this grant program, RUS has determined to give particular consideration to projects that meet the needs of the persons in the most isolated rural areas.

Definitions

As used in this NOFA:

''Eligible area'' means any area where fuel cannot be shipped routinely by means of surface transportation and must be delivered by water or air for a significant part of the year. Eligible areas include areas where fuel delivery by means of surface transportation is not practical or is prohibitively expensive and the area is primarily dependent on delivery of fuel by water or air.

''Fuel'' means coal, oil, gasoline, and other petroleum products, and any other material that can be burned to make energy.

''State entity'' means an agency, department, or instrumentality, or political subdivision of any of the several States of the United States or the District of Columbia, exclusive of local governments.

''Surface transportation'' means transportation by road, rail, or pipeline.

Use of Grant Funds

Grantees must use grant funds to establish and support a revolving loan fund. The grantee must demonstrate that projects and activities that receive loans or other assistance under this grant will improve the cost-effectiveness of fuel purchases for persons in eligible areas. No more than 4 percent of grant funds may be used for planning and administrative expenses of the revolving fund.

Available Funds and Award Limitations

The amount of funds available for grants in FY 2001 is $5,000,000. The number of grant awards depends on the amount, quality, and competitiveness of applications submitted. RUS reserves the right to make one award in the full amount of $5,000,000. If, as a result of the evaluation of applications as provided in this NOFA, one or more applications are scored within 10 points of the application with the highest rank order, the RUS Administrator shall limit individual grant awards to $3,000,000 and fund such grant applications in rank order, except that the Administrator may exceed the $3,000,000 individual grant limit to ensure that grants are made in the aggregate amount of $5,000,000. RUS will advise applicants if it can not fully fund a grant request.

Eligible Applicants

Section 19 of the RE Act restricts eligible applicants to State entities, as defined above, in existence as of November 9, 2000. State grant recipients may partner with other entities, including other government agencies in carrying out the programs funded under these grants.

How To Apply For Assistance

Grant applications should be prepared in conformance with the provisions of this NOFA and applicable USDA regulations including 7 CFR parts 3015 and 3016. Applicants must submit a completed Standard Form (SF) 424, ''Application for Federal Assistance,'' a narrative grant proposal that establishes eligibility and addresses the selection criteria, and all required supporting information and documents. The applicant should submit an original and two copies of the proposal, with all required forms and documentation in one package as provided in the Addresses section of this NOFA.

Copies of required forms are available by request from the Agency contact or online through the RUS website at http://www.usda.gov/rus/electric/index.htm. Because of the short time period allowed for preparation and submittal of applications in this new grant program, RUS encourages applicants to consult with the agency contact person to resolve any questions or uncertainties about what is required to prepare and submit a grant application.

What To Include in the Application

Applicants should follow the guidelines of this notice in preparing their applications. The completed application should be assembled in the order specified with all pages numbered sequentially. The applicant must submit the following information for the application to be complete and considered for funding:

Part A. SF 424, ''Application for Federal Assistance''

A completed SF 424 must be signed by an official authorized to submit the proposal on behalf of the State entity.

Part B. Grant Proposal

The grant proposal is a narrative description prepared by the applicant that establishes the applicant's eligibility and includes an assessment of the need for grant funds, a description of plans for use of grant funds, the potential benefits to be derived, and a proposed budget. Summary descriptions are adequate. Lengthy submissions are discouraged. The proposal should contain the following sections in the order indicated.

1. Executive Summary. The Executive Summary is a one page narrative summary that: (a) Identifies the State entity applying for the grant and the key agency contact with telephone and fax numbers, mailing address and email address; (b) states the amount of grant funds requested; and (c) provides a brief description of the proposed program including the estimated number of potential beneficiaries, i.e., persons or communities in eligible areas, their estimated fuel needs, the projects and activities to be financed through the revolving fund, and how financed projects and activities will improve the cost effectiveness of fuel procurement. The Executive Summary should also indicate whether the applicant is claiming additional scoring credits.

2. Applicant Eligibility. A brief narrative statement and supporting evidence establishing that the applicant is a State entity as defined in this notice, was in existence as of November 9, 2000, and has the legal authority to enter into a financial assistance relationship with the federal government. Examples of supporting evidence of eligibility include a reference to or copy of the relevant state statute, regulation, executive order, or legal opinion.

3. Assessment of Needs and Estimates of Potential Beneficiaries. In concise narrative form, estimates of the number, location, and population of potentially eligible areas in the State, and their estimated fuel needs and costs. The applicant should describe the criteria it uses to identify eligible areas, including the characteristics that make fuel deliveries by surface transport impossible or impractical and contribute to high energy costs. The population estimates should be based on U.S. Bureau of Census publications, where available. The applicant may support its assessment with exhibits such as maps, summary tables, and references to statistical information from the Bureau of the Census, the Energy Information Administration, state agencies, or private sources. Inclusion of information identifying the population in eligible areas may qualify the applicant for additional scoring credits based on the rurality of the area to be served.

The applicant should provide any appropriate information on the economic challenges facing potential beneficiaries including whether the eligible areas include a Federally-identified Empowerment Zone or Enterprise Community (EC/EZ) or a USDA designated Champion Community. The list of currently approved EC/EZ may be found at the EZ/EC website at: *http://www.ezec.gov* or may be requested from the agency contact. The list of currently designated Champion Communities may be found on the EZ/EC website at *http://www.ezec.gov/Communit/champions.html* or requested from the agency contact.

4. Program Overview. The applicant should describe the applicant's existing or proposed State revolving loan fund program, its proposed criteria for establishing eligibility of projects and activities to be financed through the program, how the program will improve the cost-effectiveness of fuel supply acquisition for eligible areas, and its proposed methods for evaluating program performance. The description should address the following:

a. Revolving fund program structure and management including its organizational structure, method of funding, legal authority, loan management experience, staff resources, the goals and objectives of the program, and any related services provided to program participants. If the revolving fund program is not yet operational, a proposed implementation schedule and milestones should be included. The applicant may, but is not required to, supplement its brief description with attachments to its application, such as, for example, annual reports, brochures, and loan agreements.

b. Beneficiary eligibility and selection. A brief description of any requirements to qualify for funding and the criteria to be used in establishing eligibility of projects and activities to be financed through the program. The applicant should describe how the potential beneficiaries will be informed of the revolving fund availability.

c. Cost effectiveness of funded projects and activities. The applicant should explain how the proposed revolving loan fund program will help provide cost-effective means of meeting fuel supply needs in eligible areas. The applicant should identify aspects of its program that encourage adoption of financially sustainable energy practices, adequate planning and investment in bulk fuel facility operations and maintenance, and cost-effective investments in energy efficiency taking into account resources available and characteristics of energy use within the eligible areas. For example, the revolving fund could support loans to upgrade fuel handling and storage capability, to fund the advance purchase, delivery and storage of fuel, and to secure volume and other purchase discounts. Where possible, the applicant should estimate the amount of cost savings to be realized and provide some documentation or references to support its statements on savings and improved services. The applicant should also describe how it plans to evaluate program success in conformance with its goals and objectives.

5. Proposed budget for use of grant funds. A proposed budget should be submitted on SF 424A, ''Budget Information—Non-Construction Programs.'' The budget identifies how the grant funds will be used. No more than 4 percent of the grant funds can be used for planning and administrative expenses of the revolving loan fund. The applicant should also identify the source and amount of any other funds that will be used to support and sustain the revolving fund activities. There is no requirement for supplemental or matching funds under this grant program; however, RUS will award additional selection points to applicants based on the ability to support and sustain the revolving fund, including through access to additional funding.

6. Any additional information that addresses the selection criteria or that the applicant believes relevant.

Part C. Additional Required Forms and Certifications

The Applicant shall execute and submit with the initial application the following forms and certifications establishing compliance with other federal requirements:

SF 424B, ''Assurances—Non-Construction Programs''

SF LLL, ''Disclosure of Lobbying Activities''

Form AD–1052, ''Certification Regarding Drug-Free Workplace Requirements, States and State Agencies''

''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions'' as required under 7 CFR part 3017, Appendix A.

These forms may be obtained from the Agency contact listed above or through the RUS website at *http://www.usda.gov/rus/electric/index.htm.*

Review of Applications

All applications for grants must be delivered to RUS at the address listed above or postmarked no later than August 6, 2001 to be eligible for FY 2001 grant funding. RUS will review each application for conformance with the provisions of this NOFA. RUS may contact the applicant for additional information or clarification. Incomplete applications will not be considered. Applications conforming with this NOFA will then be evaluated competitively by a panel of RUS employees selected by the Administrator and points awarded as described in the Evaluation Criteria and Weights Section below. After assigning points based on those criteria, the applications will be listed in rank order to the Administrator of RUS who will award the grants. The Administrator reserves the right to add 10 points to any proposal to ensure geographic distribution. Applications will then be funded in rank order until all available funds have been expended. If one or more applications are scored within 10 points of the application with the highest rank order, the RUS Administrator shall limit individual grant awards to $3,000,000 and fund such grant applications in rank order, except that the Administrator may exceed the $3,000,000 individual grant limit to ensure that grants are made in the aggregate amount of $5,000,000. RUS will advise applicants if it can not fully fund a grant request.

Selection Criteria and Weights

RUS will evaluate each application according to the selection criteria described in this NOFA and award points up to the maximum number indicated under each criteria.

1. Proposed Program Design (Maximum 20 Points)

Reviewers will consider the approach and viability of the applicant's program design, including the goals and objectives of the program, the proposed criteria for establishing eligibility of projects and activities for loans and financial assistance, and how the program will improve the cost-effectiveness of bulk fuel purchases. Reviewers will also consider the extent to which the proposal will promote the adoption of financially sustainable energy practices, adequate planning and investment in bulk fuel facility operations and maintenance, and cost-effective investments in energy efficiency taking into account the resources available and the characteristics of energy use within eligible areas. The reviewers will consider the applicant's proposed budget, the adequacy of resources, and the evidence of sound loan and financial management practices.

2. Assessment of Needs and Identification of Potential Beneficiaries (Maximum 20 Points)

Reviewers will consider the applicant's identification of potential beneficiaries, i.e. persons in eligible areas, the applicant's assessment of bulk fuel needs, the costs, including delivery costs of fuel for the beneficiaries, and the challenges to be addressed by the program. Information on the severity of physical and economic challenges affecting eligible areas will be considered.

3. Evaluation Methods (Maximum 10 Points)

Reviewers will consider the applicant's proposed measures to evaluate and report on the success and cost-effectiveness of projects and activities financed by the revolving loan fund and whether the results obtained will contribute to program improvements for the applicant or for other States seeking to implement similar programs.

4. Demonstrated Experience (Maximum 5 Points)

Reviewers will consider the past accomplishments and experience of the applicant, including whether the applicant has demonstrated experience in administering a revolving fund providing financing for bulk fuel purchases or facilities.

5. Comparative Rurality (Maximum 20 Points)

Reviewers will consider the rurality of the eligible areas proposed to be served with grant funds to assure that the needs of less densely populated rural areas are considered. For purposes of determining the rurality of the eligible area, applicants shall use the latest publications of the Bureau of the Census. If the majority of persons in eligible areas live outside of communities of 2,500 persons or more, the applicant will receive 15 points. If the majority of persons in eligible areas live outside of communities of 5,000 persons or more, the applicant will receive 10 points. If the majority of persons in eligible areas live outside of communities of 20,000 persons or more, the applicant will receive 5 points. If the majority of persons in eligible areas live in communities of more than 20,000 persons, the applicant will receive no points. Any proposal, however, that gives priority in assistance to projects that benefit persons living outside of communities of 2,500 or more will receive 5 additional points.

The following examples, each of which assumes a total population of 12,000 within eligible areas, illustrate how points will be awarded for comparative rurality under this criterion:

Case 1: There is one community of 4,000 within the eligible areas. The majority of persons (i.e. 8,000 of 12,000) live outside of communities of 2,500 or more. Award: 15 points.

Case 2: There are two communities. One has a population of 2,600; the other has 5,100. The majority of persons (i.e. 12,000 − 5,100=6,900) live outside of communities of 5,000 or more, but not outside of communities of 2,500 or more. Award: 10 points.

Case 3: There are two communities. One has a population of 2,000; the other has 7,000. The majority of persons (i.e. 7,000) live outside of communities of 20,000, but not outside of communities of 5,000. Award: 5 points.

6. Program Support (Maximum 5 Points)

Reviewers will consider the ability of the applicant to support and sustain the revolving fund, including access to additional funding sources. If the proposal includes additional funding from state or other sources to support the revolving fund, the maximum 5 points will be awarded.

7. Participation by EZ/EC (Maximum 10 Points)

Reviewers will consider whether the eligible areas include a Federally-identified Empowerment Zone and Enterprise Community (EC/EZ). If the eligible area includes at least one EC/EZ area, 10 points will be awarded. The list of currently approved EC/EZ areas may be found at the EZ/EC website at: *http://www.ezec.gov* or may be requested from the agency contact.

8. Participation by Champion Community (Maximum 8 Points)

Reviewers will consider whether the eligible areas include at least one community that is a USDA identified ''Champion Community.'' If a Champion Community is included in the eligible areas, 8 points will be awarded. The list of currently approved USDA champion communities may be found at the EZ/EC website at http://www.ezec.gov/Communit/champions.html or may be requested from the agency contact.

Grantee Requirements

RUS will notify successful grantees of the awards. Successful applicants will

be required to execute a grant agreement satisfactory to RUS, complete additional forms, and otherwise comply with applicable federal statutes and regulations required by USDA. Among other matters, the grantee may be asked to provide information, documents, and agreements necessary to comply with applicable environmental regulations and will be required to provide periodic financial and performance reports and submit a final project performance report.

Other Federal Statutes and Regulations

Several other federal statutes and regulations apply to proposals considered for review and to the grant awarded. These include, but are not limited to:

7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

7 CFR part 3015—Uniform Federal Assistance Regulations.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR part 3017—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—New Restrictions on Lobbying.

7 CFR part 3052—Audits of States, Local Governments, and Non-Profit Organizations.

Dated: July 2, 2001.

Blaine D. Stockton,

Acting Administrator, Rural Utilities Service.

[FR Doc. 01–16971 Filed 7–5–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Treasury Rate Loan Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice.

SUMMARY: On December 22, 2000, the Rural Utilities Service (RUS), United States Department of Agriculture (USDA), published a Notice of Funding Availability (NOFA) in the **Federal Register** at 65 FR 80830 announcing the availability of $500 million in direct Treasury rate electric loans for fiscal year (FY) 2001. RUS is distributing direct Treasury rate electric loans by offering those municipal rate electric loan applicants whose qualified applications were pending at the time of the enactment of Pub. L. 106–387 the option of selecting the direct Treasury rate in lieu of the municipal rate for their loans. RUS is contacting applicants in the order of priority that their applications for municipal rate loans would otherwise have been funded using the loan processing priorities published in 7 CFR 1710.119.

The NOFA stated that RUS expected the $500 million in available funding would be exhausted on or before July 1, 2001. As of June 15, 2001, RUS had approved $473 million of Treasury rate electric loans. Borrowers have committed to switch an additional $17 million of pending qualifying applications to the new program. It is anticipated that the remaining balance of funds available will come from the backlog of qualifying applications for loans from RUS under the Rural Electrification Act.

As of May 31, 2001, the backlog for municipal rate loans is approximately $ 426 million. With this fact in mind, RUS fully anticipates to obligate loans for the full amount of the Treasury rate program by September 1, 2001, as stated in the NOFA. Therefore publication of regulations to allocate the small balance currently outstanding will not be necessary.

FOR FURTHER INFORMATION CONTACT: Robert O. Ellinger, Chief, Policy Analysis and Loan Management Staff, U. S. Department of Agriculture, Rural Utilities Service, Electric Program, Room 4023 South Building, Stop 1560, 1400 Independence Ave., SW., Washington, DC 20250–1560, Telephone: 202–720–0424, E-mail rellinge@rus.usda.gov.

Dated: June 28, 2001.

Blaine D. Stockton,

Acting Administrator, Rural Utilities Service.

[FR Doc. 01–16972 Filed 7–5–01; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

AGENCY: Commission on Civil Rights.

DATE AND TIME: Friday, July 13, 2001, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda.

II. Approval of Minutes of June 8, 2001 Meeting.

III. Announcements.

IV. Staff Director's Report.

V. Recommendations to Congress for National Electoral Reform.

VI. ''Federal Efforts to Eradicate Employment Discrimination in State and Local Governments'' Report.

VII. Future Agenda Items.

CONTACT PERSON FOR FURTHER INFORMATION: David Aronson, Press and Communications (202) 376–8312.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–17113 Filed 7–3–01; 3:20 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 001215359–0359–01]

RIN Number 0607–XX62

The Census 2000 Count Question Resolution Program

AGENCY: Bureau of the Census.

ACTION: Notice of Program.

SUMMARY: On January 22, 2001, the Bureau of the Census (Census Bureau) published in the **Federal Register** an initial notice relating to the Census 2000 Count Question Resolution (CQR) program (66 FR 6574). This notice provides information concerning the CQR program as well. The CQR program will address corrections for three types of challenges: (1) boundary corrections, (2) geocoding (geographic assignment) corrections, and (3) data processing corrections. (See the heading ''Types of Corrections that will be Considered for the Census 2000 CQR Program'' in the **SUPPLEMENTARY INFORMATION** section.) The CQR program is not a mechanism or process to challenge the March 6, 2001, decision of the Secretary of Commerce to release unadjusted numbers from Census 2000 for redistricting purposes; nor is it a mechanism or process to challenge or revise the numbers sent to the President on December 28, 2000, to be used to apportion the U.S. House of Representatives.

The CQR program procedures include researching challenges and, as appropriate, making corrections and issuing revised official population and housing unit counts, which also will be used for the Census Bureau's Postcensal Estimates program. Challenges will not be accepted to the overseas counts of persons in the military and federal civilian personnel stationed overseas and their dependents living with them.

Overseas counts are obtained using administrative records and will be used solely for reapportioning seats in the U.S. House of Representatives, and do not provide the sub-state geographic information required for the CQR program.

The Census Bureau will only accept challenges from officials of state, local, and tribal governments or those representing them or acting on their behalf. All challenges should be sent to the Census Bureau's headquarters. (The specific mailing address and a glossary of terms are provided in the section entitled ''Exhibit—Additional Information'' at the end of this notice's **SUPPLEMENTARY INFORMATION** section.)

Corrections made to the population and housing unit counts by this program will result in the issuance of new official Census 2000 counts to the officials of governmental entities affected by these corrections and may be used by the governmental entities for future programs requiring official Census 2000 data. These corrections also will be:

- used specifically to modify the decennial census file for use in yearly postcensal estimates beginning in December 2002, and
- included in the errata information to be made available via the Internet on the *American FactFinder* System.

We will NOT incorporate the CQR corrections into Census 2000 data products.

All corrections will be made on the basis of appropriate documentation provided by the challenging entities and a thorough research and review of the official Census 2000 records by the Census Bureau. No additional data will be collected as part of the CQR program. We will only use data already collected. The Census Bureau will respond to all questions and will notify all affected governmental entities of any corrections to their official counts as a result of a CQR program decision.

EFFECTIVE DATE: This program will become effective on June 30, 2001, and will end on September 30, 2003.

FOR FURTHER INFORMATION: Robert A. Rinaldi, Assistant Division Chief, Decennial Management Division, Count Question Resolution, U.S. Census Bureau, Room 2002/2, 4700 Silver Hill Road, Stop 7100, Washington, DC 20233–7100. Telephone: 1–866–546–0527 (toll free); Fax: 301–763–0260; or E-mail: *Count.Question.Resolution@census.gov*

SUPPLEMENTARY INFORMATION:

Background Information

The Census Bureau implemented the Local Update of Census Addresses (LUCA) program for Census 2000. Participating state, local, and tribal governments were given the opportunity to review and update the Census Bureau's address list in mail response areas before it was used for the actual census enumeration. In cases where the state, local, or tribal government and the Census Bureau could not agree on the housing unit address list, the governmental unit could use an appeal process administered by the Census Address List Appeals Office. The Census Bureau also used the LUCA Special Places program to involve state, local, and tribal governments in helping to identify special places, such as college dormitories, nursing homes, and other types of group living arrangements.

Governmental units in areas where the Census Bureau used city-style addresses to mail census questionnaires, in addition to the LUCA, had another opportunity to update their Census 2000 address lists via the New Construction Program. We also conducted the Boundary Validation Program in which we provided state, local, or tribal officials with maps that showed the January 1, 2000, boundaries of their jurisdiction and asked them to make corrections, if necessary.

The Census Bureau had a number of extensive operations that afforded opportunities for additions, corrections, and deletions of census addresses and corrections of population counts. Between May and August 2000, the Coverage Edit Follow-Up Operation resolved population count discrepancies and obtained additional information on households with more than six persons. The Coverage Improvement Follow-Up (CIFU) Operation (June–August 2000) was designed to improve coverage of housing units that may have been inaccurately classified as vacant or nonexistent in an earlier census operation. Additionally, housing unit additions discovered during the Update/Leave and Urban Update/Leave questionnaire delivery operations, during periodic Delivery Sequence File updates from the United States Postal Service, and through the LUCA appeals process are enumerated in CIFU. Addresses submitted via the New Construction Program by local and tribal governments were visited by enumerators for the first time during CIFU.

During July and August 2000, the Residual Nonresponse Follow-Up Operation completed questionnaires for housing units where identification numbers existed for forms that were checked out of the Local Census Office, were not included in the CIFU, and did not have census data captured. The Field Verification Operation (July–August 2000) verified specific addresses that did not match the Decennial Master Address File. Another operation was conducted from July through August 2000, to determine the number of people in housing units that the Nonresponse Follow-Up Operation (April–June 2000) had identified as occupied, but the number of occupants were unknown.

Data collection for Census 2000 ended in the Local Census Offices on or before August 30, 2000. This schedule allowed the Census Bureau time to produce the state level apportionment counts by December 31, 2000, as required by law.

Independent of Census 2000, the Census Bureau conducted the Accuracy and Coverage Evaluation (A.C.E.) operation that included a coverage measurement survey that was expected to determine and correct for the number of people and housing units missed or erroneously included in Census 2000. This was a nationwide sample survey of about 314,000 housing units. All enumeration activities, as well as personal interview follow-ups, were completed by late November 2000.

Although many state, local, and tribal governments participated in the LUCA and New Construction programs and the Census Bureau conducted an extensive quality improvement program, the Census Bureau still expects to receive challenges after it releases the official Census 2000 housing unit and group quarters population counts contained in the Demographic Profiles, which are scheduled for release between May and July 2001. The CQR start date of June 30, 2001, also is coordinated with the release of the Summary File 1 (SF1) on a state-by-state basis between June and September 2001. The SF1 will provide block-level data containing the number of housing units. It also will show group quarters population counts by block.

State, local, and tribal government officials must contact the Census Bureau directly to initiate the challenge process. (The specific mailing address is provided in the section entitled ''Exhibit—Additional Information'' at the end of this notice.) The Census Bureau will accept challenges from various officials including county clerks, city planners, local planning board representatives, tribal councils, and state legislative representatives with redistricting functions within each state and state equivalents who are acting on

the behalf of a state, local, or tribal entity.

Program Requirements:

Administrative Procedures Act and Regulatory Flexibility Act

This rule of agency procedure is not subject to the requirement to provide prior notice and opportunity for public comment (see 5 U.S.C. 553 (b)(A)). Because a notice of proposed rulemaking and an opportunity for public comment are not required by Title 5, United States Code (U.S.C.) 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603 (a)).

Executive Orders

This notice has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This program does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C., chapter 35, unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. In accordance with the PRA, OMB approved the survey under control number 0607–0879. The estimated burden hours are 15,600.

Types of Corrections that will be Considered for the Census 2000 CQR Program

Corrections for three types of challenges will be considered as a result of the Census 2000 CQR program. (For acceptable documentation to initiate such challenges, refer to the section ''Criteria for Acceptable Documentation Necessary to Initiate the Census 2000 CQR Process.'')

(1) *Boundary corrections*—Census 2000 respects the proper alignment of the boundaries of actively functioning governmental units and legal administrative areas within governments as legally in effect on January 1, 2000. Census 2000 also uses the boundaries of statistical entities that serve as the surrogates for a legal entity for selected entities as submitted and verified in statistical areas programs. The Census Bureau needs to ensure that the geographic assignment information provided does not, in fact, reflect legal boundary changes made after January 1, 2000 or statistical boundary changes after verification. Problems, such as the inaccurate reporting of legal or statistical area boundaries and the inaccurate recording of such boundaries by the Census Bureau, will be addressed by the CQR program. The boundaries of other geographic areas, such as most census designated places, census tracts, voting districts, school districts, and similar areas are not in the scope of the Census 2000 CQR program. See question ''3'' in the section entitled ''Exhibit—Additional Information'' for specific information concerning the geographic entities for which challenges will be processed.

(2) *Geocoding corrections*—These corrections affect the placement of living quarters and associated population within the correct boundaries or census block. Even if the CQR process does not result in a change to the total count for a state, local, or tribal jurisdiction, we will send a letter to the state, local, or tribal government official with a CQR submission when the Census Bureau moves group quarters or housing units to different blocks within the jurisdiction.

(3) *Data Processing corrections*—This category includes data on specific living quarters and persons residing therein that were identified and collected during the Census 2000 process but erroneously included or excluded due to processing errors.

Corrected CQR counts issued will be based on the housing unit and population counts as of April 1, 2000, and may be used by governmental entities for all programs requiring official Census 2000 data. The CQR program is not a mechanism or process to challenge the March 6, 2001, decision of the Secretary of Commerce to release unadjusted numbers from Census 2000 for redistricting purposes; nor is it a mechanism or process to challenge or revise the numbers sent to the President on December 28, 2000, to be used to apportion the U.S. House of Representatives. The Census Bureau will not make corrections to the data concerning the characteristics of the population and housing inventory. The corrected counts will be reflected in the Census Bureau's decennial file modified for use in making postcensal estimates that will be released on a flow basis beginning in December 2002. An inventory of corrections also will be available on the *American FactFinder* Internet Data Access System (errata) and updated periodically. Base files for the Census 2000 will remain unrevised so that none of the standard Census 2000 data products will reflect the corrections.

Challenges that do not Result in Corrections

When a state, local, or tribal government provides evidence that the Census Bureau missed housing units or group quarters that existed on April 1, 2000, but the CQR research and Census 2000 records show that all of the Census Bureau's boundary information, geocoding, and processing were correctly implemented, the Census Bureau will respond by sending a letter to the official or his/her representative stating that the Census Bureau will maintain the documentation for consideration in the context of address list updating activities over the decade.

Internal Census Bureau Review

Changes to the boundaries or counts for a legal entity or statistical equivalent also may result from Census Bureau initiated research and review of census files. The Census Bureau reviews Census 2000 data by checking for data reasonableness, internal and intra-product consistency, and consistency with historical and external data sources. This review process begins with an analysis by Census Bureau staff, the federal-State Cooperative Program for Population Estimates, and others. Reviewers identify, address, and/or explain issues or problems related to coverage, content, processing, and geocoding. Unresolved potential problems will be forwarded to the CQR staff for additional analysis. Changes made as result of this internal review and/or research will be incorporated into the CQR process and documented the same as changes based on jurisdictional CQR challenges. For those cases where changes to the housing unit and/or population counts are made, new official counts will be issued to the affected jurisdictions.

Criteria for Acceptable Documentation Necessary to Initiate the Census 2000 CQR Process

The Census Bureau will require documentation before committing resources to investigate concerns raised by state, local, and tribal officials or their representatives about boundary and geographic assignment errors or the accuracy of the census housing unit or group quarters population counts. In general, when submitting a challenge, governmental entities must:

- Specify whether the challenge disputes the location of a boundary or the number of housing units and/or group quarters population counts in one or more tabulation blocks or both the boundaries and housing/unit group quarters population counts.

• For boundary disputes, indicate on a map the location of the boundary in dispute; that is, it must be shown where the Census Bureau incorrectly depicts the boundary and show the correct boundary legally in effect as of January 1, 2000, or delineated for a statistical entity for Census 2000. For those boundary disputes that also will affect housing units or group quarters population counts, the governmental unit also needs to follow the rules for those types of challenges where the new boundary splits a Census 2000 tabulation block. (For types of maps that can be used, refer to the section ''Types of Acceptable Paper Maps.'')

• For housing unit challenges, identify the specific county, census tract, and Census 2000 tabulation block(s) that is being contested and provide a list of addresses of all housing units in that block on April 1, 2000. (See the section ''Challenge Criteria: Housing Unit Count.'')

• For group quarters (see Census Bureau group quarters definition listed under ''Definition of Key Terms'') challenges, provide the name of the group quarters and evidence, e.g., a listing of patients residing in the XYZ Nursing Home as of April 1, 2000, that supports the number of persons residing there on April 1, 2000.

Show the specific county, census tract, and Census 2000 tabulation block in which the group quarters population is being contested.

• Provide electronic or paper versions of documentation to support the challenge.

Boundary Challenge Criteria

All boundary challenges must be based on boundaries that were legally in effect on January 1, 2000, or submitted and verified as the correct boundaries of statistical areas for use in Census 2000. The Census Bureau will compare the maps and appropriate supporting documentation submitted by the challenging entity with information used by the Census Bureau to depict the boundaries for Census 2000.

Maps submitted by state, local, and tribal governments must show the correct location of the boundary and the portion of the boundary that the Census Bureau depicted incorrectly, including the county, census tract number, and Census 2000 tabulation block numbers associated with the boundary correction area. The state, local, or tribal government also should provide the Census Bureau with a list of addresses in affected tabulation blocks, indicating their location in relationship to the boundary requiring correction.

For boundary changes effected by legal actions not recorded by the Census Bureau, state and local governments must submit the effective date and ordinance number or law that resulted in the boundary change, provide evidence that the state certifying official has approved the boundary change (if a municipal boundary), and provide a statement that the boundary is not under litigation. The change also must be certified in writing, on each map, by an official of the state, local, or tribal government. Tribal governments must submit documentation of the federal law, executive order, deed of trust, or other type of legal action that effected a legal change in reservation or off-reservation trust land boundaries, and a statement that the boundary is not under litigation. Regardless of whether the Census Bureau changes boundaries or does not change boundaries as a result of the CQR evidence and the Census Bureau's research, the Census Bureau will notify the complainant and any affected adjacent governmental entity(es) of the results.

Types of Acceptable Paper Maps

• Paper Census 2000 Public Law 94–171 County Block Maps—These maps are based on a county or statistically equivalent entity and accompany the Redistricting Data Summary Files.

• Paper Census 2000 Redistricting Municipio Block Maps for Puerto Rico—These maps are municipio-based and accompany the Puerto Rico Redistricting Data File.

• Paper Census 2000 Block Maps—These are entity based maps provided to state, local, and tribal jurisdictions and show tabulation block numbers. They are a companion map for the Demographic Profiles that will contain information on population totals, including group quarters and selected population and housing characteristics.

• Paper Maps based on the 2000 TIGER/Line® File—These user-defined maps are generated by state, local, or tribal governments based on information from the Census Bureau's 2000 TIGER/Line® files using commercial geographic information systems. These maps must identify the state, county and/or statistical equivalent, census tract, tabulation block, and any other legal or statistical entity boundary or code involved in a challenge. If a challenge involves an American Indian reservation or off-reservation trust lands, the maps must identify the American Indian area, census tract, and tabulation block boundary.

• Other Paper Maps Showing Census Bureau 2000 Tabulation Block Numbers and Boundaries—These maps must identify the state, county and/or statistical equivalent, census tract, tabulation block, and any other legal or statistical entity boundary or code involved in a challenge. If a challenge involves an American Indian reservation or off-reservation trust lands, the maps must identify the American Indian area, census tract, and tabulation block boundary. In general, local-or-tribal-created paper maps should be comparable to Census 2000 maps.

Challenge Criteria

Housing Unit Count

Supporting evidence that specifically reflects the validity of any address list source must reflect residential addresses that existed as viable living quarters on April 1, 2000. Challenges to housing unit counts must specify the county or statistically equivalent entity, census tract(s), and tabulation block(s) for which the counts are being challenged.

SF1 can be used to obtain tabulation block housing unit counts. Complainants must provide a complete address list for all units that should be included in each contested block. (Refer to the section ''Types of Address Lists.'')

State, local, or tribal officials must certify that the addresses on their lists existed and could be lived in on April 1, 2000. See the Census Bureau's ''housing unit'' definition listed under the section, ''Definitions of Key Terms.''

Group Quarters Population Count

Supporting evidence should reflect the validity of any address list source dated no later than April 1, 2000. Challenges to group quarters population counts must identify the county or statistically equivalent entity, the census tract, and the tabulation block(s) for which the counts are being challenged. A group quarters is defined as a place where people live or stay other than the usual house, apartment, or mobile home. Two general types of group quarters are recognized: institutional (for example, nursing homes, mental hospitals/wards, hospital/wards for chronically ill patients, hospices, and State prisons) and noninstitutional (for example, college or university dormitories, military quarters, military barracks, group homes, and halfway houses). Special places and group quarters may have housing units on the premises for staff and/or guests.

SF1 can be used to obtain tabulation block group quarters population counts. Jurisdictions must provide a complete address list (refer to the section ''Types of Address Lists'') for all group quarters

units that should be included in each contested block. (For the definition of group quarters, see the section ''Definitions of Key Terms.'')

The state, local, or tribal official should certify that the addresses for group quarters on their lists were viable living quarters on April 1, 2000.

Types of Address Lists

• City-Style Address Lists—These lists must contain city-style addresses (house number, street name, Post Office name, state, and ZIP Code) identifying the county or statistically equivalent entity and organized by Census 2000 tabulation block within census tract. Housing unit identifiers in multiunit buildings (such as apartment numbers) must be included, if applicable.

• Non-City-Style Address Lists—Non-city-style addresses must be keyed to the state, local, or tribal government's map-spotted maps, that is, maps that show the exact location of the housing unit. The list should be focused on the specific area and/or addresses where the problem exists. All housing units in the disputed block must be map spotted, that is, the location of each housing unit must be marked on a map with a dot and given a corresponding number for identification purposes and a description of the housing unit and location must be supplied. The following is an example of a map-spotted address and housing unit description: Map Spot 4567–01, Derby Road, 2-story house on left with red brick chimney, ½ mile from the intersection of Highways 12 and 19, Anytown, Georgia 10020.

Group Quarters Information

Provide the name, address, and telephone number for the administrative office of the facility (special place and group quarters) as of April 1, 2000. In addition, provide the county or statistically equivalent entity, census tract, and tabulation block number for the location of the group quarters.

Census Bureau Actions

The Census Bureau will investigate challenges to determine whether information about the existence of a housing unit or occupied group quarters on April 1, 2000, was identified but does not appear in the final census files due to an error in processing the information. The Census Bureau will not collect new information.

Definitions of Key Terms

American FactFinder—The generalized electronic system for access and dissemination for much of the Census Bureau's data. The system is available through the Internet and offers prepackaged data products and the ability to build custom products. The system serves as the vehicle for accessing and disseminating data from Census 2000 (as well as the 1997 Economic Censuses and the American Community Survey).

Block (census block)—A geographic area bounded on all sides by visible features such as streets, roads, streams, and railroad tracks, and occasionally by non-visible boundaries such as city, town, or county limits. Blocks do not cross census tract or block numbering area boundaries. A block is the smallest geographic entity for which the Census Bureau tabulates decennial census information.

Census Tract—A small, relatively permanent statistical subdivision of a county in a metropolitan area or a selected non-metropolitan county, delineated by a local committee of census data users for the purpose of tabulating and presenting decennial census data. Census tract boundaries normally follow visible features, but may follow governmental unit boundaries and other non-visible features. Census tracts generally contain between 1,000 and 8,000 people, and average about 1,700 housing units and 4,000 people.

Census Designated Place—A geographically defined statistical entity delineated for each decennial census according to Census Bureau guidelines comprising a densely settled concentration of population that is not incorporated or established by law but is locally recognized and identified by a name.

County—A type of governmental unit that is the primary legal subdivision of every state except Alaska and Louisiana. Alaska has boroughs, census areas, city and boroughs, and municipalities. Louisiana has parishes.

Demographic Profile—A one-page table containing data for a geographic entity that provides information on total population, sex, age, race, Hispanic or Latino origin, household relationship, group quarters population, household type, housing occupancy, and housing tenure.

Group quarters—A place where people live or stay other than the usual house, apartment, or mobile home. The Census Bureau recognizes two general types of group quarters are recognized: institutional (for example, nursing homes, mental hospitals/wards, hospital/wards for chronically ill patients, hospices, and State prisons) and noninstitutional (for example, college or university dormitories, military quarters, military barracks, group homes, and halfway houses). Special places and group quarters may have housing units on the premises for staff and/or guests.

Housing unit—A house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as a separate living quarters, or, if vacant, is intended for occupancy as a separate living quarters. A housing unit is defined as a living quarters that is closed to the elements and has all exterior windows and doors installed and final usable floors in place. For vacant units, the criteria of separateness and direct access are applied to the intended occupants, whenever possible. If that information cannot be obtained, the criteria are applied to the previous occupants.

Local Census Office—A temporary Census Bureau office established for Census 2000 data collection purposes. These offices managed address listing field work, conducted local recruiting, administered census taking, and created a local presence. They were called ''district office'' in previous censuses.

Municipio—A primary legal subdivision of Puerto Rico (synonymous to a county).

Overseas counts—Counts of military and federal civilian personnel stationed overseas and their dependents living with them.

Postcensal Estimates—Population estimates for the years following the last published decennial census. Existing data series, such as births, deaths, federal tax returns, medicare enrollment, and immigration and housing unit information are used to update the decennial census counts during the estimating process. These estimates are used in federal funding allocations, monitoring recent demographic trends, and benchmarking many federally funded survey totals.

Public Law 94–171—The federal law amending Section 141 of Title 13 directing the Secretary of Commerce (who delegates that responsibility to the Director of the Census Bureau) to provide selected decennial census data tabulations to the states by April 1 of the year following the census. These tabulations are used by the states to redefine the areas included in each congressional district and the areas used for state and local elections, a process called redistricting.

Special Place—A place containing one or more group quarters, including hotels and campgrounds. A special place also may include housing units occupied by staff or guests.

Summary File 1—A data file that presents counts and basic cross-tabulations of information collected

from all people and housing units. This information includes age, sex, race, Hispanic or Latino origin, household relationship, and whether the residence is owned or rented. Data will be available down to the block level for many tabulations, but limited to the census tract level in cases where there are concerns with disclosure. Summaries also will be included for most other geographic areas, such as places, county subdivisions, ZIP Code tabulation areas and 106th congressional districts.

Exhibit—Additional Information

This section provides additional information on how the Census 2000 CQR program will operate.

1. Where should a governmental unit submit a challenge for the Census 2000 CQR program?

Governmental units challenging the completeness or accuracy of the Census 2000 counts should submit their challenge in writing to: U.S. Census Bureau, Room 2002/2, Decennial Management Division, Count Question Resolution 4700 Silver Hill Road, Stop 7100, Washington, DC 20233–7100.

2. Will the Census Bureau make corrections to the census counts based on information submitted by governmental units?

The Census Bureau will make corrections if research indicates they are warranted. Our experience has shown that many of the questions received from the state, local, or tribal officials do not reflect errors in census counts. Questions may result from an incorrect or incomplete understanding of the procedures used to take the census. In other instances, questions about census counts reflect a state, local, or tribal official's reliance on different enumeration concepts, definitions, geographic assignments, and/or the currency of the information in comparison to the census. The Census Bureau's determination of whether a correction is necessary will be based on the quality and completeness of the information provided by state, local, and tribal governmental unit representatives and the results of the Census Bureau's review of the census records.

3. For what types of geographic entities can CQR challenge be submitted and which entities are eligible to submit a CQR challenge?

An executive official or other official acting on the behalf of a local or tribal government must submit the CQR challenge to the Census Bureau.

The Census Bureau will research and, if necessary, correct the counts for:

- Counties and statistically equivalent entities.
- Minor civil divisions.
- Incorporated places, including consolidated cities.
- Census designated places in Hawaii and Puerto Rico only.
- Federally recognized American Indian reservations and off-reservation trust lands.
- American Indian tribal subdivisions.
- State recognized American Indian reservations (submitted by a state official).
- Alaska Native Regional Corporations.
- Statistical areas defined for American Indian tribes:
- Tribal designated statistical areas;
- Alaska Native village statistical areas;
- Oklahoma tribal statistical areas;
- State designated American Indian statistical areas (submitted by a state official); and
- Hawaiian home lands (submitted by a state official).

The Census Bureau will not process challenges for any other types of statistical or legally defined areas.

4. Will the Census Bureau incorporate corrections from the CQR process into the apportionment or redistricting data or subsequent data products?

The Census Bureau will not change the apportionment or redistricting counts to reflect corrections resulting from the CQR process. In accordance with the law, apportionment counts were delivered to the President on December 28, 2000, and the counts required for redistricting were delivered to the states by April 1, 2001.

CQR corrections also will not be incorporated in subsequent data products for Census 2000. This will allow the Census Bureau to maintain consistency between data products while maintaining the schedule for timely release of the data. However, the Census Bureau will issue a revised official Census 2000 population and housing unit counts for the affected governmental entity(es), maintain a list of CQR corrected areas on the *American Factfinder*, and will incorporate any corrections into its Postcensal Estimates program beginning in December 2002.

Dated: June 18, 2001.

William G. Barron, Jr.,

Acting Director, Bureau of the Census.

[FR Doc. 01–16868 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 28–2001]

Foreign-Trade Zone 110—Albuquerque, New Mexico Application for Expansion and Relocation

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the City of Albuquerque, New Mexico, grantee of Foreign-Trade Zone 110, requesting authority to expand and relocate its general-purpose zone in Albuquerque, New Mexico, within the Albuquerque 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 28, 2001.

FTZ 110 was approved on October 30, 1984 (Board Order 279, 49 FR 44516, 11/7/84), along with Subzone 110A at the SP Pharmaceuticals facilities (approved as Summa Medical Corporation). The general-purpose zone project currently consists of 2 acres with an existing 50,000 square foot warehouse at 1414—12th Street, NW., in Albuquerque.

The applicant is requesting authority to relocate its general-purpose zone (2 acres) from its current location at 1414—12th Street in Albuquerque to 62 acres adjacent to the 2,300-acre Albuquerque International Sunport airport complex, between University Boulevard and Spirit Drive in Albuquerque. The new location is designed to serve the region's international and related logistics and cargo activities. The site is owned by the City and will be operated by the City's Aviation Department. 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 September 4, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 19, 2001).

A copy of the application and accompanying exhibits will be available

for public inspection at each of the following locations:

Albuquerque International Sunport Administrative Offices, Third Level, 2200 Sunport Boulevard SE, Albuquerque, NM 87106

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 28, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–16977 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–805]

Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On March 8, 2001, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on aramid fiber from the Netherlands. The review covers one manufacturer/exporter. The period of review (POR) is June 1, 1999, through December 31, 1999.

We received no comments from interested parties on our preliminary results. We have made no changes to the margin calculation. Therefore, the final results do not differ from the preliminary results, where we found that sales of the subject merchandise were made below normal value. The final weighted-average dumping margin for Twaron is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: David Salkeld or Michael Grossman, AD/CVD Enforcement, Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On March 8, 2001, the Department published the preliminary results of the administrative review of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide (PPD-T aramid) from the Netherlands. *See Preliminary Results of Antidumping Duty Administrative Review; Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands,* 66 FR 13879 (March 8, 2001) (*Preliminary Results*). The review covers one manufacturer/exporter, Teijin Twaron BV (formerly Twaron Products V.o.F.), and its U.S. affiliate, Teijin Twaron USA, Inc. (formerly Twaron Products, Inc.) (collectively Twaron).

On February 8, 2001, the U.S. International Trade Commission (ITC) determined in the five-year (sunset) review that revoking the existing antidumping order on imports of PPD-T aramid from the Netherlands would not likely lead to continuation or recurrence of material injury within a reasonably foreseeable time. As a result of the ITC's negative determination, the existing antidumping duty order on imports of this product was revoked retroactive to January 1, 2000. *See Revocation of Antidumping Duty Order on Aramid Fiber Formed of Poly Para-Phenylene Terepthalamide from the Netherlands,* 66 FR 14540 (March 13, 2001) (*Revocation Notice*). Therefore, our review covers sales of this merchandise to the United States during the period June 1, 1999, through December 31, 1999.

Interested parties did not submit case briefs nor did they request a hearing. There have been no changes since the *Preliminary Results*.

Scope of Review

The products covered by this review are all forms of PPD-T aramid from the Netherlands. These consist of PPD-T aramid in the form of filament yarn (including single and corded), staple fiber, pulp (wet or dry), spun-laced and spun-bonded nonwovens, chopped fiber, and floc. Tire cord is excluded from the class or kind of merchandise subject to this order. This merchandise is currently classifiable under the *Harmonized Tariff Schedule of the United States* (*HTSUS*) item numbers 5402.10.3020, 5402.10.3040, 5402.10.6000, 5503.10.1000, 5503.10.9000, 5601.30.0000, and 5603.00.9000. The *HTSUS* item numbers are provided for convenience and Customs purposes. Our written description of the scope remains dispositive.

Final Results of Review

We received no comments from interested parties on our preliminary results. In addition, we have determined that no changes to our analysis are warranted for purposes of these final results. The final weighted-average percentage margin for Twaron for the period June 1, 1999, through December 31, 1999 is as follows:

Manufacturer/exporter	Margin (percent)
Twaron	1.03

Assessment

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated an importer-specific assessment rate by dividing the total amount of antidumping duties calculated for the importer-specific sales by the total entered value of those same sales. Where the importer-specific assessment rate is above *de minimis,* we will instruct Customs to assess antidumping duties on that importer's entries of subject merchandise.

Furthermore, as a result of the ITC's negative sunset review determination with regard to PPD-T aramid from the Netherlands, the Department has revoked the antidumping duty order for this case, effective January 1, 2000, and we instructed the Customs Service to terminate suspension of liquidation for all entries of subject merchandise made on or after January 1, 2000. *See Revocation Notice,* 64 FR 14540. Therefore, we will not issue cash deposit instructions to Customs based on the results of this review.

Notification to Importers

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

presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections section 751(a)(1) and 777(i)(1) of the Act.

Dated: June 28, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–16976 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–812]

Notice of Postponement of Final Antidumping Determination and Extension of Provisional Measures: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia

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

ACTION: Postponement of final antidumping determination and extension of provisional measures.

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Manning or Ronald Trentham at (202) 482–3936 or (202) 482–6320, respectively; AD/CVD Enforcement, Office 4, Group II, Import Administration, 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 Tariff Act of 1930 (the Act), as amended, are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, all citations to the Department of Commerce (the Department) regulations are to 19 CFR Part 351 (April 2000).

Background

On May 3, 2001, the Department issued its affirmative preliminary determination in the antidumping duty investigation of certain hot-rolled carbon steel flat products (HRS) from Indonesia. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 22163 (May 3, 2001). This notice stated that we would issue our final determination in this investigation not later than 75 days after the date of the preliminary determination.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the publication of the preliminary determination if, in the event of an affirmative determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by petitioners. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months. On May 25, 2001, PT Krakatau Steel (Krakatau), the respondent in this investigation, requested that the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register** and requested that the Department extend provisional measures to a period not to exceed six months. In accordance with 19 CFR 351.210(b), because (1) our preliminary determination is affirmative, (2) the respondent requesting the postponement accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting Krakatau's request and are postponing the final determination until not later than 135 days after the publication of the preliminary determination in the **Federal Register**. Suspension of liquidation will be extended accordingly. *See* Memorandum from Holly A. Kuga to Bernard T. Carreau, ''Postponement of Final Antidumping Determination and Extension of Provisional Measures,'' dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This notice is published in accordance with section 735(a)(2) of the Act and 19 CFR 351.210(g).

Dated: June 28, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–16975 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Amended Final Results of First New Shipper Review and First Antidumping Duty Administrative Review: Certain Preserved Mushrooms From the People's Republic of China

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

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Katherine Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Amendment to Final Results

In accordance with section 751(a) of the Act, on June 11, 2001, the Department published the final results of the 1998–2000 administrative and new shipper reviews of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC), in which we determined that certain U.S. sales of the subject merchandise were made at less than normal value (66 FR 31204). On June 11, 2001, we received an allegation, timely filed pursuant to 19 CFR 351.224(c)(2), from the petitioner, the Coalition for

Fair Preserved Mushroom Trade,[1] that the Department made ministerial errors in its final results. The respondents did not comment on the alleged ministerial errors.

After analyzing the petitioner's submission, we have determined, in accordance with 19 CFR 351.224, that ministerial errors were made in our final margin calculations for the administrative review respondents China Processed Food Import & Export Co. (China Processed) and Gerber Food (Yunnan) Co. (Gerber), and the new shipper review respondent Raoping Xingyu Foods, Ltd. (Raoping). Specifically: (a) We did not include some of China Processed's revised data in our final results calculations; (b) we incorrectly calculated the brokerage expense in calculating the U.S. price for Gerber; and (c) we did not apply the correct surrogate value ratios for selling, general, and administrative expenses and profit in our calculation of normal value for Raoping. For a detailed discussion of the ministerial errors, as well as the Department's analysis, see the memorandum to Louis Apple from the Team, dated June 22, 2001.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results of the 1998–2000 antidumping duty administrative and new shipper reviews of the order on certain preserved mushrooms from the PRC. The revised dumping margins are as follows:

Exporter/manufacturer	Original final margin percentage	Revised final margin percentage
China Processed Food Import & Export Co.	0.00	[1] 0.00
Gerber Food (Yunnan) Co.	111.04	121.33
Raoping Xingyu Foods Co., Ltd.	47.61	47.80

[1] We will notify the Customs Service of the revised cash deposit rates for these companies.

Scope of the Order

The products covered by the order are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the order are the species Agaricus bisporus and Agaricus bitorquis. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of the order are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of the order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms'; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.[2]

The merchandise subject to the order is currently classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

These amended final results of administrative and new shipper reviews and notice are in accordance with section 751(h) of the Act and 19 CFR 351.224(e).

Dated: June 28, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–16974 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DS–P

[1] The Coalition for Fair Preserved Mushroom Trade includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushroom Farms, Inc., Toughkenamon, PA; Monterey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

[2] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See ''Recommendation Memorandum—Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 19, 2000.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Survey of Advanced Technology Program Joint Venture Participants

ACTION: Proposed collect; comment request.

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

DATES: Written comments must be submitted on or before September 4, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 1401 Constitution Avenue, NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Barbara Lambis, National Institute of Standards and Technology, 100 Bureau Drive, Stop 4700, Administration Building, Room A333, Gaithersburg, MD, 20899–4700. (Tel: 301–975–4447; E-mail: barbara.lambis@nist.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collection is for program evaluation of the Advanced Technology Program (ATP). Encouraging R&D collaboration to address technology challenges that have far-reaching industry-wide benefits is a key mission of the ATP. In ATP Joint Ventures, large companies, small companies, universities, and other organizations join together to carry out R&D projects that require the complementary expertise and capabilities of a wide range of firms and organizations. This information collection from ATP Joint Venture participants will address important issues relating to the characteristics and success of ATP Joint Ventures.

II. Method of Collection

Telephone interviews.

III. Data

OMB Number: None.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Businesses, non-profit organizations, and educational institutions.
Estimated Number of Respondents: 400.
Estimated Time Per Response: 30 minutes per response.
Estimated Total Annual Burden Hours: 200.
Estimated Total Annual Cost: 0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: July 2, 2001.

Madeleine Clayton,

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

[FR Doc. 01–16979 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Performance Reporting System (PRS) for the Technology Opportunities Program (TOP)

ACTION: Proposed collection; comment request.

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

DATES: Written comments must be submitted on or before September 4, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 1401 Constitution Avenue NW, Washington, DC 20230 (or via the Internet mclayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Clifton Beck, NTIA, Room H–4888, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230 (or via the Internet cbeck@ntia.doc.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of the Technology Opportunities Program (TOP), formerly the Telecommunications and Information Infrastructure Assistance Program (TIIAP), is to promote the widespread and efficient use of advanced telecommunications services in the public and non-profit sectors to serve America's communities.

The program has the following objectives:

- To promote the widespread availability and use of digital network technologies;
- To increase the awareness in public and non-profit sectors of digital networking technologies and their benefits;
- To stimulate public and non-profit sector organizations to examine potential benefits of, and plan for, investments in digital network technologies;
- To provide a wide variety of model digital network technology projects for public and non-profit sector organizations to follow;
- To educate the public and non-profit sectors about best practices in implementing a wide variety of digital network projects; and,
- To help reduce disparities in access to, and use of, digital network technologies.

The National Telecommunications and Information Administration (NTIA), in administering TOP, has awarded 456 grants, in all 50 states, the District of Columbia, and the U.S. Virgin Islands. In order to ensure that grant recipients are effectively promoting the efficient and widespread use of advanced telecommunications services to serve American communities and to comply with the Government Performance and Results Act, NTIA will collect and analyze quantitative and qualitative data relating to start-up documentation, quarterly and annual progress reports, and close-out documentation on TOP-funded projects.

NTIA seeks a mechanism whereby it can evaluate the impacts of its projects on an ongoing basis, monitor grants more efficiently and effectively, and provide timely technical assistance to grant recipients. To enable the Program to monitor and to analyze the impacts of the funded projects, TOP seeks to incorporate standardized quantitative and qualitative data elements into an online structured reporting system. The reporting system will include a set of core data elements that apply to all projects.

II. Method of Collection

Data will be collected through the use of automated collection techniques. The information collection instrument to be used for this study will include a web-based structured reporting system for both quantitative and qualitative project information.

III. Data

OMB Number: 0660–0015.
Form Number: None.
Type of Review: Regular Submission.
Affected Public: State, Local, and Tribal Government and Non-Profit Institutions.
Estimated Number of Respondents: 50.
Estimated Time Per Response: Start-Up Documentation, 20 hours; Progress Reports, 4 hours; Annual Report, 0.5 hours; Final Closeout Report, 20 hours.
Estimated Total Annual Burden Hours: 2,807.
Estimated Total Annual Cost to the Public: 0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents.

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

Dated: July 2, 2001.

Madeleine Clayton,

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

[FR Doc. 01–16978 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Bangladesh

June 29, 2001.

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

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

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 341 and 363 are being increased for the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69910, published on November 21, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 29, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 6, 2001, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
341	3,306,791 dozen.
363	34,632,734 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
J. Hayden Boyd,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–16930 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit and Sublimit for Certain Cotton Textile Products Produced or Manufactured in the United Arab Emirates

June 29, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit and sublimit.

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://www.otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 338/339 and the sublimit for Categories 338–S/339–S are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66974, published on November 8, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 29, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 2, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man–made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 6, 2001, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
338/339	829,915 dozen of which not more than 553,276 dozen shall be in Categories 338–S/339–S [2].

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–16929 Filed 7–5–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board (DSB) Task Force Precision Targeting will meet in closed session July 30, 2001, at the Air Combat Command, Langley AFB, VA. The Task Force will examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Target types will include fixed installations and both transportable and mobile military force elements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force will review: all planned precision weapons programs and procurements to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meetings concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, these meetings will be closed to the public.

Dated: June 26, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–16878 Filed 7–5–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for Outfall Replacement for Wastewater Treatment Plant at Fort Kamehameha, Navy Public Works Center, Pearl Harbor, HI

AGENCY: Department of the Navy, DoD.

ACTION: Notice of record of decision.

SUMMARY: The Department of the Navy, after weighing the operational, environmental, and cost implications of alternatives to the existing outfall for the Wastewater Treatment Plant (WWTP) at Fort Kamehameha, Pearl Harbor, Hawaii, announces its decision to construct a deep ocean outfall replacement that will discharge effluent into the open coastal waters of Mamala Bay to the south of the island of Oahu.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Kaku, Pacific Division Naval Facilities Engineering Command (PLN23), 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134, telephone (808) 471–9338, facsimile (808) 474–5909.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) in its entirety is provided as follows:

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4332(2)(c), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR Parts 1500–1508, the Department of the Navy (DON) announces its decision to replace a physically deteriorating effluent outfall that discharges wastewater into the entrance channel of the Pearl Harbor Estuary with a deep ocean outfall into the open coastal waters of Mamala Bay where the effluent loading is less likely to adversely impact the environment.

The existing outfall has been operating under an administrative extension to a National Pollutant Discharge Elimination System (NPDES) monitoring permit that expired on February 28, 1993. The Navy was advised by U.S. Environmental Protection Agency (EPA) Region 9 on January 24, 1997, that a new NPDES permit will limit the discharge of nutrients and metals to levels below those presently permitted. Replacement of the existing outfall will reduce pollutant loadings and water quality deterioration in the Pearl Harbor Estuary, and enable DON to be in compliance. As described in the Final Environmental Impact Statement (FEIS), the DON will construct and operate a new deep ocean outfall. The new outfall will provide an effluent disposal system that meets environmental and other regulatory constraints. All practicable means to avoid or minimize environmental harm from the alternative selected have been adopted.

Process

On September 11, 1996, the DON published in the **Federal Register** (61 FR 47898) a Notice of Intent to prepare an Environmental Impact Statement (EIS). On September 23, 1996, an EIS Preparation Notice was published in The Environmental Notice, a semi-monthly bulletin of the Hawaii State Department of Health (DOH). DON held two public scoping meetings on October 1 and October 2, 1996, in Honolulu, HI at Washington Intermediate School and Makalapa Elementary School, respectively. The EPA published a Notice of Availability (NOA) for the Draft EIS (DEIS) in the **Federal Register** on November 21, 1997 (62 FR 62303). An announcement was also placed in the December 8, 1997, issue of The Environmental Notice. DON held a public hearing to receive comments on the DEIS at Radford High School, Honolulu, HI, on December 17, 1997. In addition, DON distributed the DEIS to 124 government agencies, groups, and individuals. DON considered all oral and written comments in preparation of the FEIS. The EPA published a NOA for the FEIS in the Federal Register on May 4, 2001 (66 FR 22551). A NOA was also published in two local newspapers on May 4, May 5, and May 6, 2001. An announcement was also placed in the May 8, 2001, issue of The Environmental Notice.

Alternatives Considered

DON initially considered six alternative methods for reducing the discharge of pollutant loadings from the effluent discharge into the Pearl Harbor Estuary. DON developed conceptual designs for the six alternative methods and conducted a preliminary analysis based on the following: (1) Purpose and need of the project; (2) 30-year life-cycle costs; and (3) feasibility of implementation including construction, operation, and maintenance. DON determined that of the six alternative methods, only the deep ocean outfall and the underground injection alternatives were reasonable. These two

alternatives and the ''no action'' alternative were carried forward for further analysis, with the deep ocean outfall alternative being identified as the preferred alternative. The analysis of the deep ocean outfall alternative included an evaluation of the environmental impacts of various alignments and construction methods that included trenching, microtunneling, and pile-supported pipe above the ocean floor.

Based upon this analysis, DON has chosen to construct a deep ocean outfall that will discharge the wastewater into the open coastal waters of Mamala Bay. The ''no action'' alternative was rejected as it would not enable the Navy to satisfy reasonably foreseeable regulatory requirements. The underground injection alternative was ultimately rejected in favor of the deep ocean outfall alternative because of its higher 30-year life cycle cost, the fair to poor reliability of the technology involved, and uncertain impacts on adjacent water bodies. The deep ocean outfall alternative is the environmentally preferred alternative.

Environmental Impacts

DON analyzed the direct, indirect, and cumulative impacts of each alternative on environmental resources involving land use and airspace; visual resources; socioeconomics; cultural resources; traffic and circulation; air quality; noise; biological resources; hydrological resources; utilities and services; public health and safety; and hazardous materials and waste. The only significant impacts that could result from the construction of the new WWTP outfall are discussed below.

Aquatic Environment

There is potential for significant impacts on the aquatic environment from normal construction activities. DON and its contractor(s) will employ standard Best Management Practices for construction in coastal waters, such as daily inspection of equipment for conditions that could cause spills or leaks; cleaning of equipment prior to deployment in the water; proper location of storage, refueling, and servicing sites; and implementation of adequate spill response, storm weather preparation plans, and the use of silt curtains to minimize the potential impact.

There is potential for impacts on the marine environment from the expected increase in turbidity and suspended solids in the water during the construction phase. Turbidity from construction in shallow waters, which tend to be relatively calm, will be contained by the use of silt curtains. Strong wave and current actions in the deep water portions of the project area will act to minimize increased turbidity in those areas. Water quality monitoring will be conducted during the construction period to ensure that water quality standards are not exceeded. Pursuant to section 401 of the Clean Water Act, DON will obtain and comply with the conditions of a Water Quality Certification from the DOH. The proposed action is expected to meet the conditions of the NPDES permit required by the Hawaii DOH.

There is potential for minor impacts on corals from construction activities associated with the replacement outfall. Construction impacts to areas supporting coral growth have been minimized by careful selection of the preferred outfall alignment and construction methodologies. The aggregate coral coverage impacted by the replacement outfall along its entire length is expected to be less than one-fifth of one percent (i.e., <0.2 percent) of the total coral on the reef flat within the construction area. The corals that would be affected are not unique and are readily found off the southern shore of Oahu at similar depths.

Protected Species and Habitat

There is potential danger from construction activities to marine species listed as endangered or threatened under the Endangered Species Act. Construction activities will cease if listed marine species are observed entering the active project construction site, and work will be allowed to resume only after the listed species departs the construction site on its own volition. The Pacific Islands Area Office of National Marine Fisheries Service (NMFS) will be notified of each such occurrence. Both the U.S. Fish and Wildlife Service and NMFS have concurred that neither listed species nor their habitat would be adversely impacted by normal construction activities associated with the deep ocean outfall. In the unlikely event that ordnance material is encountered that DON cannot safely remove or avoid, DON will, as appropriate, confer with NMFS before proceeding with construction in the area of the discovered ordnance material.

Public Health and Safety

There is potential for impacts on public health and safety from encountering ordnance items in the construction corridor. Approximately two hundred dives were performed between November 1999 and December 2000 along the proposed construction corridor and along the Pearl Harbor Entrance Channel (PHEC). These dives identified six projectiles within the proposed construction corridor. These six projectiles were subsequently removed safely without in-water detonation. Based on information collected from these dives, it is likely that ordnance can be safely removed or avoided if it is encountered. The construction contractor will perform an independent survey for ordnance items by visual and/or remote metallic detection methods prior to construction. All workers will be informed of the ordnance hazards before construction activities begin. Public access to construction areas will be restricted. If an ordnance item is encountered during construction, work will stop in the affected area pending DON clearance.

Response to Comments Received Regarding the Feis

EPA and a commercial entity provided comment letters. EPA's comments focused on construction related impacts to living coral and suitability of dredged material for ocean disposal.

EPA requested that DON include the following mitigation: take ''appropriate and practicable steps'' to minimize adverse impacts to corals; transplant living corals away from project area; and remove marine debris from the vicinity of the PHEC to generally enhance marine habitat. No exceptional, unusual, or large coral colonies are within the project area and, as discussed in the FEIS, potential impacts to the coral that is present have been minimized by careful selection of the outfall alignment and construction methodology (e.g., microtunneling and the use of silt curtains). Transplanting the small number of corals in the construction corridor that cannot be avoided is considered impracticable. The removal of marine debris from the vicinity of the PHEC would eliminate and degrade fish and threatened green sea turtle (Chelonia mydas) habitat because it is heavily utilized by these species.

EPA also requested additional discussions on the suitability of the dredged material for ocean disposal. Pursuant to Section 103 of the Marine Protection Research Sanctuaries Act, DON has provided this information as part of the permitting process regulated by the U.S. Army Corps of Engineers (COE) and the EPA. The COE permit application included data indicating that the material proposed for disposal will be substantially the same as the existing substrate at the EPA designated South Oahu Ocean Dredged Material Disposal Site and that the proposed

dredged material site is located far from known pollution sources, therefore providing reasonable assurance that the material has not been contaminated. The COE permit will address concernns regarding ocean disposal.

The F.O.G. Corporation recommended use of its liquid bio-polymer to meet EPA discharge requirements and avoid construction of the outfall. The recommended bio-polymer product does not include removal of dissolved nutrients and therefore is not a viable alternative to the proposed action.

Conclusion

In determining how to dispose of wastewater effluent from the WWTP at Fort Kamehameha, I considered the following: present ability of the WWTP to comply with more stringent anticipated discharge wastewater effluent limits; technical feasibility; operational reliability; environmental impacts; costs associated with construction, operation, and maintenance of facilities; and comments received during the DEIS and FEIS public involvement periods.

After carefully weighing all of these factors and analyzing the data presented in the FEIS, I have determined that the preferred alternative, constructing a deep ocean outfall to replace the existing outfall, best meets the requirements for the disposal of wastewater effluent from the WWTP at Fort Kamehameha. Therefore, on behalf of the DON, I have decided to implement the proposed action by constructing a deep ocean replacement outfall and to retain the existing outfall for emergency bypass purposes. In addition to the specific mitigation measures identified in this ROD, the DON will continue to review its operational procedures and coordinate with other federal, state, and local entities as necessary to determine if any additional mitigation measure are feasible and practicable.

Dated: June 22, 2001.

Duncan Holady,

Deputy Assistant Secretary of the Navy (Installations and Facilities).

[FR Doc. 01–16960 Filed 7–5–01; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Ohio State University

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Ohio State University, a revocable, nonassignable, exclusive license to practice worldwide the Government-owned inventions described in U.S. Patent Application Serial No. 09/747,521, entitled ''Methods for Protection Against Lethal Infection with Bacillus Anthracis,'' filed December 21, 2000, in the field of injectable and noninjectable protective DNA vaccines against Bacillus anthracis intoxication.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 23, 2001.

ADDRESSES: Written objections are to be filed with the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone (301) 319–7428.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910–7500, telephone (301) 319–7428.

Dated: June 25, 2001.

Saundra K. Melancon,

Paralegal Specialist, Office of Judge Advocate General, Alternate Federal Register Liaison Officer.

[FR Doc. 01–16886 Filed 7–5–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 6, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 29, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New Collection.

Title: Evaluation of Title I Accountability Systems and School Improvement Efforts (TASSIE)—Data Collection Instrument (JM).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary), Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 10300.

Burden Hours: 6990.

Abstract: The purpose of the Evaluation of Title I Accountability Systems and School Improvement Efforts is to examine and evaluate Title I accountability systems and school improvement efforts in a nationally representative sample of districts and schools. This project addresses both the implementation and effectiveness of accountability practices in 2,200 districts and 740 schools. The TASSIE will provide data on the extent of alignment between Title I accountability systems and states' and districts' own accountability systems, the assistance and incentives provided to schools identified as in need of improvement, and will assess the impact of these

policies and practices on schools, teachers, and students.

Requests for copies of the proposed information collection request may be accessed from http://edicsweb.ed.gov/owa-cgi/owa/browsecoll?psn=01750, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jackie Montague at (202) 708–5359. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–16906 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by July 10, 2001. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before September 4, 2001.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: June 28, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: New Collection.

Title: The Leveraging Educational Assistance Program (LEAP) and Special Leveraging Educational Assistance Program (SLEAP) Programs.

Abstract: The LEAP and SLEAP programs use matching Federal and State Funds to provide a nationwide system of grants to assist postsecondary educational students with substantial financial need. On this performance report the states provide information the Department requires about the state's use of program funds in order to demonstrate compliance with the program's statutory and regulatory requirements. Federal program officials use the performance report data for monitoring program funds distribution. With the clearance of this collection, the Department is seeking to automate the performance reporting process for both the LEAP Program and the subprogram, SLEAP. There are no significant changes to the current LEAP form data elements, there are however, additional items pertaining to the SLEAP program.

Additional Information: Because of the changes to the law and new program requirements, the short time schedule for development of forms, and obtaining state involvement in the process, we are requesting emergency approval of this new performance report form by July 10, 2001. This would allow for the needed time by states to plan and begin reporting under the programs as soon as possible.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 560.

Requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address OCIO_RIMG@ed.gov, or should be faxed to 202–708–9346.

Comments regarding burden and/or the collection activity requirements, contact Joe Schubart at 202–708–9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–16907 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

AGENCY: Department of Education.

ACTION: Correction.

SUMMARY: On May 18, 2001, a notice inviting applications for new awards under the Office of Special Education and Rehabilitative Services; Grant

Applications under the Special Education—Training and Information for Parents of Children With Disabilities Program was published in the **Federal Register** (66 FR 27814). Under the Parent Training and Information Centers (84.328M) priority on page 27816, in column 1, ''Project Period'' section, and the table also included on page 27816, we inadvertently omitted the project period for the Native American Families and the Military Families awards and the interim projects. The second sentence in the ''Project Period'' section is corrected to read ''Interim projects will be funded for a period up to 12 months and the Native American Families and Military Families projects will be funded for a period up to 36 months''. In the table, the ''Project period'' column is corrected to indicate a project period of up to 36 months for the Native American Families and Military Families projects and 12 months for interim projects.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 400 Maryland Avenue, SW, room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov.

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: www.ed.gov/legislation/FedRegister

To use PDF you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo/nara/index.html

Program Authority: 20 U.S.C. 1482.

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitative Research.

[FR Doc. 01–16981 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the meeting on September 6, 2001 beginning at 8:45 a.m. in the Montpelier Room at The Washington Court Hotel, 525 New Jersey Avenue, NW, Washington, DC 20001. You may call the Hotel on (202) 628–2100 to inquire about room accommodations.

What Access Does the Hotel Provide for Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format) notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

What Are the Functions of the Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to: (1) Evaluate the standards of accreditation applied to applicant foreign medical schools; and (2) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Are the Issues To Be Considered At This Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the decision.

The countries tentatively scheduled to be discussed at the meeting include Belize, the Dominican Republic, Israel, Mexico, New Zealand, Poland, St. Lucia, St. Maarten, Sweden, and the United Kingdom. Beginning August 17, you may call the contact person below to obtain the final listing of the countries whose standards will be discussed during this meeting. The listing of countries will also be posted on the Department of Education's web site at the following address: *http://www.ed.gov/offices/OPE/accreditation/ncfmeetings.html*

Who Is the Contact Person for the Meeting?

Please contact Bonnie LeBold, the Executive Director of the National Committee on Foreign Medical Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, 7th Floor—Rm. 7007, 1990 K St., NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: Bonnie.LeBold@ed.gov. Individuals who use telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

Dated: June 27, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–16861 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–70–002]

Columbia Gas Transmission Corporation; Notice of Filing

June 29, 2001.

Take notice that on June 15, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing with the Federal Energy Regulatory Commission (Commission) a compliance filing in Docket No. CP01–70. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance).

On May 16, 2001, the Federal Energy Regulatory Commission issued its ''Order Issuing Certificate and Authorizing Abandonment'' in the above referenced docket (''May 16 Order''). In Ordering Paragraph (H) of the May 16 Order, the Commission required Columbia ''to explain under what conditions it has been allowing shippers to contract for multi-year seasonal service and to have different primary delivery points on a seasonal basis.'' In Ordering Paragraph (I) of the May 16 Order, the Commission directed Columbia ''to file within 30 days of the issuance of this order all currently effective contracts in which Columbia has included, through footnotes or insertion of other language, conditions that would constitute material deviations from the *pro forma* service agreement that affect the service provided under its rate schedules.'' Columbia is submitting the instant filing in compliance with these directives.

Columbia states that copies of its filing are available for inspection at its offices at 12801 Fair Lakes Parkway, Fairfax, Virginia; and 10 G Street NE., Suite 580, Washington, DC; and have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or 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. 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. gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

David P. Boergers,

Secretary.

[FR Doc. 01–16895 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–395–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

June 29, 2001.

Take notice that on June 21, 2001, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed in Docket No. CP01–395–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon a delivery point in Loudoun County, Virginia, under Columbia's blanket certificate issued in Docket No. CP83–76–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' from the RIMS Menu and follow the instructions (please call (202)208–2222 for assistance).

Columbia states that Washington Gas Light (WGL) notified Columbia by letter dated January 17, 2001 of its intent to abandon its point of delivery from Columbia designated as Preferred Plastics. Columbia also states that the point of delivery proposed for abandonment has not been utilized since 1997, but is listed on WGL's Storage Service Transportation (SST) agreement with Columbia. Columbia further states that the abandonment activities will consist of removing the station in its entirety and capping the tap.

Any questions regarding the application may be directed to Fredric J. George, Attorney, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325–1273, or telephone (304)357–2359 or FAX (304)357–3206.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act. 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.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

David P. Boergers,

Secretary.

[FR Doc. 01–16896 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[CP01–394–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

June 29, 2001.

Take notice that on June 19, 2001, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325–1273, filed in Docket No. CP01–394–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a new delivery point to Knox Energy Cooperation Association Inc., located in Knox County, Ohio, under Columbia

Gas' blanket certificate issued in Docket CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance).

Columbia Gas states that the new point of delivery will consist of installing a tap and a valve and that the estimated quantity of natural gas to be delivered at the new delivery point is 3,600 dekatherms per day. Columbia Gas declares that the estimated cost of construction if $20,890. Columbia Gas states that service is currently being provided by Ohio Cumberland Gas Company (Ohio Cumberland). Columbia Gas asserts that Ohio Cumberland has waived its rights to continue providing the service.

Columbia Gas states that the quantities of natural gas to be provided through the new point of delivery will be within Columbia Gas's authorized level of services. Columbia Gas asserts there is no impact on their existing design day and annual obligations to the customers as a result of the construction and operation of the new delivery point for firm transportation service.

Any questions regarding the application should be directed to Fredric J. George, Attorney, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325–1273, at (304) 357–2359, Telecopier: (304) 357–3206.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 285.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no request is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and instructions on the Commission's web site at *http://www.ferc.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

David P. Boergers,

Secretary.

[FR Doc. 01–16897 Filed 7–5–01; 8:45 am]

BILLING CODE 6710–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2091–000; Docket No. NJ01–7–000]

El Paso Electric Company, Public Service Company of New Mexico, Arizona Public Service Company; Salt River Project Agricultural Improvement and Power District; Notice of Filing

June 29, 2001.

Take notice that on June 28, 2001, Salt River Project Agricultural Improvement and Power District (SRP), El Paso Electric Company (EPE), Public Service Company of New Mexico (PNM), Arizona Public Service Company (APS), (collectively, Palo Verde Participants), Pinnacle West Energy Corporation (PWE), Harquahala Generating Company, LLC (HGC), Duke Energy Maricopa, LLC (DEM) and Mesquite Power, LLC (Mesquite) (all entities collectively, the Parties), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Joint Stipulation Concerning the Common Bus Arrangement at the Palo Verde and Hassayampa Switchyards, pursuant to the Commission's Rule 212 (18 CFR 385.212).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 10, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance). Comments, protest and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

David P. Boergers,

Secretary.

[FR Doc. 01–16931 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC01–43–000, et al.]

Bangor Hydro-Electric Company, et al.; Electric Rate and Corporate Regulation Filings

June 28, 2001.

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

1. Bangor Hydro-Electric Company, Central Maine Power Company, Vermont Electric Power Company

[Docket No. AC01–43–000]

Take notice that Bangor Hydro-Electric Company, Central Maine Power Company, and Vermont Electric Power Company, on May 11, 2001, tendered a request for approval of proposed accounting treatment for costs incurred by these companies associated with their involvement in the establishment of the Northeast Independent Transmission Company, LLC.

Copies of this filing have been served upon the Commission, the Maine Public Utilities Commission, and the Vermont Department of Public Service.

Comment date: July 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Exelon Generation Company, LLC Exelon Power Holdings, LP

[Docket No. EC01–120–000]

Take notice that on June 15, 2001, Exelon Generation Company, LLC (Exelon Generation) and Exelon Power Holdings, LP (EPH) tendered for filing a joint application for authorization pursuant to section 203 of the Federal Power Act to transfer indirect control of jurisdictional facilities, which is being done pursuant to an internal corporate reorganization. The transaction involves the transfer of 100 percent of Exelon Fossil's stock to EPH, which is being formed solely for the purpose of owning

Exelon Fossil in order to obtain state tax benefits related to the repayment of an intercompany obligation.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Indian River Power, LLC

[Docket No. EG01–209–000]

Take notice that on June 22, 2001, Indian River Power, LLC (Indian River) submitted an order issued on June 21, 2001, by the New Jersey Board of Public Utilities under section 32(c) of the Public Utility Holding Company Act of 1935 (PUHCA) finding that allowing the Indian River facility to be an eligible facility is in the public interest. The submission of the New Jersey order completes the application of Indian River.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Vienna Power LLC

[Docket No. EG01–210–000]

Take notice that on June 22, 2001, Vienna Power LLC (Vienna Power) submitted an order issued on June 21, 2001, by the New Jersey Board of Public Utilities under section 32(c) of the Public Utility Holding Company Act of 1935 (PUHCA) finding that allowing the Vienna Power facility to be an eligible facility is in the public interest. The submission of the New Jersey order completes the application of Vienna Power.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Keystone Power, LLC

[Docket No. EG01–227–000]

Take notice that on June 22, 2001, Keystone Power, LLC (Keystone) submitted an order issued on June 21, 2001, by the New Jersey Board of Public Utilities under section 32(c) of the Public Utility Holding Company Act of 1935 (PUHCA) finding that allowing the Keystone facility to be an eligible facility is in the public interest. The submission of the New Jersey order completes the application of Keystone.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Conemaugh Power, LLC

[Docket No. EG01–228–000]

Take notice that on June 22, 2001, Conemaugh Power, LLC (Conemaugh) submitted an order issued on June 21, 2001, by the New Jersey Board of Public Utilities under section 32(c) of the Public Utility Holding Company Act of 1935 (PUHCA) finding that allowing the Conemaugh facility to be an eligible facility is in the public interest. The submission of the New Jersey order completes the application of Conemaugh.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Encogen One Partners, Limited

[Docket No. EG01–243–000]

Take notice that on June 25, 2001, Encogen One Partners, Limited (Encogen One) tendered for filing an application for a determination of exempt wholesale generator status, pursuant to Section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, (PUHCA), 15 U.S.C. 79z–5a(a)(1) (1994), and Subchapter T, Part 365 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Part 365 (2000).

Encogen One is a Texas limited partnership that owns and operates a 257 megawatt gas-fired cogeneration facility located near Sweetwater, Texas. Encogen One states that it will be engaged directly or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning or operating or both owning and operating an eligible facility, and selling electric energy at wholesale.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

8. Brazos Valley Energy LP

[Docket No. EG01–245–000]

On June 25, 2001, Brazos Valley Energy LP (Brazos Valley), a Delaware limited partnership with its principal place of business in Minneapolis, Minnesota, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant intends to construct an approximate 600 MW natural gas-fired combined cycle independent power production facility near the City of Thompsons, Texas (the Facility). The Facility is currently under development and will be owned by Applicant. Electric energy produced by the Facility will be sold by Applicant to the wholesale power market in ERCOT.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

9. Huntington Beach Development, L.L.C.

[Docket No. EG01–246–000]

Take notice that on June 22, 2001, Huntington Beach Development, L.L.C. (Huntington Beach), a Delaware limited liability company with its principal office located at 21730 Newland Street, Huntington Beach, California 92646, filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status pursuant to part 365 of the Commission's regulations.

Huntington Beach states that it plans to repower two electric generation units located in Huntington Beach, California. Huntington Beach will be engaged directly and exclusively in owning the facility, with a capacity of approximately 450 MW, and in selling the output of the facility for resale.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

10. Washington Parish Energy Center, LLC

[Docket No. EG01–247–000]

Take notice that on June 25, 2001, Washington Parish Energy Center, LLC (Washington Parish) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Washington Parish, a Delaware limited liability company, proposes to own and operate an electric generating facility and sell the output at wholesale to electric utilities, an affiliated power marketer and other purchasers. The facility is a 600 MW natural gas-fired, combined cycle generating facility, which is under development in Bogalusa, Louisiana.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

11. PJM Interconnection, L.L.C.

[Docket No. EL01–63–002]

Take notice that on June 25, 2001, PJM Interconnection, L.L.C. (PJM), supplemented its May 21, 2001 compliance filing in order to replace

Sheet No. 54 and submit a ''Third Revised Sheet No. 54'' to the Reliability Assurance Agreement Among Load Serving Entities in the PJM Control Area in order to eliminate the limit on the ''Alternate Value'' calculation, consistent with the Commission's order in PJM Interconnection, L.L.C., 95 FERC ¶ 61,175 (2001).

Comment date: July 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Mirant Chalk Point, LLC, Mirant Mid-Atlantic, LLC, Mirant Peaker, LLC, and Mirant Potomac River, LLC

[Docket No. EL01–97–000]

Take notice that on June 21, 2001, Mirant Chalk Point, LLC, Mirant Mid-Atlantic, LLC, Mirant Peaker, LLC, and Mirant Potomac River, LLC (together, the Mirant Generators) filed an application, pursuant to Schedule 2 of the PJM Interconnection, L.L.C. (PJM) FERC Electric Tariff, Fourth Revised Volume No. 1, for an order establishing the appropriate allocation by PJM of monthly Reactive Supply and Voltage Control (Reactive Power) payments following transfer of ownership of the electric generation facilities located in the Potomac Electric Power Company (PEPCO) zone from PEPCO to the Mirant Generators and to an affiliate of PEPCO. Under PJM's Schedule 2 procedure, if the parties have failed to reach agreement with respect to a reallocation following ownership transfer, the Commission, upon application, is to establish the allocation. As there has been a failure to reach such agreement, the Mirant Generators hereby apply for a Commission order that Reactive Power payments be allocated among the new owners based upon historical energy production at each of the electric generation facilities in the PEPCO zone.

Comment date: July 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Duke Energy Moss Landing, LLC, Duke Energy Morro Bay, LLC, Duke Energy Oakland, LLC, Duke Energy South Bay, LLC

[Docket Nos. ER98–2680–002, ER98–2681–002, ER98–2682–002, ER99–1785–001]

Take notice that on June 25, 2001, Duke Energy Morro Bay, LLC, Duke Energy Moss Landing, LLC, Duke Energy Oakland, LLC and Duke Energy South Bay, LLC (South Bay), filed an updated market power analysis in compliance with the June 25, 1998 and March 31, 1999, orders of the Commission.

Comment date: July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Bridgeport Energy LLC

[Docket Nos. ER98–2783–003]

Take notice that on June 25, 2001, Bridgeport Energy LLC tendered for filing an updated market analysis and report of changes in status in compliance with the Commission's order, issued June 24, 1998.

Comment date: July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. New England Power Company

[Docket No. ER01–818–001]

Take notice that on June 25, 2001, in compliance with the Commission's letter order dated January 26, 2001 and Order No. 614, New England Power Company (NEP), as successor to Montaup Electric Company, submitted for filing a complete revised Service Agreement No. 12 (Eastern Edison Company) under Montaup Electric Company, FERC Electric Tariff, First Revised Volume No. 1.

NEP states that a copy of this filing has been served upon each of the parties that was served by NEP in Docket No. ER01–818–000.

Comment date: July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Cleco Power LLC

[Docket No. ER01–1099–004]

Take notice that Cleco Power LLC, on June 25, 2001, tendered for filing with the Federal Energy Regulatory Commission (Commission) a Notice of Cancellation pursuant to the Commission Order dated March 28, 2001.

Comment date: July 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Oklahoma Gas & Electric Company

[Docket No. ER01–1567–000 and ER01–1568–000 (Not Consolidated)]

Take notice that on June 26, 2001, the Oklahoma Gas and Electric Company and the Municipal Energy Agency of Mississippi filed a motion requesting that the Commission defer until September 1, 2001 the effective date of the ''Power Supply Agreement with the Municipal Energy Agency of Mississippi'' filed by OG&E with the Commission on March 21, 2001 in Docket No. ER01–1567–000. In addition, the parties request that the Commission granted them an extension of time—also to September 1, 2001—to comply with the filing designation requirements set forth in the Commission's Order dated April 11, 2001 in Docket No. ER01–1567–000.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Mill Run Windpower LLC

[Docket No. ER01–1710–001]

Take notice that on June 13, 2001, Mill Run Windpower LLC (Mill Run) petitioned the Federal Energy Regulatory Commission (Commission) on May 7, 2001, tendered for filing an Amendment to Attachment A to Mill Run's application for an order authorizing market-based rates for granting of certain blanket approvals and for the waiver of certain Commission regulations.

Comment date: July 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Boston Edison Company

[Docket No. ER01–2393–000]

Take notice that on June 21, 2001, Boston Edison Company (Boston Edison) tendered for filing a non-firm point-to-point transmission service agreement between Boston Edison and Axia Energy, L.P. (Axia). Boston Edison sates that the service agreement set out the transmission arrangements under which Boston Edison will provide local non-firm point-to-point transmission service to Axia under Boson Edison's open access transmission tariff accepted for filing in Docket No. ER00–2065–000. Boston Edison requests an effective date of August 21, 2001.

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

20. Commonwealth Electric Company

[Docket No. ER01–2392–000]

Take notice that on June 21, 2001, Commonwealth Electric Company (Commonwealth) tendered for filing a firm point-to-point transmission service agreement between Commonwealth and Entergy Nuclear Generating Company (Entergy). Commonwealth states that the service agreement sets out the transmission arrangements under which Commonwealth will provide firm point-to-point transmission service to Entergy under Commonwealth's open access transmission tariff accepted for filing in Docket No. ER97–1341–000, subject to refund and issuance of further orders. Commonwealth requests waiver of the Commission's thirty (30) day notice requirement in order to allow the service agreement to become effective on July 1, 2001.

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

21. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company LLC

[Docket No. ER01–2394–000]

Take notice that on June 21, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply Company) filed First Revised Service Agreement No. 102 to complete the filing requirement for one (1) new Customer of the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Allegheny Energy Supply maintains the effective date of Service Agreement No. 102 of October 26, 2000 for service to NRG Power Marketing, Inc.

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

22. IDACORP Energy, LP

[Docket No. ER01–2395–000]

Take notice that on June 21, 2001, IDACORP Energy, LP has filed a Notice of Succession to adopt the rate schedules of IDACORP Energy Solutions, LP.

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

23. Western Resources, Inc.

[Docket No. ER01–2396–000]

Notice is hereby given that effective June 21, 2001, Western Resources, Inc.''s (WR's) Market Based Rate Tariff Agreement with the Cargill Alliant LLC (Cargill) is to be terminated.

Notice of the proposed termination has been served upon Cargill and the Kansas Corporation Commission.

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

24. Electric City Energy Producers, LLC

[Docket No. ER01–2397–000]

Take notice that on June 22, 2001, Electric City Energy Producers, LLC (ECEP), a Montana limited liability company, 1900 10th St. N.E., Great Falls, MT, 59404, petitioned the Commission for acceptance of Electric City Energy Producers' Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; waiver of certain Commission regulations; and waiver of notice requirement.

ECEP intends to engage in wholesale electric energy and capacity sales. ECEP is owned by the Montana Refining Company and the Warren Administration Company.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Liberty Electric Power, LLC

[Docket No. ER01–2398–000]

Take notice that on June 22, 2001, Liberty Electric Power, LLC (Liberty Electric), with an office located at c/o Orion Power Holdings, Inc., 7 E. Redwood Street, 10th Floor, Baltimore, Maryland 21202, which will own and operate a natural gas-fired electric generating facility to be constructed in the Borough of Eddystone, Pennsylvania submitted for filing with the Federal Energy Regulatory Commission (Commission) its initial FERC Electric Rate Schedule No. 1 which will enable Liberty Electric to engage in the sale of electric energy and capacity and ancillary services at market-based rates.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Louisville Gas And Electric Company/Kentucky Utilities Company

[Docket No. ER01–2399–000]

Take notice that on June 22, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies) tendered for filing an unexecuted unilateral Service Sales Agreement between Companies and Engage Energy America, LLC under the Companies' Rate Schedule Market-Based Sales Service (MBSS).

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. AES Red Oak, L.L.C.

[Docket No. ER01–2401–000]

Take notice that on June 22, 2001, AES Red Oak, L.L.C. petitioned the Commission for acceptance of AES Red Oak, L.L.C. Rate Schedule FERC No. 1, the granting of certain blanket approvals, including authority to sell capacity, energy and ancillary services at wholesale at market-based rates, and the waiver of certain Commission regulations.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Southern California Edison Company

[Docket No. ER01–2402–000]

Take notice that on June 22, 2001, Southern California Edison Company (SCE) tendered for filing an unexecuted Service Agreement for Wholesale Distribution Service between E.F. Oxnard, Inc. (Oxnard) and SCE. This Agreement specifies the terms and conditions pursuant to which SCE will provide Distribution Service for up to 47.7 MW of power produced by Oxnard's generating facility. The facilities necessary to accommodate Oxnard are provided for in the California Public Utilities Commission's (CPUC) jurisdictional Interconnection Facilities Agreement.

SCE respectfully requests that the agreement become effective on May 25, 2001.

Copies of this filing have been served on the State of California Public Utilities Commission and Oxnard.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Virginia Electric and Power Company

[Docket No. ER01–2403–000]

Take notice that on June 22, 2001, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing an executed Generator Interconnection and Operating Agreement (Interconnection Agreement) with Tractebel North America Services, Inc. for the Tractebel Phase I Project. The Interconnection Agreement sets forth the terms and conditions under which Dominion Virginia Power will provide interconnection service for the project.

Dominion Virginia Power requests an effective date of August 22, 2001 for the Interconnection Agreement.

Copies of the filing were served upon Tractebel North America Services, Inc. and the Virginia State Corporation Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. Automated Power Exchange, Inc.

[Docket No. ER01–2404–000]

Take notice that on June 22, 2001, Automated Power Exchange, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) a revision to the rate schedule under which APX offers power exchange services in the APX California Market.

APX requests that the revision to the rate schedule become effective on June 22, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. Southern Company Services, Inc.

[Docket No. ER01–2406–000]

Take notice that on June 22, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), filed five (5) service agreements for long-term firm point-to-point transmission service agreements with PECO Power Team (regarding OASIS Request 132540); PECO Power Team (regarding OASIS Request 256883); Dynegy Power Marketing, Inc. (regarding OASIS Requests 250005); Southern Wholesale Energy (regarding OASIS Requests 214515 and 214516); and Southern Wholesale Energy (regarding OASIS Requests 214517 and 214518) under the Open Access Transmission Tariff (Tariff) of Southern Company (FERC Electric Tariff, Fourth Revised Volume No. 5). Additionally, SCS, acting on behalf of Southern Company, filed one (1) non-firm point-to-point transmission service agreement with Calpine Energy Services, LP under the Tariff.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. New England Power Company

[Docket No. ER01–2407–000]

Take notice that on June 22, 2001, New England Power Company (NEP), as successor in interest to Montaup Electric Company (Montaup) submits for filing notices of cancellation of four service agreements under Montaup's FERC Electric Tariff, First Revised Volume No. 1. NEP is canceling these service agreements because service is no longer provided under them.

The four service agreements are:

Service Agreement No. 1 (Fall River Electric Light Company)

Service Agreement No. 13 (Blackstone Valley Electric Company)

Service Agreement No. 14 (Newport Electric Corporation)

Service Agreement No. 15 (Eastern Edison Company)

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. Carolina Power & Light Company

[Docket No. ER01–2408–000]

Take notice that on June 22, 2001, Carolina Power & Light Company (CP&L) amended the Service Agreement originally filed in this docket with Washington Gas Energy Services, Inc. to reflect the correct Service Agreement number. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of March 28, 2001 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

34. Florida Power Corporation

[Docket No. ER01–2409–000]

Take notice that on June 22, 2001, Florida Power Corporation (FPC) filed a Service Agreement with Dynegy Power Marketing, Inc. under FPC's Market-Based Wholesale Power Sales Tariff (SM–1), FERC Electric Tariff No. 10.

FPC is requesting an effective date of June 22, 2001 for this Agreement.

A copy of this filing was served upon the Florida Public Service Commission.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

35. UtiliCorp United Inc.

[Docket No. ER01–2410–000]

Take notice that on June 22, 2001, UtiliCorp United Inc. (UtiliCorp) tendered for filing Service Agreement No. 93 under UtiliCorp's FERC Electric Tariff, Third Revised Volume No. 25, a non-firm point-to-point transmission service agreement between UtiliCorp's WestPlains Energy-Colorado division and El Paso Merchant Energy, L.P.

UtiliCorp requests an effective date for the service agreement of June 5, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

36. UtiliCorp United Inc.

[Docket No. ER01–2411–000]

Take notice that on June 22, 2001, UtiliCorp United Inc. (UtiliCorp) tendered for filing Service Agreement No. 92 under UtiliCorp's FERC Electric Tariff, Third Revised Volume No. 25, a short-term firm point-to-point transmission service agreement between UtiliCorp's WestPlains Energy-Colorado division and El Paso Merchant Energy, L.P.

UtiliCorp requests an effective date for the service agreement of June 5, 2001.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

37. Southern Company Services, Inc.

[Docket No. RT01–77–000]

Take notice that on June 20, 2001, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies) tendered for filing with the Federal Energy Regulatory Commission (Commission), a supplement to its Status Report filed on May 14, 2001, informing the Commission that additional participants had executed memoranda of understanding to participate in the development of an RTO.

Comment date: July 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–16892 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–388–000]

Transcontinental Gas Pipe Line Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Momentum Expansion Project and Request for Comments on Environmental Issues

June 29, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Momentum Expansion Project (Momentum Project) involving construction and operation of facilities by Transcontinental Gas Pipe Line Corporation (Transco) in several counties in North Carolina, South Carolina, Georgia, Alabama, and Mississippi.[1] These facilities would consist of about 99.9 miles of 42- and 48-inch diameter pipeline, 78,525 horsepower (hp) of additional compression, and installation of gas coolers at another compressor station. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Transco provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.gov*).

[1] Transco's application was filed with the Commission under Section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

Summary of the Proposed Project

Transco wants to expand the capacity of its mainline pipeline system in Mississippi, Alabama, Georgia, South Carolina and North Carolina to transport an additional 525,896 dekatherms per day of new firm transportation capacity. Transco seeks authority to construct and operate the following facilities:

- 9.22 miles of 42-inch-diameter pipeline loop from milepost (MP) 632.89 on Transco's mainline in Amite County, Mississippi to MP 642.11 in Pike County, Mississippi (Magnolia Loop).
- 7.90 miles of 42-inch-diameter pipeline loop from MP 732.65 on Transco's mainline in Jones County, Mississippi to MP 740.55 in Jones County (Seminary Loop).
- 16.06 miles of 42-inch-diameter pipeline loop from MP 756.94 on Transco's mainline in Clarke County, Mississippi to MP 773.00 in Clarke County, Mississippi (Hale Loop).
- 30.00 miles of 48-inch-diameter pipeline loop from MP 860.78 on Transco's mainline in Perry County, Alabama to MP 890.78 in Chilton County, Alabama (Jones Loop).
- 3.49 miles of 42-inch-diameter pipeline loop from MP 905.74 on Transco's mainline in Chilton County, Alabama to MP 909.23 in Chilton County, Alabama (Richville Loop).
- 21.54 miles of 42-inch-diameter pipeline loop from MP 926.87 on Transco's mainline in Coosa County, Alabama to MP 948.41 in Tallapoosa County, Alabama (Kellyton Loop).
- 7.51 miles of 42-inch-diameter pipeline loop from MP 1,124.74 on Transco's mainline in Madison County, Georgia to MP 1,132.25 in Elbert County, Georgia (Bowman Loop).
- 4.18 miles of 42-inch-diameter pipeline loop from MP 1,201.71 on Transco's mainline in Spartanburg County, South Carolina to MP 1,205.89 in Spartanburg County, South Carolina (Greenville Loop).
- The installation of one new 15,00 horsepower compressor at Transco's existing Compressor Station No. 90 in Marengo County, Alabama.
- The installation of one new 15,000 horsepower compressor at Transco's existing Compressor Station No. 105 in Coosa County, Alabama.
- The installation of one new 15,000 horsepower compressor at Transco's existing Compressor Station No. 110 in Randolph County, Alabama.
- The uprating of an existing 18,975 horsepower compressor (Unit No. 3) to 22,500 horsepower at Transco's existing Compressor Station No. 115 in Coweta County, Georgia.
- The installation of one new 15,000 horsepower compressor at Transco's existing Compressor Station No. 125 in Walton County, Georgia.
- The installation of gas coolers for existing compressor No. 18 at Transco's existing Compressor Station No. 130 in Madison County, Georgia.
- The installation of one new 15,000 horsepower compressor with gas coolers and the installation of high-pressure fuel injection on existing compressor No. 10 at Transco's existing Compressor Station No. 160 in Rockingham County, North Carolina.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed loops would require about 1,110 acres of land. Following construction, about 430 acres would be maintained as new pipeline right-of-way. The remaining 680 acres of land would be restored and allowed to revert to its former use.

Installation of new facilities at the eight existing compressor stations would require a total of about 29 acres within the existing facility sites.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspaper, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis.

- Geology and Soils
  - — Erosion control and right-of-way restoration.
  - —Potential for mixing of topsoil and subsoil.
- Water Resources and Wetlands
  - —A total of 52 perennial waterbodies would be crossed.
  - —A total of 249 wetlands, including 20.6 acres of forested and 35.5 acres of non-forested wetlands along the construction right-of-way, would be crossed.
- Biological Resources
  - —Impacts on 34 federally threatened and/or endangered species that may be present in the project area.
  - —Impacts on about 484 acres of upland forest and scrub-shrub habitat.
- Cultural Resources
  - —Impacts on prehistoric and historic sites
  - —Native American concerns
- Land Use
  - —Impacts on about 504 acres of rangeland.
  - —Impact on residential areas.
  - —Visual effects of the aboveground facilities on surrounding areas.
  - —Impacts on 12 residents within 50 feet of the proposed construction area.
- Air and Noise Quality
  - —Impacts on local air and noise environment as a result of operation of the new compressors.
- Alternatives
  - —Evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.
- Nonjurisdictional Facilities
  - —We have made a preliminary decision to not address the impacts of the nonjurisdictional facilities. We will briefly describe their location and status in the EA.

Public Participation

You can make a difference by providing us with specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas/Hydro Group.
- Reference Docket No. CP01–388–000.
- Mail your comments so that they will be received in Washington, DC on or before July 30, 2001.

Comments, protests and interventions may also be filed electronically via the Internet in lieu of paper. See18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filing by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this preceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.gov) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet webite provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–16894 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

June 29, 2001.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12026–000.

c. *Date filed:* May 24, 2001, supplemented June 25, 2001.

d. *Applicant:* Pine Creek Development, LLC.

e. *Name and Location of Project:* The Pine Creek Mine Hydroelectric Project would be located on Morgan and Pine Creeks in Inyo County, California.

f. *Filed Pursuant to:* Federal Power Act, 16 USC §§ 791(a)–825(r).

g. *Applicant Contact:* Mr. Lynn Goodfellow, Pine Creek Development LLC, P.O. Box 1538, Bishop, CA 93515, (760) 387–2501.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the link to the User's Guide. If you have not yet established an account, you will need to create a new account by clicking on ''Login to File'' and then ''New User Account.''

Please include the project number (P–12026–000) on any comments or motions filed. The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project would consist of: (1) A proposed diversion structure at approximate elevation 9,000 feet on Pine Creek; (2) a proposed diversion structure at elevation 8,400 feet, at the entrance to the Brownstone Mine, to capture water discharging from the Mine; (3) a proposed 2,500-foot-long, 3-foot-diameter steel penstock; (4) a proposed powerhouse containing a 4-megawatt generating unit; (5) a proposed tailrace discharging water into Morgan Creek at elevation 7,840 feet; (6) a proposed 200-foot-long transmission line; and (7) appurtenant facilities.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (please call (202) 208–2222 for assistance).

A copy is also available for inspection and reproduction at the address in item g above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rule of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE TO INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary. Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file

comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–16898 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

June 29, 2001.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Exempt

1. CP01–375–000, 6–1–01, Elizabeth Kontz
2. CP98–150–000, 6–6–01, Nita M. Lowey
3. Project No. 2835–005, 06–26–01, Jack Hannula
5. Project No. 2030–035, 06–21–01, Nan Allen
6. Project No. 2042, 06–25–01, Timothy B. Bachelder
7. Project No. 2042, 06–25–01, Patricia Weslowski
8. CP01–361–000, 06–22–01, Mike Kain
9. CP01–260–000, 06–22–01, Kent Murphy
10. CP00–141–000, 06–22–01, Juan Polit
11. Project No. 11897–000, 06–14–01, The Honorable Wally Herger

David P. Boergers,

Secretary.

[FR Doc. 01–16893 Filed 7–5–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–6]

Agency Information Collection Activities Under OMB Review; Recordkeeping Requirements for Producers of Pesticides Under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as Amended (FIFRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507 (a)(1)(D)), this notice announces that the Information Collection Request (ICR) for recordkeeping requirements for producers of pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) as described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument, *i.e.,* forms.

DATES: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer, 202–260–2740, and refer to EPA ICR No. 0143.07

SUPPLEMENTARY INFORMATION:

Title: Recordkeeping Requirements for Producers of Pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA); (OMB Control No. 2070–0028; EPA ICR No. 0143.07). This is a request for an extension of a currently approved collection.

Abstract: Producers of pesticides must maintain certain records with respect to their operations and make such records available for inspection and copying as specified in section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and in regulations at 40 CFR part 169. This information collection is mandatory under FIFRA section 8. It is used by the Agency to determine compliance with the Act. The information is used by EPA Regional pesticide enforcement and compliance staffs, OECA, and the Office of Pesticide Programs (OPP) within the Office of Prevention, Pesticides and Toxic Substances (OPPTS), as well as the U.S. Department of Agriculture (USDA), the Food and Drug Administration (FDA), other Federal agencies, States under Cooperative Enforcement Agreements, and the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 13, 2001 (66 FR 10019), and no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to be an average of 120 minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able

to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Pesticide Producers.

Estimated Number of Respondents: 12,336.

Frequency of Response: 1.

Estimated Total Annual Hour Burden: 24,672 hours.

Estimated Total Annualized Non-Labor Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0143.07 and OMB Control No. 2070–0028 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OEI Collection Strategies Division (2822), 1200 Pennsylvania Avenue, NW, Washington, DC 20460;
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: June 25, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–16943 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984, EPA ICR Number 1050.07 and OMB Control Number 2060–0121 expiring on June 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR Number 1050.07 and OMB Control Number 2060–0121, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *farmer.sandy@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR Number 1050.07. For technical questions about the ICR contact Everett Bishop, phone: (202) 564–7032; fax: (202) 564–0050 or email: *bishop.everett@epa.gov.*

SUPPLEMENTARY INFORMATION

Title: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984, EPA ICR Number 1050.07 and OMB Control Number 2060–0121 expiring on June 30, 2001. This is a request for extension of a currently approved collection.

Abstract: Volatile Organic Compounds (VOCs) from storage vessels cause or contribute to air pollution that may reasonably be anticipated to endanger public health. VOC emissions are the result of evaporation of volatile organic liquids contained in the storage vessels. The control of VOCs requires not only the installation of properly designed equipment, but also the maintenance and operation of that equipment. Information generated by the recordkeeping and reporting requirements is used by the Agency to ensure that facilities affected by this New Source Performance Standards (NSPS) continue to operate the control equipment properly, thereby minimizing VOCs emissions into the atmosphere. Responses to the collection of information are required to assure the control equipment is operated and maintained properly. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on December 22, 2000, 65 FR 80854; no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 75 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Predominately Petroleum Synthetic Organic Manufacturing.

Estimated Number of Respondents: 157.

Frequency of Response: Annually and varies.

Estimated Total Annual Hour Burden: 39,139.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR Number 1050.07 and OMB Control Number 2060–0121 in any correspondence.

Dated: June 28, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–16944 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; State Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCP) Under the Clean Air Act as Amended in 1990

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: State Small Business Stationary Source Technical and Environmental Compliance Assistance Program Annual Reporting Form, OMB Control Number 2060–0337, expiration date September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1748.03 and OMB Control No. 2060–0337, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at Farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1748.03. For technical questions about the ICR contact Angela Suber at 202–260–7205.

SUPPLEMENTARY INFORMATION

Title: State Small Business Stationary Source Technical and Environmental Compliance Assistance Program Annual Reporting Form, OMB Control Number 2060–0337, EPA ICR Number 1748.03, expiration date September 30, 2001. This is an extension of a currently approved collection.

Abstract: As part of the Clean Air Act Amendments of 1990, the U.S. Congress included, as part of Section 507, the requirement that each state establish a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBTCAP) to assist small businesses in complying with the Act. EPA must provide the Congress with periodic reports from the EPA Small Business Ombudsman (SBO) on these programs, including their effectiveness, difficulties encountered, and other relevant information. Each state assistance program will submit requested information to EPA for compilation and summarization.

This collection of information is mandatory under Section 507(a), (d), and (e) of the Clean Air Act as amended in 1990, Public Law 101–549, November 15, 1990. This Act directs EPA to monitor the SBTCPs and to provide a report to Congress. This responsibility has been delegated to the EPA SBO. Response to the collection is not required to obtain or retain a benefit. Information in the annual Report to Congress is aggregated and is not of a confidential nature. None of the information collected by this action results in or requests sensitive information of any nature from the states.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 27, 2001, (66 FR16671); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 80 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: state, local, or tribal government.

Estimated Number of Respondents: 53.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 2120 hours.

Estimated Total Annualized Capital, O&M Cost Burden: 0

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No 1748.03 and OMB Control No. 2060–0337 in any correspondence.

Dated: June 25, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–16945 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; New Source Performance Standards (NSPS) for Sewage Treatment Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standards (NSPS) for Sewage Treatment Plants, Subpart O; OMB Control No. 2060–0035; EPA ICR No. 1063.08; expiration date June 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1063.08 and OMB Control No. 2060–0035, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue,

NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at *Farmer.Sandy@epamail.epa.gov* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1063.08. For technical questions about the ICR contact Kelli A. Smith at (202) 564–2257.

SUPPLEMENTARY INFORMATION

Title: New Source Performance Standards (NSPS) for Sewage Treatment Plants, Subpart O (OMB Control No. 2060–0035; EPA ICR No. 1063.08) expiring June 30, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR part 60.150, *et. seq.,* Subpart O, New Source Performance Standards for sewage sludge treatment plant incinerators.

The control of emissions of particulate matter from sewage treatment plant incinerators requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Particulate matter emissions from sewage treatment plant incinerators are the result of the physical and chemical characteristics of the sludge feed and fuel use, the excess air rate, the temperature profile within the incinerator, the pressure drop across the control device, and operating procedures. These standards rely on the reduction of particulate matter emissions by wet scrubbers.

In order to ensure compliance with these standards, adequate recordkeeping is necessary. In the absence of such information, enforcement personnel would be unable to determine whether the standards, that are protective of public health, are being met on a continuous basis, as required by the Clean Air Act.

These standards require initial notification reports with respect to construction, modification, reconstruction, startups, shutdowns, and malfunctions. The standards also require reports on initial performance tests and semiannual reports of noncompliance.

Under the standard, the data collected by the affected industry is retained at the facility for a minimum of two (2) years and made available for inspection by the Administrator.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 15, 2000 (65 FR 55955); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 31 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators Sewage Sludge Treatment Plants.

Estimated Number of Respondents: 154.

Frequency of Response: semi-annually.

Estimated Total Annual Hour Burden: 9,089.

Estimated Total Annualized Capital, O &M Cost Burden: $5,845,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1063.08 and OMB Control No. 2060–0035 in any correspondence.

Dated: June 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–16946 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7007–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Section 123

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Section 123, EPA ICR # 1425.05, OMB Control #2050–0077, expiring June 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1425.05 and OMB Control No. #2050–0077, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION: For a copy of the ICR, call Sandy Farmer at EPA, (202) 260–2740, or download off the Internet at *http://www.epa.gov/icr/icr.htm* and refer to EPA ICR No. 1425.05. For technical questions about the ICR contact Lisa Boynton on (703) 603–9052.

SUPPLEMENTARY INFORMATION

Title: Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Section 123, OMB Control #2050–0077, EPA ICR #1425.05, expiring June 30, 2001. This is a request for extension of a currently approved ICR.

Abstract: The Agency requires applicants for reimbursement under this

program authorized under Section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on November 11, 2000, (65 FR 69510) and the comment period was extended on March 19, 2001, (66 FR 15427). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State, Local, or Tribal Government.

Estimated Number of Respondents: 200.

Frequency of Response: When costs are incurred.

Estimated Total Annual Hour Burden: 1800 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1425.05 and OMB Control No. #2050–0077 in any correspondence.

Dated: June 20, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–16948 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6619–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

DRAFT EISs

ERP No. D–AFS–J08025–CO Rating EC2, Nucla-Telluride Transmission Line Project, Permit Approval and Funding for Construction and Operation of a 115 kV Transmission Line between the Nucla Substation in Montrose County and either the Telluride or Sunshine Substations in San Miguel County, CO.

Summary: EPA expressed environmental concern regarding impacts to wetlands and waters of the United States.

ERP No. D–AFS–J65336–MT Rating EC2, Lolo National Forest, Big Game Winter Range and Burned Area Management, Restoration, Prevention and Cooperation, Implementation, Missoula, Lake, Mineral, Sanders, Granite, Powell, Lewis and Clark, Flathead and Ravalli Counties, MT.

Summary: EPA expressed environmental concerns regarding potential herbicide transport to surface and ground waters. EPA recommended a monitoring plan for herbicides in sensitive waters to assess effectiveness of mitigation measures and that the FEIS include information regarding ground water depths in areas to be treated.

ERP No. D–AFS–J65341–MT Rating EC2, Little Bear-Wilson Timber Sale and Road Decommission Project, Implementation, Gallatin Range, Gallatin National Forest, Bozeman Ranger District, Gallatin County, MT.

Summary: EPA expressed environmental concerns regarding the inclusion of timber harvest units in the degraded Wilson Creek Drainage, and recommended that additional mitigation be provided for reduction in sediment production or that these harvest units be dropped. EPA also believes additional information should be presented regarding aquatic monitoring, and impacts to the threatened lynx to fully assess and mitigate all potential impacts of the management actions.

ERP No. D–COE–G39033–LA Rating EC2, West Bay Sediment Diversion Channel Project, Construction, Funding, Plaquemines Parish, LA.

Summary: EPA has expressed environmental concerns and has requested additional information on project site selection, water quality, CWA Section 404b1 assessment, cost, comparative impact analysis, cumulative benefits, and cost sharing requirements.

ERP No. D–EDA–B99003–CT Rating EC2, Adriaen's Landing Project, Development from Columbus Boulevard south of the Founders Bridge and Riverfront Plaza, City of Hartford, CT.

Summary: EPA expressed concerns about the air quality analysis, and suggested measures to control construction vehicle emissions, traffic, odor, and requested a more comprehensive analysis of neighborhood noise impacts.

ERP No. D–FHW–F40391–IL Rating EC2, Illinois Route 3 (FAP–14) Relocation, Improved Transportation from Sauget to Venice, Funding, NPDES Permit and COE Section 404 Permit, Madison and St. Clair Counties, IL.

Summary: EPA agreed with the project's purpose and need, range of alternatives, and selection of a preferred alternative. EPA expressed concerns that the existing wetlands compensation site falls approximately 20 acres short of providing the full amount of compensatory wetlands needed to account for the project's anticipated wetland impacts.

ERP No. D–TVA–E65057–00 Rating EC2, Guntersville Reservoir Land Management Plan, Implementation, Proposal to Update a 1983 Land Allocation Plan, Jackson and Marshall Counties, AL and Marion County, TN.

Summary: EPA expressed concerns regarding the potential use and effects of timber harvesting on TVA reservoir lands and the potential for TVA's selection of Alternative B1 as their preferred alternative. EPA environmentally prefers B2 since it proposes less reservoir development.

Overall, we believe that TVA's economic stimulation and public benefits goals should still be contained within the context of environmental protection.

ERP No. D–UAF–D11048–VA Rating EC2, Initial F–22 Operational Wing Beddown Replacing the Existing F–15C at Langley (AFB) or one of the Four Alternative Locations, VA.

Summary: EPA expressed concern due to issues relating to noise, environmental justice, transportation, floodplains, and pollution prevention. EPA also recommended that the Air Force incorporate pollution prevention practices into the design of the proposed plan.

ERP No. DS–SFW–B82009–00 Rating EC2, Lake Champlain Sea Lamprey Control Long-Term Program, Proposal is to Achieve Fish Population, Recreational Fishery and Economic Benefits Associated with Reduced Sea Lamprey Predation Implementation, Clinton, Essex and Washington Counties, NY and Addison and Chittenden Counties, Counties, VT.

Summary: EPA expressed concerns about impacts to non-target species, requested information to describe how new waterbodies would be analyzed under NEPA, requested information to further explain the project purpose and need, suggested that the program include provisions for periodic re-evaluation, and highlighted the possibility that a NPDES permit may be required for lampricide applications.

Final EISs

ERP No. F–AFS–J65300–CO

Upper Blue Stewardship Project, Implementation of Vegetation Management, Travel Management, Designation of Dispersed Camping Sites, White River National Forest, Dillon Ranger District, Summit County, CO.

Summary: EPA's remaining concern is with development of three permanent clearings for ski runs in a lynz movement corridor.

ERP No. F–AFS–J65328–SD

Jasper Fires Value Recovery Area Project, Implementation, Revised Forest Plan for the Black Hills National Forest, Hell Canyon and Mystic Ranger District, Custer and Pennington Counties, SD.

Summary: EPA has remaining concerns about potential impacts to groundwater from activities in fractured limestone landscapes.

ERP No. F–AFS–J65329–MT

Maudlow—Toston Post-Fire Salvage Sale, Harvesting Burnt Timber, Implementation, Helena National Forest, Townsend Ranger District, Broadway County, MT.

Summary: EPA expressed concerns about the dropping of road decommissioning from the selected alternative and loss of the associated beneficial watershed effects, and the lack of Hydrologic/aquatics monitoring for measurement to post-fire and post-salvage harvest aquatic conditions. EPA requested additional information to fully assess and mitigate potential impacts.

ERP No. F–USA–A10073–00

Programmatic EIS—Transportable Treatment Systems for Non-Stockpile Chemical Warfare Material (CWM), To Destroy Non-Stockpile in order to Protect Human, Health, Safety and the Environment, To Comply with the International Treaty, Nationwide.

Summary: EPA expressed environmental concerns regarding the risks and monitoring during the treatment of CWM. EPA recommended that DOD should address these issues at the site-specific level.

Dated: July 2, 2001.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 01–16940 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6619–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements

Filed June 25, 2001 Through June 29, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010238, Final EIS, AFS, OR, Tower Fire Recovery Project, Restoration and Salvage, Implementation, Umatilla National Forest, North Fork John Day Ranger District, Umatilla and Grant Counties, OR, Due: August 06, 2001, Contact: Janel Lacey (541) 427–5394.

EIS No. 010237, Final Supplement, JUS, TX, AZ, NM, CA, Programmatic—Final Supplemental EIS US Naturalization Service (INS) and US Joint Task Force-Six (JTF–6) Activities Along the US/Mexico Border from Brownsville Texas to San Diego, California, Due: August 06, 2001, Contact: Eric Verwers (817) 978–0202.

EIS No. 010239, Draft EIS, FHW, AL, Memphis to Atlanta Corridor, To Construct from I65 in North Central Alabama Eastward to the Georgia State Line, COE Section 404, US Coast Guard and NPDES Permits, Limestone, Morgan, Madison, Jackson, Marshall, Dekalb and Cherokee Counties, AL, Due: August 20, 2001, Contact: Joe D. Wilkerson (334) 223–7370.

EIS No. 010240, *Draft EIS, SFW, WA,* Icicle Creek Restoration Creek Project, To Protect and Aid in the Recovery of Threatened and Endangered Fish, Leavenworth National Fish Hatchery (LNFH), COE Section 404 and NPDES Permits, Leavenworth, WA, Due: August 20, 2001, Contact: Anne Badgley (509) 548–7641.

Dated: July 2, 2001.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 01–16941 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00727; FRL–6790–6]

Pesticide Program Dialogue Committee (PPDC); Inert Disclosure Stakeholder Workgroup; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces a conference call meeting of the Inert Disclosure Stakeholder Workgroup. The workgroup was established to advise the Pesticide Program Dialogue Committee on ways of making information on inert ingredients more available to the public while working within the mandates of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and related Confidential Business Information concerns.

DATES: The meeting will be held by conference call on Wednesday, July 25, 2001, from 11 a.m. to 2 p.m. EST.

ADDRESSES: Members of the public may listen to the meeting discussions on site at: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; conference room 1123. Seating is limited and will be available on a first come first serve basis.

FOR FURTHER INFORMATION CONTACT: By mail: Cameo Smoot, Office of Pesticide Programs (7506C), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460,

telephone: (703) 305–5454. Office locations: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; e-mail smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general and to persons interested in the availability of public information regarding inert or ''other'' ingredients in pesticide products regulated under FIFRA.

The Inert Disclosure Stakeholder Workgroup was established to advise the U. S. Environmental Protection Agency, through the Pesticide Program Dialogue Committee (PPDC), on potential measures to increase the availability to the public of information about inert ingredients (also called ''other ingredients'') under FIFRA. Among the factors the workgroup has been asked to consider in preparing its recommendations are: Existing law regarding inert ingredients and Confidential Business Information (CBI); current Agency processes and policies for disseminating inert ingredient information to the public, including procedures for the protection of CBI; informational needs for a variety of stakeholders; and business reasons for limiting the disclosure of inert ingredient information.

The Inert Disclosure Stakeholder Workgroup is composed of participants from the following sectors: environmental/public interest and consumer groups; industry and pesticide users; Federal, State and local governments; the general public; academia and public health organizations.

The Inert Disclosure Stakeholder Workgroup meeting is open to the public. Written public statements are also welcome and should be submitted to the Office of Pesticide Programs' administrative docket OPP–00727. Any person who wishes to file a written statement can do so before or after the conference call. These statements will become part of the permanent file and will be provided to the workgroup members for their information. If you have any questions about the workgroup, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. 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/.

For general background information about the Inert Disclosure Stakeholder Workgroup, its mission and a list of its members, go to http://www.epa.gov/pesticides/ppdc/inert/.

2. *In person*. The Agency has established an administrative record for this workgroup under docket control number OPP–00727. The administrative record consists of the workgroup documents including discussion papers, meeting agenda, as well as comments submitted to the workgroup by members of the public. 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, which includes printed, paper versions of any electronic comments that may be 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.

III. 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–00727 in the subject line on the first page of your correspondence.

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 and/or data electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described in Units III. 1. and 2. 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–00727. Electronic comments may also be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides, Inerts, PPDC.

Dated: June 26, 2001.

Anne E. Lindsay,

Acting Director, Office of Pesticide Programs.

[FR Doc. 01–16958 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1027; FRL–6784–9]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1027, must be received on or before August 6, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1027 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460; telephone number: (703) 308–3194; e-mail address: brothers.shaja@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1027. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1027 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1027. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 20, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioners. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Interregional Reseach Project Number 4 (IR-4)

1E6224 and 1E6233

EPA has received pesticide petitions 1E6224 from the Interregional Research Project Number 4 (IR-4), 681 US Highway #1 South, North Brunswick, NJ 08902–3390 and 1E6233 from the Taipai Economic and Cultural Representative Office, 4301 Connecticut Ave., NW., Suite 420, Washington, DC 20008 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180.503 by establishing tolerances for residues of the fungicide, cymoxanil, 2-cyano-N-(ethylamino)carbonyl-2-(methoxyimino)acetamide in or on the following raw agricultural commodities (RACs): PP 1E6224 proposes to establish a tolerance on hops at 1.0 part per million (ppm). PP 1E6233 proposes to establish a tolerance on imported lychee at 1.0 ppm. This notice includes a summary of the petitions prepared by DuPont Agricultural Products, PO Box 80038, Wilmington, DE 19880-003. EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

A. Residue Chemistry

1. *Plant metabolism*. The plant metabolism of cymoxanil is adequately understood in the crops of potatoes, tomatoes, and lettuce.

2. *Analytical method*. An analytical enforcement method is available for determining cymoxanil in plant residues using HPLC with UV detection.

3. *Magnitude of residues*. The magnitude of residues are adequately understood for lychee and hops.

B. Toxicological Profile

1. *Acute toxicity*. A battery of acute toxicity tests on technical cymoxanil and its Toxicity Categories are as follows:

Study Type	Species	Results	Toxicity Category
Oral LD_{50}	Rat	960 mg/kg	Category III
Dermal LD_{50}	Rabbit	≤2000 mg/kg	Category III
Inhalation LC_{50}	Rat	5.06 mg/L	Category IV
Eye irritation	Rabbit	Slight Irritant	Category IV
Dermal irritation	Rabbit	Not an Irritant	Category IV
Dermal sensitization	Guinea pig	Not a sensitizer	

An acute neurotoxicity study was not required with cymoxanil; no short term or subchronic studies have been observed.

2. *Genotoxicity*. Cymoxanil was tested in a battery of assays to evaluate genotoxicity and chromosome aberrations; the results are as follows:

Study	Test Organisms	Results
Bacterial gene mutation	*Salmonella typhimurium*	Negative
Mammalian gene mutation *in vitro*	CHO/HGPRT	Negative
Mammalian chromosome aberrations*in vitro*	CHO	Positive
Mammalian chromosome aberrations *in vivo*	Mouse micronucleus	Negative
Unscheduled DNA synthesis *in vitro*	Primary rat hepatocytes	Negative
Unscheduled DNA synthesis *in vivo* and Spermatocytes	Primary rat hepatocytes	Negative

Based on the weight-of-evidence, cymoxanil is not considered to be genotoxic or clastogenic.

3. *Reproductive and developmental toxicity*. The results of a series of studies showed no indication of reproductive or developmental hazards associated with cymoxanil.

In a 2–generation cymoxanil rat reproduction study, the NOAEL for both parents and offspring was approximately 7 milligrams/kilogram/day, based on decreased body weight, weight gain and food consumption in adults and decreased pup weight in offspring at 32 mg/kg/day. There were no reproductive or fertility effects. Since offspring effects occurred only in the presence of maternal toxicity, it is considered a secondary effect to the health effects on the dam.

The developmental studies conducted in rats demonstrated a NOAEL of 10 mg/kg/day, and a LOAEL of 25 mg/kg/day for both adult and developmental effects. Maternal effects in rats included decreased weight, weight gain, and food consumption. Developmental effects were increases in fetal variations, which were the result of generalized delays in ossification, and overall malformations, although malformations detected were not dose related.

In rabbits, several developmental toxicity studies were conducted. Based on the weight-of-evidence of all three studies, there was no unique sensitivity of perinatal animals to the effects of cymoxanil, nor any anomalies of the fetal nervous system at maternally toxic doses up to and including 32 mg/kg/day.

4. *Subchronic toxicity*. Subchronic (90–day) feeding studies were conducted with rats, mice, and dogs. In addition, the following subchronic feeding studies were conducted: a 90–day in rats to evaluate neurotoxicity and 28–day rats and mice to evaluate immunotoxicity. A 28–day dermal study was also conducted in rats.

In a subchronic toxicity/neurotoxicity study in rats with cymoxanil, the NOAEL of 47.6 mg/kg/day in males was based on decreased body weights, and minimal to mild testicular and epididymal effects at higher concentrations. In females, the NOAEL of 59.9 mg/kg/day was based on effects on body weight, weight gain, and food efficiency at higher levels.

The subchronic NOAEL for male mice administered cymoxanil was 8.25 mg/kg/day based on body weight and weight gain effects at 82.4 mg/kg/day and above. The NOAEL for females was 121 mg/kg/day based on increases in spleen and liver weights at 433 mg/kg/day and above.

For cymoxanil, dogs were the most sensitive species in subchronic studies. Reduced body weight gain and/or food consumption was observed at 3 mg/kg/day or greater in females and 5 mg/kg/day and above in males. Both sexes had RBC changes (decreased RBC counts, Hb, and/or Hct), increased incidence of ketonuria at the intermediate and high concentration, and changes in serum chemistry (decreases in various electrolytes and proteins) at the high dose. Males had testicular and epididymal effects at the highest concentration, 11 mg/kg/day (raised from 5 mg/kg/day at week 3); this was considered to be retardation of development due to markedly reduced body weight in this group. The NOAEL for males was 3 mg/kg/day. There was no NOAEL in female dogs in the 90–day study. Although a NOAEL was not established in the dog subchronic study, 3 mg/kg/day was found to be a NOAEL in a subsequent chronic study in dogs.

Subchronic (28–day) studies were conducted in rats and mice to evaluate the immunotoxicity potential of cymoxanil. Cymoxanil was not immunotoxic up to and including the highest dose tested (HDT) which was 1,600 ppm in rats (108 and 117 mg/kg/day in males and females, respectively), 1,200 ppm (218 mg/kg/day) in male mice, and 2,400 ppm (552 mg/kg/day) in female mice.

Cymoxanil was applied to the skin of rats 6–hours/day for 28 days at doses of 0, 50, 500, and 1,000 mg/kg/day. There were no effects at any dose tested. The 28–day dermal NOAEL was 1,000 mg/kg/day, the HDT.

5. *Chronic toxicity*. Chronic studies with cymoxanil were conducted on rats, mice, and dogs to determine carcinogenic potential and/or chronic toxicity of the compound. Effects generally similar to those observed in the 90–day studies were seen in the chronic studies; cymoxanil was not found to be carcinogenic.

The chronic NOAEL for cymoxanil in male rats was 4.08 mg/kg/day based on decreased body weight, weight gain, food efficiency, and non–neoplastic lesions in several organs including lung inflammation, spermatid degeneration, and retinal atrophy at 30.3 mg/kg/day or higher. In addition, male rats in the two highest groups displayed increased aggressiveness and hyperreactivity consistent with the compromised general health status (i.e. systemic toxicity) of those groups. In females, the NOAEL of 5.36 mg/kg/day was based on decreased body weight, weight gain, food efficiency, and non-neoplastic lesions in several organs including lungs, liver, intestines, mesenteric lymph nodes, sciatic nerve, and retina at 38.4 mg/kg/day or higher. Retinal atrophy and sciatic lesions are common spontaneous lesions associated with aging. These effects observed in cymoxanil test animals were considered aging-related effects. Spermatid degeneration occurs spontaneously in rats. While the incidence was increased in cymoxanil-treated rats, most were mild or minimal, and none were more than moderate. Thus, the effects are considered a mild exacerbation of a spontaneously occurring lesion.

In mice, the chronic NOAELs for cymoxanil were 4.19 and 5.83 mg/kg/day for males and females, respectively, based on changes in organ weights, gastrointestinal effects in females, and liver, testes and epididymal effects in males at the LOAEL. Similar to the rat, the testicular effects were considered an exacerbation of a spontaneous lesion that occurred in one-quarter of the control mice. The LOAELs were 42.0 and 58.1 mg/kg/day for males and females, respectively.

The chronic cymoxanil NOAEL for male dogs was 3.0 mg/kg/day based on a temporary decrease in body weight and food consumption, and lower RBC count, hemoglobin, and hematocrit at 5.7 mg/kg/day. In female dogs the only finding was a transient effect on body weight, food consumption, and food efficiency at the HDT, 3.1 mg/kg/day, only during the first week of the study.

6. *Animal metabolism*. When administered by gavage to rats, cymoxanil was readily absorbed and eliminated. Absorption reached maximum concentrations in whole blood within 4 hours post–dosing. A rapid and almost complete elimination was observed in the urine and feces. The majority of radioactivity was recovered within 96 hours, mainly in urine but also in feces. Radioactivity in the tissues and carcass was less than 1%. In the urine and feces, the majority of the radioactivity was free and/or conjugated glycine. 2-Cyano-2-methoxyimino-acetic acid was also found in low levels in the urine and trace levels in the feces. Intact cymoxanil was less than 1% in feces and not detected urine. The metabolite profile in urine and feces was similar between sexes, among dose groups, and between dosing regimens.

7. *Metabolite toxicology*. There are no metabolites of toxicological significance to mammals.

8. *Endocrine disruption*. The probability of an endocrine effect due to agricultural uses of cymoxanil is negligible.

C. Aggregate Exposure

1. *Dietary exposure*. Cymoxanil is a fungicide currently registered in the United States for use on potatoes. In addition, tolerances have been approved for cymoxanil on imported tomatoes and grapes.

i. *Food*. The acute and chronic analysis conservatively assumed that 30% of cucurbits, fruiting vegetables, head lettuce, potatoes and imported grapes would be treated with cymoxanil and field trial residue data was used. As reflected in the 1994-1996 USDA CSFII data, neither hops nor lychee are consumed as part of the diet. Therefore, any increased exposure from the use of cymoxanil on hops and lychee would be negligible and would not significantly alter the acute and chronic dietary risk estimates provided. The analysis' show that adequate margins of safety exist for all population subgroups, and no effects would result from dietary exposure to cymoxanil.

a.*Acute dietary exposure assessment*. The acute dietary exposure assessment was estimated using Tier 3. The results of the acute dietary exposure analysis for cymoxanil are given in table below. The percentages of the acute population adjusted dose (aPAD) for cymoxanil were calculated based on an acute NOAEL of 4 mg/kg/day from the rabbit

developmental study based on maternal clinical signs and weight effects at the higher levels and an uncertainty factor of 100. The results of the acute dietary exposure analysis are below the EPA's level of concern.

RESULTS OF ACUTE DIETARY EXPOSURE ESTIMATES FOR CYMOXANIL

Population Group	99.9th Percentile of Exposure (mg/kg/day)	% aPAD
U.S. Population	0.001789	4.47
Non-Nursing (< 1 yr.)	0.000599	1.50
Children (1–6 yr.)	0.002096	5.24
Children (7– 12 yr.)	0.001936	4.84
Females (13+ nursing)	0.002287	5.72

b. *Chronic dietary exposure assessment.* The chronic dietary exposure assessment was estimated using the Dietary Exposure Evaluation Model (DEEM, Novigen Sciences, Inc., 1999 Version 6.74). The following table presents the results of an analysis for chronic exposure to cymoxanil in either TanosR 50DF or CurzateR 60DF. The chronic population adjusted dose (cPAD) of 0.041 mg/kg/day is based on a NOAEL of 4.08 mg/kg/day from the one-year rat feeding study and an uncertainty factor of 100. No sensitive subpopulations were identified. The results of the chronic dietary exposure analysis are below the EPA's level of concern.

RESULTS OF CHRONIC DIETARY ANALYSIS WITH CYMOXANIL

Population Group	Maximum Dietary Exposure (mg/kg/day)	% cPAD
U.S. Population	0.000063	0.2
Non-Nursing Infants (<1 yr.)	0.000016	0.1
Children (1–6 yr.)	0.000074	0.2
Children (7–12 yr.)	0.000068	0.2
Females (13+)	0.000074	0.2

ii. *Drinking water.* Surface water exposure was estimated using the Generic Expected Environmental Concentration (GENEEC) model. This screening level model is used for determining upper bound concentrations of pesticides in surface water.

The acute drinking water level of concern(s) (DWLOCs) are 1.3 ppm for the U.S. population, and 0.38 ppm for children (1–6 years old), the most exposed population subgroup. The estimated environmental concentration (EECs) of cymoxanil in surface water is 8.15 parts per billion (ppb) derived from GENEEC does not exceed the acute DWLOC.

The chronic DWLOCs are 1.4 ppm for the U.S. population and 0.4 ppm for children (1–6 years old), the most sensitive subgroup. The GENEEC 56-day EECs of 0.37 ppb does not exceed the chronic DWLOC for cymoxanil in surface water.

Therefore, based on the above findings, the registrants conclude with reasonable certainty that residues of cymoxanil in drinking water do not contribute significantly to the aggregate chronic human health risk.

2. *Non-dietary exposure.* Cymoxanil products are not labeled for residential non-food uses, thereby eliminating the potential for residential exposure.

D. Cumulative Effects

EPA's consideration of a common mechanism of toxicity is not necessary at this time because there is no indication that toxic effects of cymoxanil should be cumulative with those of any other chemical compounds or with each other.

E. Safety Determination

1. *U.S. population.* For acute dietary exposure of cymoxanil, the estimated exposure is 0.000475 and 0.001789 at the 99th and 99.9th percentiles, which will utilize 1.19 and 4.47%, respectively, of the acute population adjusted dose (aPAD) for the overall U.S. population. The chronic dietary exposure for the overall U.S. population is estimated to be 0.000063 mg/kg/day, using 0.2% of the chronic population adjusted dose (cPAD). Based on the completeness and reliability of the toxicity data and the conservative exposure assessments, there is reasonable certainty that no harm will result from the aggregate exposure of residues of cymoxanil including all anticipated dietary exposure and all other non-occupational exposures.

2. *Infants and children.* For acute dietary exposure of cymoxanil, the aPAD for children 1-6 years old is 1.44 at the 99th percentile and 5.24 at the 99.9th percentile. For non-nursing infants (<1 yr.), the % aPAD is 0.46 at the 99th percentile and 1.50 at the 99.9th percentile. Chronic dietary exposure of cymoxanil for the most highly exposed children's subpopulations are: 0.000074 mg/kg/day for children 1-6 years old, and 0.000068 mg/kg/day for children 7–12 years old, representing 0.2% of the cPAD for each subpopulation. Exposure for all infant subpopulations was negligible.

In addition, there are no residential uses of cymoxanil; therefore, it is extremely unlikely that drinking water will be contaminated.

Based on the completeness and reliability of the toxicity database, the lack of toxicological endpoints of special concern, the lack of any indication that children are more sensitive than adults to cymoxanil, and the conservative exposure assessment, the registrants believe there is a reasonable certainty that no harm will result to infants and children from the aggregate exposure of residues of cymoxanil, including all anticipated dietary exposure and all other non-occupational exposures. Accordingly, there is no need to apply an additional safety factor for infants and children.

F. International Tolerances

No international tolerances currently exist for cymoxanil.

[FR Doc.01–16957 Filed 7–5–01; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1031; FRL–6790–1]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1031, must be received on or before September 4, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1031 in the subject line on the first page of your response.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulation and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1031. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1031 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1031. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set

forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 20, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioners. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Uniroyal Chemical Company

PP 1F6297, 0F6077, and 8F4938

EPA has received pesticide petitions (1F6297, 0F6077, and 8F4938) from Uniroyal Chemical Company, 74 Amity Rd., Bethany, CT 06525 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing tolerances for residues of [[1-1-((4-chloro-2-(trifluoromethyl) phenyl)imino)-2-propoxyethyl -1H-Imidazole]] in or on the raw agricultural commodities strawberries at 2.0 parts per million (ppm) [1F6297], the cucurbit crop group at 0.5 ppm [0F6077] and cherries at 2.0 ppm [8F4938]. EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petitions. Additional data may be needed before EPA rules on the petitions.

A. Residue Chemistry

1. *Plant metabolism*. In crops, the metabolism of ^{14}C-Phenyl] triflumizole was investigated in cucumber, pears, grapes and apples. The major metabolites were: N-(4-chloro-2-trifluoromethylphenyl)-n-propoxyacetamidine (FM-6–1), N-(4-chloro-2-trifluoromethyphenyl)-n-propoxyacetanilide (FD-1–1) and the free or conjugated products of N-(4-chloro-2-trifluoromethylphenyl)-hydroxyacetamidine (the O-dealkylation product of FM-6–1), N-(4-chloro-2-trifluoromethylphenyl)-hydroxyacetanilide (FD-2–1) and the triflumizole aniline (FA-1–1).

2. *Analytical method*. The analytical method is suitable for analyzing crops for residues of triflumizole and its aniline containing metabolites at the proposed tolerance levels. The analytical method has been independently validated. Residue levels of triflumizole are converted to FA-1–1 by acidic and alkaline reflux, followed by distillation. Residues are then extracted and subjected to SPE purification. Detection and quantitation are conducted by a gas chromatography equipped with nitrogen phosphorus detector, electron capture detector or mass spectrometry detection. The limit of quantitation of the method has been determined at 0.05 parts per million (ppm) for cucurbits and cherries, and 0.02 ppm for strawberries. The enforcement methodology has been submitted to the Food & Drug Administration (FDA) for publication in the Pesticide Analytical Manual, Vol. II (PAM II).

3. *Magnitude of residues*. Eight field trials in strawberries were conducted in commercial growing areas of the United States. The analytical data show that the mean measured residue in/on strawberries was 0.859 ppm. The highest residue data was 2.0 ppm. Crop field trial residue data from 0 –day pre-harvest interval studies were conducted on cucumbers, muskmelon, and squash (cucurbits). In these trials, residues ranged from 0.06 to 0.39 ppm. Field trials were carried out on cherries in five states. In these trials the residues of triflumizole and it's aniline containing metabolites ranged from 0.4 to 1.5 ppm. These data support the proposed tolerances for triflumizole. There are no processed commodities or feed commodities associated with these crops.

B. Toxicological Profile

1. *Acute toxicity*. The database includes the following studies: a rat acute oral study with a LD_{50} of 1.42 g/kg; a rabbit acute dermal study with a LD_{50} >5 g/kg; a rat acute inhalation study with a LC_{50} >3.2 mg/l; a rabbit primary ocular irritation study which showed mild irritation; a rabbit primary dermal irritation study which showed no irritation; a guinea pig dermal sensitization study which showed slight dermal sensitization potential.

2. *Genotoxicity*. Triflumizole was negative in all genotoxicity assays including: Ames assay in *S. typhimurium*, gene conversion assay in yeast strain D4, REC assay in *B. subtilis*, unscheduled DNA synthesis (UDS) assay in cultured rat hepatocytes, chromosome aberration assay in cultured Chinese hampster ovary (CHO) cells and a mouse micronucleus assay.

3. *Reproductive and developmental toxicity*. In a developmental toxicity study, triflumizole was administered by oral gavage to pregnant female Sprague Dawley rats at dosage levels of 0, 10, 35 or 120 mg/kg/day. Maternal toxicity, as evidenced by a substantial reduction in body weight (bwt) gain, was seen at 35 and 120 mg/kg/day. At these dosage levels there was a decrease in fetal viability in the form of late resorptions. There were no teratogenic effects. The no observed adverse effect level (NOAEL) for maternal and developmental toxicity was 10 mg/kg/day. Triflumizole was also administered by oral gavage to pregnant female New Zealand White rabbits at dosage levels of 0, 5, 25, or 50 mg/kg/day. At a dose level of 50 mg/kg/day there was a reduction in bwt gain in kits. There were no developmental or teratogenic effects. The NOAEL for maternal toxicity was 25 mg/kg/day and the NOAEL for developmental toxicity was greater than 50 mg/kg/day.

The reproduction toxicity of triflumizole was evaluated in a rat reproduction study, conducted on three generations, at dietary concentrations of 0, 30, 70 and 170 ppm. Fertility was not affected by treatment. There was an increase in placental weight in the F1b, F2b and F3b litters and a statistically significant increase in gestation length in the high dose group at the F1a and F3a mating intervals. The NOAEL for systemic parental toxicity was greater than 170 ppm and the NOAEL for developmental effects was 70 ppm based upon effects seen in litters of both studies at the high dose level, including increased incidences of hydroureter and space between the body wall and organs. The NOAEL for reproductive effects was 70 ppm (3.5 mg/kg/day) based on increased gestation length observed at the high dose level at 2 of 6 mating intervals.

4. *Subchronic toxicity*. To assess subacute dermal toxicity, triflumizole was applied to the backs of male and female Sprague Dawley rats for three weeks. High dose female rats exposed to 1,000 mg/kg/day exhibited mild fatty vacuolation in the liver, which was

within the range of normal biological variation. Therefore, the NOAEL for sub-acute dermal toxicity in rats was greater than 1,000 mg/kg/day.

Triflumizole was fed to male and female Sprague Dawley rats for thirteen weeks at dietary concentrations of 0, 20, 200 and 2,000 ppm to assess sub-chronic toxicity. At a dosage level of 2,000 ppm there was a reduction in body weight gain, an increase in liver and kidney weights, lipid droplets in liver and a decrease in serum alkaline phosphatase in males and females. High dose females exhibited a reduction in red blood cell (RBC) and hemoglobin in blood. The NOAEL for sub-chronic toxicity in rats was 200 ppm (10 mg/kg/day).

5. *Chronic toxicity*. Triflumizole was fed to male and female Beagle dogs for one year at dietary concentrations of 0, 100, 300 and 1,000 ppm to assess chronic toxicity. At a dosage level of 1,000 ppm there was an increase in serum liver enzymes and a decrease in RBC concentration. The NOAEL for chronic toxicity in dogs was 300 ppm (7.5mg/kg/day).

Triflumizole was fed to male and female Sprague Dawley rats for two years at dietary concentrations of 0, 100, 400 and 1,600 ppm to assess chronic toxicity At the high dose level there was a substantial reduction in body weight gain in males and females. At the mid and high dose levels there was an increase in liver weight. Ovary weight was increased in high dose female rats, and kidney weights were elevated in high dose animals. Alanine amino-transferase and lactose dehydrogenase was elevated in high dose males and females, respectively. High dose females had an increased incidence of ovarian follicular cysts, while high dose males exhibited pancreatic acinar cell atrophy. Fatty vacuolization of the liver was seen at all dose levels and hepatocytic hypertrophy was seen in high and mid-dose males and females. Female rats given 400 or 1,600 ppm had an increased incidence of basophilic foci/areas of hepatocytic alteration. Effects at 100 ppm were confined to hepatocytic fatty vacuolation and hypertrophy in females. These changes were less severe than those seen in rats given 400 or 1,600 ppm and were considered by the laboratory to be indicative of adaptive metabolic change. The dietary level of 100 ppm (5 mg/kg/day) is considered to be a NOAEL.

6. *Animal metabolism*. Triflumizole, [14C-Phenyl] 1-(1-((4-chloro-2-trifluoromethylphenyl)imino)-2-propoxyethyl)-1H-imidazole, was found to be rapidly absorbed and excreted in rats. Two days after oral dosing, 78% was found to be excreted in the urine and 20% in the feces. No sex difference was noted. It appears that the loss of the imidazole ring was the basic step in the metabolic pathway of this fungicide in mammals. The elimination of the imidazole ring yielded initially N-(4-chloro-2-trifluoromethylphenyl)-n-propoxyacetamidine (FM-6–1 and N-(4-chloro-2-trifluoromethylphenyl)-n-propoxyacetanilide (FD-1–1). Other hydroxylated metabolites identified (free, or as sulfate/glucuronide conjugates) included, among others, N-(4-chloro-2-trifluoromethylphenyl)-hydroxyacetamidine (FM-8–1); 4-chloro-2-trifluoromethyl-hydroxyacetanilide (FD-2–1); and 4-chloro-2-trifluoromethyl-6-hydroxyaniline (FA-1–5).

7. *Metabolite toxicology*. Both plant and animals produce the same metabolites that were identified in the metabolism studies; therefore, the toxicity of the metabolites has essentially been evaluated in the rat toxicology studies.

8. *Endocrine disruption*. In the rat reproduction study there was an increase in placental weight in females at the high dose level of 170 ppm. There was also a biologically significant increase in gestation length in high dose F0 and F2 females (F1a and F3a intervals). The NOAEL for endocrine effects is 70 ppm (3.5 mg/kg/day).

C. Aggregate Exposure

1. *Dietary exposure*— i. *Food*. Tolerances have been established (40 CFR 180.476) for the combined residues of triflumizole, and its metabolites containing the 4-chloro-2-trifluoromethylaniline moiety, calculated as the parent compound, in or on apples, pears and grapes. Tolerances have also been established for the combined residues of triflumizole and the metabolite 4-chloro-2-hydroxy-6-trifluoromethylaniline sulfate and other metabolites containing the 4-chloro-2-trifluoromethylaniline moiety, calculated as the parent compound in or on eggs, milk, meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry and sheep.

Field trial residue values from the currently labeled raw agricultural commodities (apples, pears, grapes) and from the proposed cucurbit, cherry, filbert and strawberry uses were used to estimate dietary exposure (Dietary Exposure Evaluation Model (DEEM)$_{TM}$, Novigen Sciences, Inc.). Tissue to feed ratios were used to calculate secondary residues for meat, milk, and egg products. Processing factors and percent of crop treated were also factored into the estimates.

ii. *Drinking water*. Exposure to triflumizole or its degradates in drinking water is not anticipated, and is unlikely to occur. Triflumizole is not expected to contaminate ground water. Laboratory and field data have demonstrated that it degrades rapidly and that triflumizole and its metabolites do not leach, even in sandy soil. A Maximum Contaminant Level (MCL) for triflumizole has not been established by EPA. Ornamental and proposed residential uses are not expected to result in drinking water concerns. Most commercial uses on outdoor-grown plants would typically be only a spot treatment or on very limited acreage. Containerized ornamentals would mimic greenhouse production, as these plants are generally elevated off the ground, with some type of ground covering underneath. For residential areas, triflumizole would be used only by commercial applicators, and only as a spot treatment.

Tier I screen models generic expected environmental concentration (GENEEC) (surface water) and screening concentration in ground water (SCI-GRO) (ground water) were used to predict the estimated environmental concentration (EEC) of triflumizole from current and proposed food uses. For surface water, the theoretical acute EEC was 18 parts per billion (ppb) (peak concentration) and the chronic EEC (divided by 3 to account for the large overestimates inherent in the model) was 3 ppb. Theoretical acute and chronic ground water concentrations from the SCI-GRO modeling were <0.1 ppb.

2. *Non-dietary exposure*. The only source of non-dietary exposure to triflumizole for consideration under FQPA is in the proposed use of Terraguard 50W on institutional, recreational, and homeowner landscapes and other outdoor ornamentals. This registration could result in intermittent, low-level residential post-application exposures. Terraguard 50W is not available for application by homeowners and is not registered for use on turf. Only professional handlers would apply Terraguard 50W to any existing or proposed use sites. Treatment would be made to individual plants or specific sub-sections within labeled use sites, and only as needed for disease. The above use sites amount to minimal acreage in comparison with turf and other sources of residential exposure, and activities therein are of low duration and intensity.

Dislodgeable foliar residues (DFRs) can be estimated from existing data. A

recent study on Terraguard 50W DFRs on *Spathiphyllum* foliage showed significantly lower levels of triflumizole than would be predicted by current Agency SOP defaults, and an approximately complete dissipation within the minimum treatment interval of 30 days. From that study, potential residue levels were calculated based on the geometric means of regressed values that were adjusted to represent the maximum application rate of 1.0 lb ai/acre, and averaged over the duration of potential post-application exposure.

The DFR transfer coefficients, representing reentry into treated gardens, are EPA default assumptions (draft OPP/HED SOP for Residential Exposure Assessment). Such defaults are considered by EPA to be very conservative and are considered to be screening-level assumptions. In addition, work by the Agricultural Reentry Task Force and others has shown far lower transfer coefficients for many relatively high-exposure activities, such as pruning, that may occur on residential landscapes. Contact with residential landscape foliage is assumed to occur incidentally or for short durations since typical Terraguard applications will be spot-treatments within small areas.

The toxicological assumptions in this assessment are also conservative, including (a) a default value of 100% dermal absorption; (b) the acute endpoint of 3.5 mg/kg/day (see above) for short-term assessment; and (c) the sub-chronic endpoint of 3.5 mg/kg/day (see above) for intermediate-term assessment. Chronic assessment is not required since a yearly maximum of 3 applications, from which triflumizole is expected to dissipate within 30–days, should result in less than 90–days of potential exposure per year. The factors used in the assessment and resulting estimates of absorbed daily dose and margins of exposure (MOEs) are provided in the following table:

	Short-Term Assessment:		Intermediate Term Assessment:	
	Females 13–50	Infants/Children	Females 13–50	Infants/Children
Duration of Assessment (days)	7 days	7 days	90–days	90–days
DFR (–g/cm_2)	0.345	0.345	0.0092	0.0092
Transfer Coefficient (cm_2/hr)	1,0000	5,000	1,0000	5,000
Duration (hr/day)	0.083	0.033	0.083	0.033
bwt (kg)	60	10	60	10
Absorbed Daily Dose (mg/kg/day)	0.00477	0.00569	0.00013	0.00015
NOAEL (mg/kg/day)	3.5	3.5	3.5	3.5
Margin of Exposure (MOE):	733	615	27501	23057

The above calculations are based on appropriate DFR data from an ornamental crop, a complete toxicological profile, transfer coefficients understood to be conservative, and a very conservative assumption of 100% dermal absorption. The resulting MOEs, which are still well over 100, therefore indicate clearly that residential exposure following Terraguard 50W use on institutional, recreational, and homeowner landscapes, and other outdoor ornamentals, would pose a low potential risk and a reasonable certainty of no harm.

D. Cumulative Effects

The potential for cumulative effects of triflumizole, an imidazole, and other substances that have a common mechanism of toxicity was considered. The mammalian toxicity of triflumizole is well defined. No reliable information exists to indicate that toxic effects produced by triflumizole would be cumulative with those of any other chemical compounds. Therefore, consideration of a common mechanism of toxicity with other compounds is not appropriate. Thus, only the potential risks of triflumizole are considered in the aggregate exposure assessment.

E. Safety Determination

1. *U.S. population*— i. *Short-term risk.* Based on the toxicology database, the NOAEL of 3.5 mg/kg/day from the reproduction toxicity study, and available information on anticipated residues and percent crop treated, the acute dietary exposure was determined to be within the acceptable MOE of 100. Exposure to potential triflumizole residues in drinking water is not expected to significantly contribute to the overall exposure of females 13–50 years old and infants and children, as DWLOC's are substantially higher than modeled EEC's. Residential post application exposure would occur within an acceptable margin of safety. Based on these assessments, Uniroyal concludes that there is reasonable certainty of no harm to females (13–50 years old), infants, and children from short-term aggregate exposure to triflumizole residues.

ii. *Intermediate-term risk.* Based on the toxicology database, the RfD of 0.035 mg/kg/day from the reproduction study, and available information on anticipated residues and percent crop treated, the chronic dietary exposure was determined as 0.1% of the RfD for females (13–50 years old), and 0.4% for infants and children. These exposures do not exceed EPA's level of concern of >100% of the RfD. Exposure to potential triflumizole residues in drinking water is not expected to significantly contribute to the overall exposure of females 13–50 years old and infants and children, as DWLOC's are substantially higher than modeled EEC's. Residential post application exposure would occur within an acceptable margin of safety. Based on these assessments, Uniroyal concludes that there is reasonable certainty of no harm to females (13–50 years old), infants, and children from intermediate-term aggregate exposure to triflumizole residues.

iii. *Chronic risk.* Based on the toxicology database, the reference dose (RfD) of 0.035 mg/kg/day from the reproduction study, and available information on anticipated residues and percent crop treated, the chronic dietary exposure was determined as 0.1% of the RfD for the U.S. population, and 0.4% for infants and children. These exposures do not exceed EPA's level of concern of >100% of the RfD. Exposure to potential triflumizole residues in drinking water is not expected to significantly contribute to the overall exposure of the U.S. population, infants, and children, as DWLOC's are substantially higher than modeled EEC's. Based on these assessments, Uniroyal concludes that there is reasonable certainty of no harm to the U.S. population, infants, and children from chronic aggregate exposure to triflumizole residues.

2. *Infants and children.* Triflumizole was evaluated in rat and rabbit developmental toxicity studies and a three generation rat reproduction study to assess the potential for additional

sensitivity to infants and children. No developmental toxicity was seen in the rabbit teratology study at doses up to 50 mg/kg/day. Maternal toxicity was seen at this dosage level. In the rat teratology study, there was an increase in late resorptions at doses of 35 and 120 mg/kg/day which was accompanied by maternal toxicity in the form of a substantial reduction in bwt. The NOAEL for maternal and developmental toxicity was 10 mg/kg/day. In the rat reproduction study, there was an increase in gestation length and an increased incidence of hydroureter and space between the body wall and organs at the high dose level of 170 ppm. The NOAEL for reproductive and developmental effects was 3.5 mg/kg/day. No additional safety factor is necessary as the data package is complete and the sensitivity to infants and children is adequately characterized.

F. International Tolerances

There are no Codex, Canadian or Mexican maximum residue limits established for triflumizole on strawberries, cucurbits or cherries.

[FR Doc. 01–16956 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7006–9]

Massachusetts Marine Sanitation Device Standard; Notice of Determination

On May 23, 2001, notice was published that the State of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Three Bay/Centerville Harbor Area in the Town of Barnstable, County of Barnstable, State of Massachusetts. The petition was filed pursuant to Section 312(f)(3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4, for the purpose of declaring these waters a ''No Discharge Area'' (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to me by the State of Massachusetts certified that there are two public pump-out facilities located within the proposed area to service vessels in Three Bay/Centerville Harbor Area.

There is a self service pumpout trailer unit located at the Oyster Harbor Marina, with a holding capacity of 250 gallons, and provides access for vessels up to 50 feet in length and a draft of 4 feet at mean low water. This facility is available daily from June 15 through September 15 from approximately 0800 to 1700 (8am to 5pm). The second pumpout facility is a pumpout boat operated by the Harbormasters Office, and docked at the Oyster Harbor Marina when not in use. The boat has a holding capacity of 300 gallons. The pumpout boat is available Wednesday through Sunday from 0930 to 1630 (9:30am–4:30pm) from Memorial Day to Thanksgiving. The pump-out boat is accessible by VHF marine radio via Channel 9 and by calling the Oyster Harbor Marine and Environmental Affairs Division (MEAD) in Barnstable at (508) 790–6273.

The waste from the pump-out boat is off loaded to the trailer unit then transported to the Barnstable Water Pollution Control Facility. The Barnstable Board of Health issues a waste permit for this disposal.

The town of Barnstable maintains public facilities at four locations, Loop Beach, Craigville Beach, Covells Beach and Dowse's Beach and are seasonal. In addition, the three marinas in the area provide on-shore toilet facilities for marina patrons and their guests.

The number of mooring permits indicate that 1,667 vessels reside within the Three Bay/Centerville Harbor Area and 1584 are identified as recreational and 83 are commercial vessels. The Three Bay/Centerville Harbor Area is primarily a ''parking lot'' harbor and 70% of the vessel population is under 25 feet in length, and therefore do not have any type of Marine Sanitation Device (MSD). There are a number of locations in the Three Bay/Centerville Harbor Area with public launching ramps, however, the size and condition of the ramps and the depth of the water limit use to vessels 25 feet and under. In addition to the vessels that reside in the Complex, there is a transient population estimated at 110 vessels which have MSD's.

The resources of the Three Bay/Centerville Harbor Area are recreational and commercial. There are four public beaches, the Dead Neck Audubon Bird/Wildlife Refuge, and town conservation lands located within the area. The Three Bay/Centerville Harbor Area is also used by both recreational and commercial shell fishermen for the harvest of quahogs, soft-shell clams.

Therefore, based on an examination of the petition and its supporting information, which included a site visit by EPA New England staff, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the areas covered under this petition. The area includes Cotuit Bay, West Bay, East Bay, and Squaw Island Marsh, north of a line drawn 500 feet south of their mouths at Nantucket Sound. The area also includes the following sub-embayments: North Bay, Prince Cove, Marstons Mills River South of Route 28, Scudder Bay South of Bumps River Road, Bumps River East of Bumps River Road, Centerville River West of Craigville Beach Road, and Halls Creek South of Craigville Beach Road. The proposed NDA encompasses approximately 2,150 surface acres in the Southwest corner in the Town of Barnstable. The area is roughly bounded by: 41° 36′ 40.0″ N by 70° 26′ 41.1″ W, 41° 37′ 26.9″ N by 70° 19′ 05.4″ W, 41° 38′ 19.8″ N by 70° 19′ 21.9″ W, and 41° 39′ 03.2″N–70° 24′ 53.8″ W.

This determination is made pursuant to Section 312(f)(3) of Public Law 92–500, as amended by Public Laws 95–217 and 100–4.

Dated: June 22, 2001.

Ira Leighton,

Acting Regional Administrator.

[FR Doc. 01–16942 Filed 7–5–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2490]

Petitions for Reconsideration Clarification of Action in Rulemaking Proceedings

June 29, 2001.

Petitions for Reconsideration Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and

copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by July 23, 2001. See Section 1.4 (b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Access Charge Reform (CC Docket No. 96–262).

Number of Petitions Filed: 7.

Subject: Amendment of Digital TV Table of Allotments (MM Docket No. 01–17).

Number of Petitions Filed: 1.

Subject: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (CC Docket No. 96–98).

Intercarrier Compensation for ISP–Bound Traffic (CC Docket No. 99–68.

Number of Petitions Filed: 5.

Subject: In the Matter of Amendment of Parts of the Commission's Rules to accommodate Advanced Digital Communications in the 117.975–137 MHZ Band and to Implement Flight Information Services in the 136–137 MHZ Band (WT Docket No. 00–77).

Number of Petitions Filed: 1.

Subject: In the Matter of Calling Party Pays Service Option in the Commercial Mobile Radio Services (WT Docket No. 97–207).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16862 Filed 7–5–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2492]

Petition for Reconsideration of Action in Rulemaking Proceeding

June 29, 2001.

Petition for Reconsideration has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by July 23, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Implementation of LPTV Digital Data Service Pilot Project (FCC 01–137).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16863 Filed 7–5–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

DATE & TIME: Tuesday, July 10, 2001 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, July 12, 2001 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2001–09: Kerrey for U.S. Senate by counsel, Robert F. Bauer and Brian G. Svoboda.

Advisory Opinion 2001–10: The Honorable Jesse L. Jackson, Sr. and the Jesse L. Jackson, Jr. for Congress Committee.

Procedures Followed by Administrative Law Team.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–17043 Filed 7–3–01; 11:10 am]

BILLING CODE 6715–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Policy Statement on Allowance for Loan and Lease Losses Methodologies and Documentation for Banks and Savings Institutions

July 2, 2001.

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of final interagency policy statement.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC), on behalf of the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) (collectively referred to as the ''banking agencies''), is adopting an interagency Policy Statement on Allowance for Loan and Lease Losses (ALLL) Methodologies and Documentation for Banks and Savings Institutions (Policy Statement). The National Credit Union Administration (NCUA), also a member of the FFIEC, is currently reviewing this policy and may issue similar guidance specifically directed toward credit unions. This Policy Statement is intended to provide guidance on the design and implementation of ALLL methodologies and supporting documentation practices.

EFFECTIVE DATE: The Policy Statement is effective immediately.

FOR FURTHER INFORMATION CONTACT:

FRB: Linda V. Griffith, Supervisory Financial Analyst, (202) 452–3506, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Doris L. Marsh, Examination Specialist, Division of Supervision, (202) 898–8905, FDIC, 550 17th Street, NW., Washington, DC 20429.

OCC: Richard Shack, Senior Accountant, Chief Accountant's Office, Core Policy Division, (202) 874–5411, or Louise A. Francis, National Bank Examiner, Chief Accountant's Office, Core Policy Division, (202) 874–1306, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

OTS: William Magrini, Senior Project Manager, Policy Division, (202) 906–5744, or Harrison E. Greene, Jr., Securities Accountant, Accounting Policy Division, (202) 906–7933, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

On March 10, 1999, the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Securities and Exchange Commission (together, the Agencies) issued a joint letter to financial institutions on the allowance for loan and lease losses (the Joint Letter). In the Joint Letter, the Agencies agreed to establish a Joint Working Group to study ALLL issues and to assist financial institutions by providing them with improved guidance on this topic. The Agencies agreed that the Joint Working Group would develop and issue parallel guidance for two key areas regarding the ALLL:

- Appropriate methodologies and supporting documentation, and
- Enhanced disclosures.

This Policy Statement represents the banking agencies' guidance to banks and savings institutions relating to methodologies and supporting documentation for the ALLL. The Securities and Exchange Commission staff has issued parallel guidance on this topic for public companies in Staff Accounting Bulletin No. 102.[1]

This Policy Statement clarifies the banking agencies' expectations regarding methodologies and documentation support for the ALLL. For financial reporting purposes, including regulatory reporting, the provision for loan and lease losses and the ALLL must be determined in accordance with generally accepted accounting principles (GAAP). GAAP requires that an institution maintain written documentation to support the amounts of the ALLL and the provision for loan and lease losses reported in the financial statements.

The Policy Statement does not change existing accounting guidance in, or modify the documentation requirements of, GAAP or guidance provided in the relevant joint interagency statements issued by the Agencies. It is intended to supplement, not replace, the guidance the banking agencies provided in their Interagency Policy Statement on the Allowance for Loan and Lease Losses, which was issued in December 1993. It is also intended to supplement guidance the banking agencies provided in their interagency guidelines establishing standards for safety and soundness that were issued in 1995 and 1996 pursuant to section 39 of the Federal Deposit Insurance Act (FDI Act).[2] Under the guidelines for asset quality, each institution should estimate and establish a sufficient ALLL supported by adequate documentation. This Policy Statement does not address or change current guidance regarding loan charge-offs; therefore, institutions should continue to follow existing regulatory guidance that addresses the timing of charge-offs.

The guidance in this Policy Statement recognizes that institutions should adopt methodologies and documentation practices that are appropriate for their size and complexity. For institutions with fewer and less complex loan products, the amount of supporting documentation for the ALLL may be less exhaustive than for institutions with more complex loan products or portfolios.

Recognizing that a primary mission of the banking agencies is to support a safe and sound banking system, examiners will continue to evaluate the overall adequacy of the ALLL, including the adequacy of supporting documentation, to ensure that it is appropriate. While the Policy Statement generally does not provide guidance to examiners in conducting safety and soundness examinations, examiners may criticize institutions that fail to document and maintain an adequate ALLL in accordance with this Policy Statement and other banking agency guidance. In such cases, institution management may be cited for engaging in unsafe and unsound banking practices and may be subject to further supervisory action.

II. The Proposed Policy Statement

The FFIEC sought public comment on a proposed policy statement on ALLL methodologies and documentation practices for banks and savings institutions on September 7, 2000 (65 FR 54268). The proposal indicated that the purpose of the policy statement was to provide financial institutions with enhanced guidance on appropriate ALLL methodologies and documentation practices.

The proposed Policy Statement explained that the board of directors of each institution is responsible for ensuring that controls are in place to determine the appropriate level of the ALLL. It also emphasized the banking agencies' long-standing position that institutions should maintain and support the ALLL with documentation that is consistent with their stated policies and procedures, GAAP, and applicable supervisory guidance.

The proposal described significant aspects of ALLL methodologies and documentation practices. Specifically, the proposal provided guidance on maintaining and documenting policies and procedures that are appropriately tailored to the size and complexity of the institution and its loan portfolio. The proposal stated that an institution's ALLL methodology must be a thorough, disciplined, and consistently applied process that incorporates management's current judgments about the credit quality of the loan portfolio.

The proposal also discussed the methodology and documentation needed to support ALLL estimates prepared in accordance with GAAP, which requires loss estimates based upon reviews of individual loans and groups of loans. The proposal stated that after determining the allowance on individually reviewed loans and groups of loans, management should consolidate those loss estimates and summarize the amount to be reported in the financial statements for the ALLL. To verify that the ALLL methodology is appropriate and conforms to GAAP and supervisory guidance, a party who is independent from the ALLL estimation process should review the methodology and its application in a manner appropriate to the size and complexity of the institution.

The proposal included illustrations of implementation practices that institutions may find useful for enhancing their own ALLL practices; an appendix that provided examples of certain key aspects of ALLL guidance; a summary of applicable GAAP guidance; and a bibliographical list of relevant GAAP guidance, joint interagency statements, and other literature on ALLL issues.

III. Discussion of Public Comments

A. General Comments

The FFIEC received 31 letters commenting on the proposed policy statement. Twenty financial organizations submitted comments, whose size (based upon total assets) ranged from $18 million to $450 billion. The other letters were primarily submitted by industry trade groups and the accounting profession.

Two of the commenters fully supported the guidance in the proposed policy statement. Thirteen commenters opposed issuance of the policy statement. The commenters who oppose

[1] In addition, the American Institute of Certified Public Accountants (AICPA) is developing guidance on the accounting for loan losses and the techniques for measuring probable incurred losses in a loan portfolio.

[2] Institutions should refer to the guidelines adopted by their primary federal regulator as follows: For national banks, Appendix A to Part 30; for state member banks, Appendix D to Part 208; for state nonmember banks, Appendix A to Part 364; for savings associations, Appendix A to Part 570.

the guidance expressed two primary concerns. First, they believe institutions, particularly smaller institutions, will need to unnecessarily increase resources dedicated to ensure compliance with the guidance. Second, they thought that issuance of the policy statement may be premature given the ALLL guidance expected to be developed by the AICPA. The other commenters generally supported the guidance with certain modifications.

The two commenters who supported the proposed policy statement in the form it was issued believe that they are already in compliance with the proposal's requirements. They understood that the guidance did not attempt to expand current GAAP requirements and allowed institutions to continue to use judgment in implementing loan loss estimation methodologies that are appropriate to individual institutions.

The banking agencies believe that institutions currently complying with GAAP should not need to dedicate additional resources to create or support the ALLL included in their regulatory reports. The banking agencies have expected institutions to follow GAAP, as it applies to the ALLL, for regulatory reporting purposes for a number of years. The proposal is consistent with existing GAAP, which requires that allowances be well documented, with clear explanations of the supporting analysis and rationale. The banking agencies encourage institutions to carefully evaluate their current ALLL methodologies and supporting documentation practices as well as other credit risk management practices and reports before making significant changes to their current practices or creating new processes, reports, or other supporting documents in order to follow this guidance.

Some commenters suggested the Policy Statement should include the banking agencies' views on the ALLL guidance being developed by the AICPA. While the attached Policy Statement mentions that the AICPA is developing guidance on the ALLL, a description of that project's scope or a summary of its anticipated guidance is outside the scope of this Policy Statement. Furthermore, the AICPA continues to develop its guidance, and the Agencies are closely monitoring and actively contributing to that process.

Several commenting financial institutions indicated that following the guidance may prompt a reduction in the ALLL level at their institutions. However, as noted above, institutions are already required to follow GAAP when determining the ALLL and the guidance does not change existing GAAP; therefore, following this Policy Statement should not result in adjustments to the ALLL by institutions following GAAP.

Several commenters suggested that documentation requirements for small or noncomplex institutions should be substantially different than the guidance for larger or more complex institutions. The guidance in the policy statement includes a broad description of the steps taken during the ALLL estimation process that must be documented. The types of documentation described in the examples illustrate that management has considerable flexibility in determining the appropriate level and type of supporting documentation given the type of loans and associated credit risks being evaluated. Additionally, the guidance specifically states that institutions with less complex products or portfolios may consider combining some of the procedures outlined in the proposed guidance. Furthermore, when appropriate, these institutions may utilize documentation that is already being generated for other purposes to support their ALLLs. The banking agencies believe these suggestions will assist these institutions in supporting their ALLLs without any unnecessary burden.

A number of the commenters suggested that the guidance in the policy statement should clarify the banking agencies' position on the term ''unallocated'' ALLLs. The guidance recognizes that, regardless of the terminology that an institution uses to label portions of its ALLL, the entire ALLL should be determined in accordance with GAAP and supported with adequate documentation.

B. Changes to the Proposal in Response to Comments

One issue that was raised by some commenters was concern that the Policy Statement would confuse the distinction between current GAAP requirements and what would be considered best practices in corporate governance. They believe that some of the documentation requirements contained in the proposed policy statement are not requirements of GAAP. In response to these comments, a footnote was added to the Policy Statement to clarify how the Policy Statement describes, but does not increase, the documentation requirements already existing within GAAP. The footnote states that the documentation guidance in the Policy Statement is predominantly based upon certain specifically identified pronouncements that have been issued by the Financial Accounting Standards Board, the Emerging Issues Task Force, the American Institute of Certified Public Accountants, and the SEC. Such pronouncements represent established accounting principles or are widely recognized as being generally accepted.

A few commenters were concerned that the discussion in the proposed policy statement regarding the estimation of loan losses for groups of loans based upon historical loss data meant that institutions were prohibited from using loss estimation methods other than those based upon historical loss data. The application of historical loss rates to segmented portions of the loan portfolio, adjusted for environmental factors, is one way to estimate ALLLs for pools of loans. However, other methods are acceptable if they estimate losses in accordance with GAAP. The Policy Statement has been revised to refer to other types of loss estimation techniques.

A few commenters questioned the banking agencies' intent in including examples of documentation in the Q&A portion of the proposed policy statement. They interpreted the examples to be a list of requirements or a ''safe harbor'' of supporting documentation. The banking agencies included these examples to assist institutions in generating ideas on how to implement the guidance and did not intend to create a list of required documents. So that the purpose of the examples is better understood, the banking agencies have clarified the language in the examples and have added an introductory paragraph to the Q&A section in Appendix A.

Lastly, some commenters suggested the guidance in the proposed policy statement placed undue burden upon financial institutions' boards of directors. The banking agencies did not intend to expand directors' responsibilities beyond those that currently exist. At present, directors are responsible for approving ALLL policies and attesting to the validity of the regulatory reports, which includes the ALLL. While the board of directors has ultimate responsibility for these functions, daily administration of policies and recordkeeping may be delegated to operating management. The banking agencies have clarified the guidance to state that the scope of board of directors' responsibilities is not changed or expanded with the issuance of this Policy Statement.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the banking agencies have reviewed the Policy Statement and

determined that it does not add any collections of information pursuant to the Act.

V. Policy Statement

The text of the Policy Statement follows:

Policy Statement on Allowance for Loan and Lease Losses Methodologies and Documentation for Banks and Savings Institutions

July 2, 2001.

Boards of directors of banks and savings institutions are responsible for ensuring that their institutions have controls in place to consistently determine the allowance for loan and lease losses (ALLL) in accordance with the institutions' stated policies and procedures, generally accepted accounting principles (GAAP), and ALLL supervisory guidance.[1] To fulfill this responsibility, boards of directors instruct management to develop and maintain an appropriate, systematic, and consistently applied process to determine the amounts of the ALLL and provisions for loan losses. Management should create and implement suitable policies and procedures to communicate the ALLL process internally to all applicable personnel. Regardless of who develops and implements these policies, procedures, and underlying controls, the board of directors should assure themselves that the policies specifically address the institution's unique goals, systems, risk profile, personnel, and other resources before approving them. Additionally, by creating an environment that encourages personnel to follow these policies and procedures, management improves procedural discipline and compliance.

The determination of the amounts of the ALLL and provisions for loan and lease losses should be based on management's current judgments about the credit quality of the loan portfolio, and should consider all known relevant internal and external factors that affect loan collectibility as of the reporting date. The amounts reported each period for the provision for loan and lease losses and the ALLL should be reviewed and approved by the board of directors. To ensure the methodology remains appropriate for the institution, the board of directors should have the methodology periodically validated and, if appropriate, revised. Further, the audit committee[2] should oversee and monitor the internal controls over the ALLL determination process.[3]

The banking agencies'[4] have long-standing examination policies that call for examiners to review an institution's lending and loan review functions and recommend improvements, if needed. Additionally, in 1995 and 1996, the banking agencies adopted interagency guidelines establishing standards for safety and soundness, pursuant to Section 39 of the Federal Deposit Insurance Act (FDI Act).[5] The interagency asset quality guidelines and the guidance in this paper assist an institution in estimating and establishing a sufficient ALLL supported by adequate documentation, as required under the FDI Act. Additionally, the guidelines require operational and managerial standards that are appropriate for an institution's size and the nature and scope of its activities.

For financial reporting purposes, including regulatory reporting, the provision for loan and lease losses and the ALLL must be determined in accordance with GAAP. GAAP requires that allowances be well documented, with clear explanations of the supporting analyses and rationale.[6] This Policy Statement describes but does not increase the documentation requirements already existing within GAAP. Failure to maintain, analyze, or support an adequate ALLL in accordance with GAAP and supervisory guidance is generally an unsafe and unsound banking practice.[7]

This guidance applies equally to all institutions, regardless of the size. However, institutions with less complex lending activities and products may find it more efficient to combine a number of procedures (*e.g.,* information gathering, documentation, and internal approval processes) while continuing to ensure the institution has a consistent and appropriate methodology. Thus, much of the supporting documentation required for an institution with more complex products or portfolios may be combined into fewer supporting documents in an institution with less complex products or portfolios. For example, simplified documentation can include spreadsheets, check lists, and other summary documents that many institutions currently use. Illustrations A and C provide specific examples of how less complex institutions may determine and document portions of their loan loss allowance.

Documentation Standards

Appropriate written supporting documentation for the loan loss provision and allowance facilitates review of the ALLL process and reported amounts, builds discipline and consistency into the ALLL determination process, and improves the process for estimating loan and lease losses by helping to ensure that all relevant factors are appropriately considered in the ALLL analysis. An institution should document the relationship between the findings of its detailed review of the loan portfolio and the amount of the ALLL and the provision for loan and lease losses reported in each period.[8]

At a minimum, institutions should maintain written supporting documentation for the following decisions, strategies, and processes:

(1) Policies and procedures:

(a) Over the systems and controls that maintain an appropriate ALLL and

[1] A bibliography is attached that lists applicable ALLL GAAP guidance, interagency statements, and other reference materials that may assist in understanding and implementing an ALLL in accordance with GAAP. See Appendix B for additional information on applying GAAP to determine the ALLL.

[2] All institutions are encouraged to establish audit committees; however, at small institutions without audit committees, the board of directors retains this responsibility.

[3] Institutions and their auditors should refer to Statement on Auditing Standards No. 61, Communication With Audit Committees (as amended by Statement on Auditing Standards No. 90, Audit Committee Communications), which requires certain discussions between the auditor and the audit committee. These discussions should include items, such as accounting policies and estimates, judgments, and uncertainties that have a significant impact on the accounting information included in the financial statements.

[4] The banking agencies are the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.

[5] Institutions should refer to the guidelines adopted by their primary federal regulator as follows: For national banks, Appendix A to Part 30; for state member banks, Appendix D to Part 208; for state nonmember banks, Appendix A to Part 364; for savings associations, Appendix A to Part 570.

[6] The documentation guidance within this Policy Statement is predominantly based upon the GAAP guidance from Financial Accounting Standards Board (FASB) Statement Numbers 5 and 114 (FAS 5 and FAS 114, respectively); Emerging Issues Task Force Topic No. D–80 (EITF Topic D–80 and attachments), Application of FASB Statements No. 5 and No. 114 to a Loan Portfolio (which includes the Viewpoints Article—an article issued in 1999 by FASB staff providing guidance on certain issues regarding the ALLL, particularly on the application of FAS 5 and FAS 114 and how these statements interrelate), Chapter 7—Credit Losses, the American Institute of Certified Public Accountants' (AICPA) Audit and Accounting Guide, Banks and Savings Institutions—2000 edition (AICPA Audit Guide); and the Securities and Exchange Commission's (SEC) Financial Reporting Release No. 28 (FRR 28).

[7] Failure to maintain adequate supporting documentation does not relieve an institution of its obligation to record an appropriate ALLL.

[8] This position is fully described in the SEC's FRR 28, in which the SEC indicates that the books and records of public companies engaged in lending activities should include documentation of the rationale supporting each period's determination that the ALLL and provision amounts reported were adequate.

(b) Over the ALLL methodology,
(2) Loan grading system or process,
(3) Summary or consolidation of the ALLL balance,
(4) Validation of the ALLL methodology, and
(5) Periodic adjustments to the ALLL process.

The following sections of this Policy Statement provide guidance on significant aspects of ALLL methodologies and documentation practices. Specifically, the paper provides documentation guidance on:
(1) Policies and Procedures,
(2) Methodology,
(3) ALLL Under FASB Statement of Financial Accounting Standards No. 114, Accounting by Creditors for Impairment of a Loan (FAS 114),
(4) ALLL Under FASB Statement of Financial Accounting Standards No. 5, Accounting for Contingencies (FAS 5),
(5) Consolidating the Loss Estimates, and
(6) Validating the ALLL Methodology.

Policies and Procedures

Financial institutions utilize a wide range of policies, procedures, and control systems in their ALLL process. Sound policies should be appropriately tailored to the size and complexity of the institution and its loan portfolio.

In order for an institution's ALLL methodology to be effective, the institution's written policies and procedures for the systems and controls that maintain an appropriate ALLL should address but not be limited to:
(1) The roles and responsibilities of the institution's departments and personnel (including the lending function, credit review, financial reporting, internal audit, senior management, audit committee, board of directors, and others, as applicable) who determine, or review, as applicable, the ALLL to be reported in the financial statements;
(2) The institution's accounting policies for loans and loan losses, including the policies for charge-offs and recoveries and for estimating the fair value of collateral, where applicable;
(3) The description of the institution's systematic methodology, which should be consistent with the institution's accounting policies for determining its ALLL;[9] and
(4) The system of internal controls used to ensure that the ALLL process is maintained in accordance with GAAP and supervisory guidance.

An internal control system for the ALLL estimation process should:
(1) Include measures to provide assurance regarding the reliability and integrity of information and compliance with laws, regulations, and internal policies and procedures;
(2) Reasonably assure that the institution's financial statements (including regulatory reports) are prepared in accordance with GAAP and ALLL supervisory guidance;[10] and
(3) Include a well-defined loan review process containing:
(a) An effective loan grading system that is consistently applied, identifies differing risk characteristics and loan quality problems accurately and in a timely manner, and prompts appropriate administrative actions;
(b) Sufficient internal controls to ensure that all relevant loan review information is appropriately considered in estimating losses. This includes maintaining appropriate reports, details of reviews performed, and identification of personnel involved; and
(c) Clear formal communication and coordination between an institution's credit administration function, financial reporting group, management, board of directors, and others who are involved in the ALLL determination or review process, as applicable (e.g., written policies and procedures, management reports, audit programs, and committee minutes).

Methodology

An ALLL methodology is a system that an institution designs and implements to reasonably estimate loan and lease losses as of the financial statement date. It is critical that ALLL methodologies incorporate management's current judgments about the credit quality of the loan portfolio through a disciplined and consistently applied process.

An institution's ALLL methodology is influenced by institution-specific factors, such as an institution's size, organizational structure, business environment and strategy, management style, loan portfolio characteristics, loan administration procedures, and management information systems. However, there are certain common elements an institution should incorporate in its ALLL methodology. A summary of common elements is provided in Appendix B.[11]

Documentation of ALLL Methodology in Written Policies and Procedures

An institution's written policies and procedures should describe the primary elements of the institution's ALLL methodology, including portfolio segmentation and impairment measurement. In order for an institution's ALLL methodology to be effective, the institution's written policies and procedures should describe the methodology:
(1) For segmenting the portfolio:
(a) How the segmentation process is performed (i.e., by loan type, industry, risk rates, etc.),
(b) When a loan grading system is used to segment the portfolio:
(i) The definitions of each loan grade,
(ii) A reconciliation of the internal loan grades to supervisory loan grades, and
(iii) The delineation of responsibilities for the loan grading system.
(2) For determining and measuring impairment under FAS 114:
(a) The methods used to identify loans to be analyzed individually;
(b) For individually reviewed loans that are impaired, how the amount of any impairment is determined and measured, including:
(i) Procedures describing the impairment measurement techniques available and
(ii) Steps performed to determine which technique is most appropriate in a given situation.
(c) The methods used to determine whether and how loans individually evaluated under FAS 114, but not considered to be individually impaired, should be grouped with other loans that share common characteristics for impairment evaluation under FAS 5.
(3) For determining and measuring impairment under FAS 5:
(a) How loans with similar characteristics are grouped to be evaluated for loan collectibility (such as loan type, past-due status, and risk);
(b) How loss rates are determined (e.g., historical loss rates adjusted for environmental factors or migration analysis) and what factors are considered when establishing appropriate time frames over which to evaluate loss experience; and

[9] Further explanation is presented in the Methodology section that appears below.

[10] In addition to the supporting documentation requirements for financial institutions, as described in interagency asset quality guidelines, public companies are required to comply with the books and records provisions of the Securities Exchange Act of 1934 (Exchange Act). Under Sections 13(b)(2)-(7) of the Exchange Act, registrants must make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets of the registrant. Registrants also must maintain internal accounting controls that are sufficient to provide reasonable assurances that, among other things, transactions are recorded as necessary to permit the preparation of financial statements in conformity with GAAP. See also SEC Staff Accounting Bulletin No. 99, Materiality.

[11] Also, refer to paragraph 7.05 of the AICPA Audit Guide.

(c) Descriptions of qualitative factors (e.g., industry, geographical, economic, and political factors) that may affect loss rates or other loss measurements.

The supporting documents for the ALLL may be integrated in an institution's credit files, loan review reports or worksheets, board of directors' and committee meeting minutes, computer reports, or other appropriate documents and files.

ALLL Under FAS 114

An institution's ALLL methodology related to FAS 114 loans begins with the use of its normal loan review procedures to identify whether a loan is impaired as defined by the accounting standard. Institutions should document:

(1) The method and process for identifying loans to be evaluated under FAS 114 and

(2) The analysis that resulted in an impairment decision for each loan and the determination of the impairment measurement method to be used (i.e., present value of expected future cash flows, fair value of collateral less costs to sell, or the loan's observable market price).

Once an institution has determined which of the three available measurement methods to use for an impaired loan under FAS 114, it should maintain supporting documentation as follows:

(1) When using the present value of expected future cash flows method:

(a) The amount and timing of cash flows,

(b) The effective interest rate used to discount the cash flows, and

(c) The basis for the determination of cash flows, including consideration of current environmental factors and other information reflecting past events and current conditions.

(2) When using the fair value of collateral method:

(a) How fair value was determined, including the use of appraisals, valuation assumptions, and calculations,

(b) The supporting rationale for adjustments to appraised values, if any,

(c) The determination of costs to sell, if applicable, and

(d) Appraisal quality, and the expertise and independence of the appraiser.

(3) When using the observable market price of a loan method:

(a) The amount, source, and date of the observable market price.

Illustration A describes a practice used by a small financial institution to document its FAS 114 measurement of impairment using a comprehensive worksheet.[12] Q&A #1 and #2 in Appendix A provide examples of applying and documenting impairment measurement methods under FAS 114.

Begin Text Box—Illustration A (Documenting an ALLL Under FAS 114, Comprehensive worksheet for the impairment measurement process): A small institution utilizes a comprehensive worksheet for each loan being reviewed individually under FAS 114. Each worksheet includes a description of why the loan was selected for individual review, the impairment measurement technique used, the measurement calculation, a comparison to the current loan balance, and the amount of the ALLL for that loan. The rationale for the impairment measurement technique used (e.g., present value of expected future cash flows, observable market price of the loan, fair value of the collateral) is also described on the worksheet. *End Text Box*

Some loans that are evaluated individually for impairment under FAS 114 may be fully collateralized and therefore require no ALLL. Q&A #3 in Appendix A presents an example of an institution whose loan portfolio includes fully collateralized loans and describes the documentation maintained by that institution to support its conclusion that no ALLL was needed for those loans.

ALLL Under FAS 5

Segmenting the Portfolio

For loans evaluated on a group basis under FAS 5, management should segment the loan portfolio by identifying risk characteristics that are common to groups of loans. Institutions typically decide how to segment their loan portfolios based on many factors, which vary with their business strategies as well as their information system capabilities. Smaller institutions that are involved in less complex activities often segment the portfolio into broad loan categories. This method of segmenting the portfolio is likely to be appropriate in only small institutions offering a narrow range of loan products. Larger institutions typically offer a more diverse and complex mix of loan products. Such institutions may start by segmenting the portfolio into major loan types but typically have more detailed information available that allows them to further segregate the portfolio into product line segments based on the risk characteristics of each portfolio segment. Regardless of the segmentation method used, an institution should maintain documentation to support its conclusion that the loans in each segment have similar attributes or characteristics.

As economic and other business conditions change, institutions often modify their business strategies, which may result in adjustments to the way in which they segment their loan portfolio for purposes of estimating loan losses. Illustration B presents an example in which an institution refined its segmentation method to more effectively consider risk factors and maintains documentation to support this change.

Begin Text Box—Illustration B (Documenting Segmenting Practices, Documenting a refinement in a segmentation method): An institution with a significant portfolio of consumer loans performed a review of its ALLL methodology. The institution had determined its ALLL based upon historical loss rates in the overall consumer portfolio. The ALLL methodology was validated by comparing actual loss rates (charge-offs) for the past two years to the estimated loss rates. During this process, the institution decided to evaluate loss rates on an individual product basis (e.g., auto loans, unsecured loans, or home equity loans). This analysis disclosed significant differences in the loss rates on different products. With this additional information, the methodology was amended in the current period to segment the portfolio by product, resulting in a better estimation of the loan losses associated with the portfolio. To support this change in segmentation practice, the credit review committee records contain the analysis that was used as a basis for the change and the written report describing the need for the change *End Text Box*.

Institutions use a variety of documents to support the segmentation of their portfolios. Some of these documents include:

(1) Loan trial balances by categories and types of loans,

(2) Management reports about the mix of loans in the portfolio,

(3) Delinquency and nonaccrual reports, and

(4) A summary presentation of the results of an internal or external loan grading review.

Reports generated to assess the profitability of a loan product line may be useful in identifying areas in which to further segment the portfolio.

Estimating Loss on Groups of Loans

Based on the segmentation of the loan portfolio, an institution should estimate the FAS 5 portion of its ALLL. For those segments that require an ALLL,[13] the

[12] The referenced ''gray box'' illustrations are presented to assist institutions in evaluating how to implement the guidance provided in this document. The methods described in the illustrations may not be suitable for all institutions and are not considered required processes or actions. For additional descriptions of key aspects of ALLL guidance, a series of ALLL Questions and Answers (Q&As) are included in Appendix A of this paper.

[13] An example of a loan segment that does not generally require an ALLL is loans that are fully

institution should estimate the loan and lease losses, on at least a quarterly basis, based upon its ongoing loan review process and analysis of loan performance. The institution should follow a systematic and consistently applied approach to select the most appropriate loss measurement methods and support its conclusions and rationale with written documentation. Regardless of the methods used to measure losses, an institution should demonstrate and document that the loss measurement methods used to estimate the ALLL for each segment are determined in accordance with GAAP as of the financial statement date.[14]

One method of estimating loan losses for groups of loans is through the application of loss rates to the groups' aggregate loan balances. Such loss rates typically reflect the institution's historical loan loss experience for each group of loans, adjusted for relevant environmental factors (e.g., industry, geographical, economic, and political factors) over a defined period of time. If an institution does not have loss experience of its own, it may be appropriate to reference the loss experience of other institutions, provided that the institution demonstrates that the attributes of the loans in its portfolio segment are similar to those of the loans included in the portfolio of the institution providing the loss experience.[15] Institutions should maintain supporting documentation for the technique used to develop their loss rates, including the period of time over which the losses were incurred. If a range of loss is determined, institutions should maintain documentation to support the identified range and the rationale used for determining which estimate is the best estimate within the range of loan losses. An example of how a small institution performs a comprehensive historical loss analysis is provided as the first item in Illustration C.

Before employing a loss estimation model, an institution should evaluate and modify, as needed, the model's assumptions to ensure that the resulting loss estimate is consistent with GAAP. In order to demonstrate consistency with GAAP, institutions that use loss estimation models typically document the evaluation, the conclusions regarding the appropriateness of estimating loan losses with a model or other loss estimation tool, and the support for adjustments to the model or its results.

Begin Text Box—Illustration C (Documenting the Setting of Loss Rates, First Illustration, Comprehensive loss analysis in a small institution): A small institution determines its loss rates based on loss rates over a three-year historical period. The analysis is conducted by type of loan and is further segmented by originating branch office. The analysis considers charge-offs and recoveries in determining the loss rate. The institution also considers the loss rates for each loan grade and compares them to historical losses on similarly rated loans in arriving at the historical loss factor. The institution maintains supporting documentation for its loss factor analysis, including historical losses by type of loan, originating branch office, and loan grade for the three-year period.

(Second Illustration, Adjustment of loss rates for changes in local economic conditions): An institution develops a factor to adjust loss rates for its assessment of the impact of changes in the local economy. For example, when analyzing the loss rate on commercial real estate loans, the assessment identifies changes in recent commercial building occupancy rates. The institution generally finds the occupancy statistics to be a good indicator of probable losses on these types of loans. The institution maintains documentation that summarizes the relationship between current occupancy rates and its loss experience. *End Text Box*

In developing loss measurements, institutions should consider the impact of current environmental factors and then document which factors were used in the analysis and how those factors affected the loss measurements. Factors that should be considered in developing loss measurements include the following:[16]

(1) Levels of and trends in delinquencies and impaired loans;

(2) Levels of and trends in charge-offs and recoveries;

(3) Trends in volume and terms of loans;

(4) Effects of any changes in risk selection and underwriting standards, and other changes in lending policies, procedures, and practices;

(5) Experience, ability, and depth of lending management and other relevant staff;

(6) National and local economic trends and conditions;

(7) Industry conditions; and

(8) Effects of changes in credit concentrations.

For any adjustment of loss measurements for environmental factors, the institution should maintain sufficient, objective evidence to support the amount of the adjustment and to explain why the adjustment is necessary to reflect current information, events, circumstances, and conditions in the loss measurements.

The second item in Illustration C provides an example of how an institution adjusts its commercial real estate historical loss rates for changes in local economic conditions. Q&A #4 in Appendix A provides an example of maintaining supporting documentation for adjustments to portfolio segment loss rates for an environmental factor related to an economic downturn in the borrower's primary industry. Q&A #5 in Appendix A describes one institution's process for determining and documenting an ALLL for loans that are not individually impaired but have characteristics indicating there are loan losses on a group basis.

Consolidating the Loss Estimates

To verify that ALLL balances are presented fairly in accordance with GAAP and are auditable, management should prepare a document that summarizes the amount to be reported in the financial statements for the ALLL. The board of directors should review and approve this summary.

Common elements in such summaries include:

(1) The estimate of the probable loss or range of loss incurred for each category evaluated (e.g., individually evaluated impaired loans, homogeneous pools, and other groups of loans that are collectively evaluated for impairment);

(2) The aggregate probable loss estimated using the institution's methodology;

(3) A summary of the current ALLL balance;

(4) The amount, if any, by which the ALLL is to be adjusted;[17] and

(5) Depending on the level of detail that supports the ALLL analysis, detailed subschedules of loss estimates that reconcile to the summary schedule.

Illustration D describes how an institution documents its estimated ALLL by adding comprehensive explanations to its summary schedule.

Begin Text Box—Illustration D (Summarizing Loss Estimates, Descriptive comments added to the consolidated ALLL summary schedule): To simplify the supporting documentation process and to eliminate redundancy, an institution adds detailed supporting information to its summary schedule. For example, this institution's board of directors receives, within the body of the ALLL summary

secured by deposits maintained at the lending institution.

[14] Refer to paragraph 8(b) of FAS 5. Also, the AICPA is currently developing a Statement of Position that will provide more specific guidance on accounting for loan losses.

[15] Refer to paragraph 23 of FAS 5.

[16] Refer to paragraph 7.13 in the AICPA Audit Guide.

[17] Subsequent to adjustments, there should be no material differences between the consolidated loss estimate, as determined by the methodology, and the final ALLL balance reported in the financial statements.

schedule, a brief description of the institution's policy for selecting loans for evaluation under FAS 114. Additionally, the institution identifies which FAS 114 impairment measurement method was used for each individually reviewed impaired loan. Other items on the schedule include a brief description of the loss factors for each segment of the loan portfolio, the basis for adjustments to loss rates, and explanations of changes in ALLL amounts from period to period, including cross-references to more detailed supporting documents. *End Text Box*

Generally, an institution's review and approval process for the ALLL relies upon the data provided in these consolidated summaries. There may be instances in which individuals or committees that review the ALLL methodology and resulting allowance balance identify adjustments that need to be made to the loss estimates to provide a better estimate of loan losses. These changes may be due to information not known at the time of the initial loss estimate (e.g., information that surfaces after determining and adjusting, as necessary, historical loss rates, or a recent decline in the marketability of property after conducting a FAS 114 valuation based upon the fair value of collateral). It is important that these adjustments are consistent with GAAP and are reviewed and approved by appropriate personnel. Additionally, the summary should provide each subsequent reviewer with an understanding of the support behind these adjustments. Therefore, management should document the nature of any adjustments and the underlying rationale for making the changes. This documentation should be provided to those making the final determination of the ALLL amount. Q&A #6 in Appendix A addresses the documentation of the final amount of the ALLL.

Validating the ALLL Methodology

An institution's ALLL methodology is considered valid when it accurately estimates the amount of loss contained in the portfolio. Thus, the institution's methodology should include procedures that adjust loss estimation methods to reduce differences between estimated losses and actual subsequent charge-offs, as necessary.

To verify that the ALLL methodology is valid and conforms to GAAP and supervisory guidance, an institution's directors should establish internal control policies, appropriate for the size of the institution and the type and complexity of its loan products. These policies should include procedures for a review, by a party who is independent of the ALLL estimation process, of the ALLL methodology and its application in order to confirm its effectiveness.

In practice, financial institutions employ numerous procedures when validating the reasonableness of their ALLL methodology and determining whether there may be deficiencies in their overall methodology or loan grading process. Examples are:

(1) A review of trends in loan volume, delinquencies, restructurings, and concentrations.

(2) A review of previous charge-off and recovery history, including an evaluation of the timeliness of the entries to record both the charge-offs and the recoveries.

(3) A review by a party that is independent of the ALLL estimation process. This often involves the independent party reviewing, on a test basis, source documents and underlying assumptions to determine that the established methodology develops reasonable loss estimates.

(4) An evaluation of the appraisal process of the underlying collateral. This may be accomplished by periodically comparing the appraised value to the actual sales price on selected properties sold.

Supporting Documentation for the Validation Process

Management usually supports the validation process with the workpapers from the ALLL review function. Additional documentation often includes the summary findings of the independent reviewer. The institution's board of directors, or its designee, reviews the findings and acknowledges its review in its meeting minutes. If the methodology is changed based upon the findings of the validation process, documentation that describes and supports the changes should be maintained.

Appendix A—ALLL Questions and Answers

Introduction

The Questions and Answers (Q&As) presented in this appendix serve several purposes, including (1) To illustrate the banking agencies' views, as set forth in this Policy Statement, about the types of decisions, determinations, and processes an institution should document with respect to its ALLL methodology and amounts; and (2) to illustrate the types of ALLL documentation and processes an institution might prepare, retain, or use in a particular set of circumstances. The level and types of documentation described in the Q&As should be considered neither the minimum acceptable level of documentation nor an all-inclusive list. Institutions are expected to apply the guidance in this Policy Statement to their individual facts, circumstances, and situations. If an institution's fact pattern differs from the fact patterns incorporated in the following Q&As, the institution may decide to prepare and maintain different types of documentation than did the institutions depicted in these Q&As.

Q&A #1—ALLL Under FAS 114—Measuring and Documenting Impairment

Facts: Approximately one-third of Institution A's commercial loan portfolio consists of large balance, non-homogeneous loans. Due to their large individual balances, these loans meet the criteria under Institution A's policies and procedures for individual review for impairment under FAS 114. Upon review of the large balance loans, Institution A determines that certain of the loans are impaired as defined by FAS 114.

Question: For the commercial loans reviewed under FAS 114 that are individually impaired, how should Institution A measure and document the impairment on those loans? Can it use an impairment measurement method other than the methods allowed by FAS 114?

Interpretive Response: For those loans that are reviewed individually under FAS 114 and considered individually impaired, Institution A must use one of the methods for measuring impairment that is specified by FAS 114 (that is, the present value of expected future cash flows, the loan's observable market price, or the fair value of collateral). Accordingly, in the circumstances described above, for the loans considered individually impaired under FAS 114, it would not be appropriate for Institution A to choose a measurement method not prescribed by FAS 114. For example, it would not be appropriate to measure loan impairment by applying a loss rate to each loan based on the average historical loss percentage for all of its commercial loans for the past five years.

Institution A should maintain, as sufficient, objective evidence, written documentation to support its measurement of loan impairment under FAS 114. If Institution A uses the present value of expected future cash flows to measure impairment of a loan, it should document the amount and timing of cash flows, the effective interest rate used to discount the cash flows, and the basis for the determination of cash flows, including consideration of current environmental factor [1] and other information reflecting past events and current conditions. If Institution A uses the fair value of collateral to measure impairment, it should document how it determined the fair value, including the use of appraisals, valuation assumptions and calculations, the supporting rationale for adjustments to appraised values, if any, and the determination of costs to sell, if applicable, appraisal quality, and the expertise and independence of the appraiser. Similarly, Institution A should document the amount, source, and date of the observable

[1] Question #16 in Exhibit D–80A of EITF Topic D–80 and attachments indicates that environmental factors include existing industry, geographical, economic, and political factors.

market price of a loan, if that method of measuring loan impairment is used.

Q&A #2—ALLL Under FAS 114—Measuring Impairment for a Collateral Dependent Loan

Facts: Institution B has a $10 million loan outstanding to Company X that is secured by real estate, which Institution B individually evaluates under FAS 114 due to the loan's size. Company X is delinquent in its loan payments under the terms of the loan agreement. Accordingly, Institution B determines that its loan to Company X is impaired, as defined by FAS 114. Because the loan is collateral dependent, Institution B measures impairment of the loan based on the fair value of the collateral. Institution B determines that the most recent valuation of the collateral was performed by an appraiser eighteen months ago and, at that time, the estimated value of the collateral (fair value less costs to sell) was $12 million.

Institution B believes that certain of the assumptions that were used to value the collateral eighteen months ago do not reflect current market conditions and, therefore, the appraiser's valuation does not approximate current fair value of the collateral. Several buildings, which are comparable to the real estate collateral, were recently completed in the area, increasing vacancy rates, decreasing lease rates, and attracting several tenants away from the borrower. Accordingly, credit review personnel at Institution B adjust certain of the valuation assumptions to better reflect the current market conditions as they relate to the loan's collateral.[2] After adjusting the collateral valuation assumptions, the credit review department determines that the current estimated fair value of the collateral, less costs to sell, is $8 million. Given that the recorded investment in the loan is $10 million, Institution B concludes that the loan is impaired by $2 million and records an allowance for loan losses of $2 million.

Question: What type of documentation should Institution B maintain to support its determination of the allowance for loan losses of $2 million for the loan to Company X?

Interpretive Response: Institution B should document that it measured impairment of the loan to Company X by using the fair value of the loan's collateral, less costs to sell, which it estimated to be $8 million. This documentation should include the institution's rationale and basis for the $8 million valuation, including the revised valuation assumptions it used, the valuation calculation, and the determination of costs to sell, if applicable. Because Institution B arrived at the valuation of $8 million by modifying an earlier appraisal, it should document its rationale and basis for the changes it made to the valuation assumptions that resulted in the collateral value declining from $12 million eighteen months ago to $8 million in the current period.[3]

Q&A #3—ALLL Under FAS 114—Fully Collateralized Loans

Facts: Institution C has $10 million in loans that are fully collateralized by highly rated debt securities with readily determinable market values. The loan agreement for each of these loans requires the borrower to provide qualifying collateral sufficient to maintain a loan-to-value ratio with sufficient margin to absorb volatility in the securities' market prices. Institution C's collateral department has physical control of the debt securities through safekeeping arrangements. In addition, Institution C perfected its security interest in the collateral when the funds were originally distributed. On a quarterly basis, Institution C's credit administration function determines the market value of the collateral for each loan using two independent market quotes and compares the collateral value to the loan carrying value. If there are any collateral deficiencies, Institution C notifies the borrower and requests that the borrower immediately remedy the deficiency. Due in part to its efficient operation, Institution C has historically not incurred any material losses on these loans. Institution C believes these loans are fully-collateralized and therefore does not maintain any ALLL balance for these loans.

Question: What documentation does Institution C maintain to adequately support its determination that no allowance is needed for this group of loans?

Interpretive Response: Institution C's management summary of the ALLL includes documentation indicating that, in accordance with the institution's ALLL policy, the collateral protection on these loans has been verified by the institution, no probable loss has been incurred, and no ALLL is necessary. Documentation in Institution C's loan files includes the two independent market quotes obtained each quarter for each loan's collateral amount, the documents evidencing the perfection of the security interest in the collateral, and other relevant supporting documents. Additionally, Institution C's ALLL policy includes a discussion of how to determine when a loan is considered ''fully collateralized'' and does not require an ALLL. Institution C's policy requires the following factors to be considered and the institution's findings concerning these factors to be fully documented:

(1) Volatility of the market value of the collateral;

(2) Recency and reliability of the appraisal or other valuation

(3) Recency of the institution's or third party's inspection of the collateral

(4) Historical losses on similar loans;

(5) Confidence in the institution's lien or security position including appropriate:

(a) Type of security perfection (*e.g.*, physical possession of collateral or secured filing);

(b) Filing of security perfection (*i.e.*, correct documents and with the appropriate officials); and

(c) Relationship to other liens; and

(6) Other factors as appropriate for the loan type.

Q&A #4—ALLL Under FAS 5—Adjusting Loss Rates

Facts: Institution D's lending area includes a metropolitan area that is financially dependent upon the profitability of a number of manufacturing businesses. These businesses use highly specialized equipment and significant quantities of rare metals in the manufacturing process. Due to increased low-cost foreign competition, several of the parts suppliers servicing these manufacturing firms declared bankruptcy. The foreign suppliers have subsequently increased prices and the manufacturing firms have suffered from increased equipment maintenance costs and smaller profit margins. Additionally, the cost of the rare metals used in the manufacturing process increased and has now stabilized at double last year's price. Due to these events, the manufacturing businesses are experiencing financial difficulties and have recently announced downsizing plans.

Although Institution D has yet to confirm an increase in its loss experience as a result of these events, management knows that it lends to a significant number of businesses and individuals whose repayment ability depends upon the long-term viability of the manufacturing businesses. Institution D's management has identified particular segments of its commercial and consumer customer bases that include borrowers highly dependent upon sales or salary from the manufacturing businesses. Institution D's management performs an analysis of the affected portfolio segments to adjust its historical loss rates used to determine the ALLL. In this particular case, Institution D has experienced similar business and lending conditions in the past that it can compare to current conditions.

Question: How should Institution D document its support for the loss rate adjustments that result from considering these manufacturing firms' financial downturns?

Interpretive Response: Institution D should document its identification of the particular segments of its commercial and consumer loan portfolio for which it is probable that the manufacturing business' financial downturn has resulted in loan losses. In addition, Institution D should document its analysis that resulted in the adjustments to the loss rates for the affected portfolio segments. As part of its documentation, Institution D maintains copies of the documents supporting the analysis, including relevant newspaper articles, economic reports, economic data, and notes from discussions with individual borrowers.

Because in this case Institution D has had similar situations in the past, its supporting documentation also includes an analysis of how the current conditions compare to its previous loss experiences in similar circumstances. As part of its effective ALLL methodology, Institution D creates a

[2] When reviewing collateral dependent loans, Institution B may often find it more appropriate to obtain an updated appraisal to estimate the effect of current market conditions on the appraised value instead of internally estimating an adjustment.

[3] In accordance with the FFIEC's **Federal Register** Notice, Implementation Issues Arising from FASB No. 114, ''Accounting by Creditors for Impairment of a Loan,'' published February 10, 1995 (60 FR 7966, February 10, 1995), impaired, collateral-dependent loans must be reported at the fair value of collateral, less costs to sell, in regulatory reports. This treatment is to be applied to all collateral-dependent loans, regardless of type of collateral.

summary of the amount and rationale for the adjustment factor, which management presents to the audit committee and board for their review and approval prior to the issuance of the financial statements.

Q&A #5—ALLL Under FAS 5—Estimating Losses on Loans Individually Reviewed for Impairment But Not Considered Individually Impaired

Facts: Institution E has outstanding loans of $2 million to Company Y and $1 million to Company Z, both of which are paying as agreed upon in the loan documents. The institution's ALLL policy specifies that all loans greater than $750,000 must be individually reviewed for impairment under FAS 114. Company Y's financial statements reflect a strong net worth, good profits, and ongoing ability to meet debt service requirements. In contrast, recent information indicates Company Z's profitability is declining and its cash flow is tight. Accordingly, this loan is rated substandard under the institution's loan grading system. Despite its concern, management believes Company Z will resolve its problems and determines that neither loan is individually impaired as defined by FAS 114.

Institution E segments its loan portfolio to estimate loan losses under FAS 5. Two of its loan portfolio segments are Segment 1 and Segment 2. The loan to Company Y has risk characteristics similar to the loans included in Segment 1 and the loan to Company Z has risk characteristics similar to the loans included in Segment 2.[4]

In its determination of the ALLL under FAS 5, Institution E includes its loans to Company Y and Company Z in the groups of loans with similar characteristics (i.e., Segment 1 for Company Y's loan and Segment 2 for Company Z's loan). Management's analyses of Segment 1 and Segment 2 indicate that it is probable that each segment includes some losses, even though the losses cannot be identified to one or more specific loans. Management estimates that the use of its historical loss rates for these two segments, with adjustments for changes in environmental factors provides a reasonable estimate of the institution's probable loan losses in these segments.

Question: How does Institution E adequately document an ALLL under FAS 5 for these loans that were individually reviewed for impairment but are not considered individually impaired?

Interpretive Response: As part of Institution E's effective ALLL methodology, it documents the decision to include its loans to Company Y and Company Z in its determination of its ALLL under FAS 5. It also documents the specific characteristics of the loans that were the basis for grouping these loans with other loans in Segment 1 and Segment 2, respectively. Institution E maintains documentation to support its method of estimating loan losses for Segment 1 and Segment 2, including the average loss rate used, the analysis of historical losses by loan type and by internal risk rating, and support for any adjustments to its historical loss rates. The institution also maintains copies of the economic and other reports that provided source data.

Q&A #6—Consolidating the Loss Estimates—Documenting the Reported ALLL

Facts: Institution F determines its ALLL using an established systematic process. At the end of each period, the accounting department prepares a summary schedule that includes the amount of each of the components of the ALLL, as well as the total ALLL amount, for review by senior management, the Credit Committee, and, ultimately, the board of directors. Members of senior management and the Credit Committee meet to discuss the ALLL. During these discussions, they identify changes that are required by GAAP to be made to certain of the ALLL estimates. As a result of the adjustments made by senior management, the total amount of the ALLL changes. However, senior management (or its designee) does not update the ALLL summary schedule to reflect the adjustments or reasons for the adjustments. When performing their audit of the financial statements, the independent accountants are provided with the original ALLL summary schedule that was reviewed by senior management and the Credit Committee, as well as a verbal explanation of the changes made by senior management and the Credit Committee when they met to discuss the loan loss allowance.

Question: Are Institution F's documentation practices related to the balance of its loan loss allowance in compliance with existing documentation guidance in this area?

Interpretive Response: No. An institution must maintain supporting documentation for the loan loss allowance amount reported in its financial statements. As illustrated above, there may be instances in which ALLL reviewers identify adjustments that need to be made to the loan loss estimates. The nature of the adjustments, how they were measured or determined, and the underlying rationale for making the changes to the ALLL balance should be documented. Appropriate documentation of the adjustments should be provided to the board of directors (or its designee) for review of the final ALLL amount to be reported in the financial statements. For institutions subject to external audit, this documentation should also be made available to the independent accountants. If changes frequently occur during management or credit committee reviews of the ALLL, management may find it appropriate to analyze the reasons for the frequent changes and to reassess the methodology the institution uses.

Appendix B—Application of GAAP

An ALLL recorded pursuant to GAAP is an institution's best estimate of the probable amount of loans and lease-financing receivables that it will be unable to collect based on current information and events.[1] A creditor should record an ALLL when the criteria for accrual of a loss contingency as set forth in GAAP have been met. Estimating the amount of an ALLL involves a high degree of management judgment and is inevitably imprecise. Accordingly, an institution may determine that the amount of loss falls within a range. An institution should record its best estimate within the range of loan losses.[2]

Under GAAP, Statement of Financial Accounting Standards No. 5, Accounting for Contingencies (FAS 5), provides the basic guidance for recognition of a loss contingency, such as the collectibility of loans (receivables), when it is probable that a loss has been incurred and the amount can be reasonably estimated. Statement of Financial Accounting Standards No. 114, Accounting by Creditors for Impairment of a Loan (FAS 114) provides more specific guidance about the measurement and disclosure of impairment for certain types of loans.[3] Specifically, FAS 114 applies to loans that are identified for evaluation on an individual basis. Loans are considered impaired when, based on current information and events, it is probable that the creditor will be unable to collect all interest and principal payments due according to the contractual terms of the loan agreement.

For individually impaired loans, FAS 114 provides guidance on the acceptable methods to measure impairment. Specifically, FAS 114 states that when a loan is impaired, a creditor should measure impairment based on the present value of expected future principal and interest cash flows discounted at the loan's effective interest rate, except that as a practical expedient, a creditor may measure impairment based on a loan's observable market price or the fair value of collateral, if the loan is collateral dependent. When developing the estimate of expected future cash flows for a loan, an institution should consider all available information reflecting past events and current conditions, including the effect of existing environmental factors. The following Illustration provides an example of an institution estimating a loan's impairment when the loan has been partially charged-off.

[4] These groups of loans do not include any loans that have been individually reviewed for impairment under FAS 114 and determined to be impaired as defined by FAS 114.

[1] This Appendix provides guidance on the ALLL and does not address allowances for credit losses for off-balance sheet instruments (e.g., loan commitments, guarantees, and standby letters of credit). Institutions should record liabilities for these exposures in accordance with GAAP. Further guidance on this topic is presented in the American Institute of Certified Public Accountants' Audit and Accounting Guide, Banks and Savings Institutions, 2000 edition (AICPA Audit Guide). Additionally, this Appendix does not address allowances or accounting for assets or portions of assets sold with recourse, which is described in Statement of Financial Accounting Standards No. 140, Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities—a Replacement of FASB Statement No. 125 (FAS 140).

[2] Refer to FASB Interpretation No. 14, Reasonable Estimation of the Amount of a Loss, and Emerging Issues Task Force Topic No. D–80, Application of FASB Statements No. 5 and No. 114 to a Loan Portfolio (EITF Topic D–80).

[3] EITF Topic D–80 includes additional guidance on the requirements of FAS 5 and FAS 114 and how they relate to each other. The AICPA is currently developing a Statement of Position (SOP) that will provide more specific guidance on accounting for loan losses.

Begin Text Box—Illustration (Interaction of FAS 114 With an Adversely Classified Loan, Partial Charge-off, and the Overall ALLL): An institution determined that a collateral dependent loan, which it identified for evaluation, was impaired. In accordance with FAS 114, the institution established an ALLL for the amount that the recorded investment in the loan exceeded the fair value of the underlying collateral, less costs to sell. Consistent with relevant regulatory guidance, the institution classified as ''Loss,'' the portion of the recorded investment deemed to be the confirmed loss and classified the remaining recorded investment as ''Substandard.'' For this loan, the amount classified ''Loss'' was less than the impairment amount (as determined under FAS 114). The institution charged off the ''Loss'' portion of the loan. After the charge-off, the portion of the ALLL related to this ''Substandard'' loan (1) reflects an appropriate measure of impairment under FAS 114, and (2) is included in the aggregate FAS 114 ALLL for all loans that were identified for evaluation and individually considered impaired. The aggregate FAS 114 ALLL is included in the institution's overall ALLL. *End Text Box*

Large groups of smaller-balance homogeneous loans that are collectively evaluated for impairment are not included in the scope of FAS 114.[4] Such groups of loans may include, but are not limited to, credit card, residential mortgage, and consumer installment loans. FAS 5 addresses the accounting for impairment of these loans. Also, FAS 5 provides the accounting guidance for impairment of loans that are not identified for evaluation on an individual basis and loans that are individually evaluated but are not individually considered impaired.

Institutions should ensure that they do not layer their loan loss allowances. Layering is the inappropriate practice of recording in the ALLL more than one amount for the same probable loan loss. Layering can happen when an institution includes a loan in one segment, determines its best estimate of loss for that loan either individually or on a group basis (after taking into account all appropriate environmental factors, conditions, and events), and then includes the loan in another group, which receives an additional ALLL amount.[5]

While different institutions may use different methods, there are certain common elements that should be included in any loan loss allowance methodology. Generally, an institution's methodology should:[6]

(1) Include a detailed analysis of the loan portfolio, performed on a regular basis;

(2) Consider all loans (whether on an individual or group basis);

(3) Identify loans to be evaluated for impairment on an individual basis under FAS 114 and segment the remainder of the portfolio into groups of loans with similar risk characteristics for evaluation and analysis under FAS 5;

(4) Consider all known relevant internal and external factors that may affect loan collectibility;

(5) Be applied consistently but, when appropriate, be modified for new factors affecting collectibility;

(6) Consider the particular risks inherent in different kinds of lending;

(7) Consider current collateral values (less costs to sell), where applicable;

(8) Require that analyses, estimates, reviews and other ALLL methodology functions be performed by competent and well-trained personnel;

(9) Be based on current and reliable data;

(10) Be well documented, in writing, with clear explanations of the supporting analyses and rationale; and

(11) Include a systematic and logical method to consolidate the loss estimates and ensure the ALLL balance is recorded in accordance with GAAP.

A systematic methodology that is properly designed and implemented should result in an institution's best estimate of the ALLL. Accordingly, institutions should adjust their ALLL balance, either upward or downward, in each period for differences between the results of the systematic determination process and the unadjusted ALLL balance in the general ledger.[7]

Bibliography

American Institute of Certified Public Accountants' Audit and Accounting Guide, Banks and Savings Institutions, 2000 edition

Auditing Standards Board Statement on Auditing Standards No. 61, Communication With Audit Committees (AICPA, Professional Standards, vol. 1, AU sec. 380)

Emerging Issues Task Force Topic No. D–80, Application of FASB Statements No. 5 and No. 114 to a Loan Portfolio (EITF Topic D–80 and attachments), discussed on May 19–20, 1999

Financial Accounting Standards Board Interpretation No. 14, Reasonable Estimation of the Amount of a Loss (An Interpretation of FASB Statement No. 5)

Financial Accounting Standards Board Statement of Financial Accounting Standards No. 5, Accounting for Contingencies

Federal Deposit Insurance Act, Section 39, Standards for Safety and Soundness (12 U.S.C. 1831p–1)

Federal Financial Institutions Examination Council's Instructions for Preparation of Consolidated Reports of Condition and Income

Financial Accounting Standards Board Statement of Financial Accounting Standards No. 114, Accounting by Creditors for Impairment of A Loan (An Amendment of FASB Statements No. 5 and 15)

Financial Accounting Standards Board Statement of Financial Accounting Standards No. 118, Accounting by Creditors for Impairment of a Loan—Income Recognition and Disclosures (An Amendment of FASB Statement No. 114)

Financial Accounting Standards Board Statement of Financial Accounting Standards No. 140, Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities—a Replacement of FASB Statement No. 125

Interagency Guidelines Establishing Standards for Safety and Soundness, established in 1995 and 1996, as amended on October 15, 1998

Interagency Policy Statement on the Allowance for Loan and Lease Losses (ALLL), December 21, 1993

Joint Interagency Statement (regarding the ALLL), November 24, 1998

Joint Interagency Letter to Financial Institutions (regarding the ALLL), March 10, 1999

Joint Interagency Letter to Financial Institutions (regarding the ALLL), July 12, 1999

Securities and Exchange Commission Financial Reporting Release No. 28, Accounting for Loan Losses by Registrants Engaged in Lending Activities, December 1, 1986

Securities and Exchange Commission Securities Act Industry Guide 3, Statistical Disclosure by Bank Holding Companies

Securities and Exchange Commission Staff Accounting Bulletin No. 99, Materiality, August 1999

Securities Exchange Act of 1934, Section 13(b)(2)–(7) (15 U.S.C. 78m(b)(2)–(7))

United States General Accounting Office Report to Congressional Committees, Depository Institutions: Divergent Loan Loss Methods Undermine Usefulness of Financial Reports, (GAO/AIMD–95–8), October 1994

Dated: July 2, 2001.

Keith J. Todd,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 01–16973 Filed 7–5–01; 8:45 am]

BILLING CODES 6710–01–P; 6714–01–P; 6720–01–P; 4810–33–P

[4] In addition, FAS 114 does not apply to loans measured at fair value or at the lower of cost or fair value, leases, or debt securities.

[5] According to the Federal Financial Institutions Examination Council's **Federal Register** Notice, Implementation Issues Arising from FASB Statement No. 114, Accounting by Creditors for Impairment of a Loan, published February 10, 1995, institution-specific issues should be reviewed when estimating loan losses under FAS 114. This analysis should be conducted as part of the evaluation of each individual loan reviewed under FAS 114 to avoid potential ALLL layering.

[6] Refer to paragraph 7.05 of the AICPA Audit Guide.

[7] Institutions should refer to the guidance on materiality in SEC Staff Accounting Bulletin No. 99, Materiality.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the

assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 30, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. North Fork Bancorporation, Inc., Melville, New York; to acquire 100 percent of the voting shares of North Fork Bank, Melville, New York, and thereby indirectly acquire Commercial Bank of New York, New York, New York.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Piper Holdings, Inc., Covington, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Fountain Trust Company, Covington, Indiana.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Live Oak Financial Corp., Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Live Oak Delaware Financial Corp., Wilmington, Delaware, and thereby indirectly acquire Live Oak State Bank, Dallas, Texas (in organization).

2. Live Oak Delaware Financial Corp., Wilmington, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of Live Oak State Bank, Dallas, Texas (in organization).

Board of Governors of the Federal Reserve System, June 29, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–16870 Filed 7–5–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

Agency Holding the Meeting: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, July 11, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 3, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–17071 Filed 7–03–01; 1:43 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—05/29/2001			
20011793	Cambrex Corporation	BioScience Contact Production Corp	BioScience Contact Production Corp.
20011809	General Dynamics Corporation	Israel Aircraft Industries Ltd	Israel Aircraft Industries Ltd.
20011817	Suez	Suez	Nalco/Exxon Energy Chemicals L.P.
20011831	Armor Holdings, Inc	The Kroll-O'Gara Company	O'Gara Security Associates, Inc. O'Gara-Hess & Eisenhardt Armoring Company The O'Gara Company
20011832	L–3 Communications Holdings, Inc	Jai N. and Shashi A. Gupta	EER Systems, Inc.
20011834	RCBA Strategic Partners, L.P	CBRE Holdings, Inc	CBRE Holding, Inc.
20011841	RCBA Strategic Partners, L.P	CB Richard Ellis Services, Inc	CB Richard Ellis Services, Inc.
20011846	Jones Apparel Group, Inc	McNaugton Apparel Group Inc	McNaugton Apparel Group Inc.
20011847	General Electric Company	ORIX Corporation	ORIX Corporation

Trans #	Acquiring	Acquired	Entities
20011850	Wells Fargo & Company	Guy Benhamou	OroAmerica, Inc.
20011862	Carl C. Icahn	Vector Group Ltd	Vector Group Ltd.
TRANSACTIONS GRANTED EARLY TERMINATION—05/30/2001			
20011849	General Electric Company	Mellon Financial Corporation	Mellon Financial Corporation
20011852	IHC Caland, N.V	Joseph W. & Patricia R. Blanford	Atlantia Corporation
20011855	William Laule	Smiths Group plc	TI Group Automotive Systems (North America) LLC
20011856	Vereniging AEGON	S. Hubert Humphrey, Jr	World Marketing Alliance, Inc. (a Georgia Corporation)
20011857	Vesta Insurance Group, Inc	Florida Select Insurance Holdings, Inc	Florida Select Insurance Holdings, Inc.
20011858	The Williams Companies, Inc	Barrett Resources Corporation	Barrett Resources Corporation
20011867	Swiss Reinsurance Company	MetLife, Inc	Coning Corporation
20011869	Cable and Wireless plc	Digital Island, Inc	Digital Island, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—05/31/2001			
20011789	International Business Machines Corporation.	Informix Corporation	Informix Corporation
20011797	General Dynamics Corporation	H Group Holdings, Inc.	Galaxy Aerospace Co. L.P.
20011833	FS Equity Partners III, L.P	CBRE Holding, Inc.	CBRE Holding, Inc.
20011842	Gyrus Group plc	Smith & Nephew, plc	ENT, LLC
TRANSACTIONS GRANTED EARLY TERMINATION—06/01/2001			
20011860	John C. Malone	AT&T Corp.	Liberty Media Corporation
20011866	Ducommun Incorporated	Composite Structures, LLC	Composite Structures, LLC
20011881	Heartland Industrial Partners, L.P	Springs Industries, Inc	Springs Industries, Inc
TRANSACTIONS GRANTED EARLY TERMINATION—06/04/2001			
20011802	Domtar, Inc	Georgia-Pacific Corporation	Nekoosa Papers Inc
20011848	Xcel Energy Inc	Conectiv	Atlantic City Electric Company Delmarva Power & Light Company
20011874	Brian L. Roberts	AT&T Corp	AT&T Corp.
20011883	Stichting Administratiekantoor Vanenburg Capital Management.	WebEx Communications, Inc	WebEx Communications, Inc.
20011900	Manpower Inc	Jefferson Wells International, Inc	Jefferson Wells International, Inc.
20011909	AMVESCAP PLC	Old Mutual PLC	Pell Rudman & Co., Inc. Pell Rudman Trust Company, N.A. Rothschild/Pell Rudman, Inc. Sovereign Financial Services, Inc.
TRANSACTION GRANTED EARLY TERMINATION—06/05/2001			
20011836	General Maritime Ship Holdings Ltd	Boss, L.P	Boss, L.P
20011838	Peter C. Georgiopoulos	General Maritime Ship Holdings Ltd	General Martime Ship Holdings Ltd.
20011839	General Maritime Ship Holdings Ltd	OCM Principal Opportunities Fund, L.P	Ajax II, L.P.
20011840	OCM Principal Opportunities Fund, L.P	General Maritime Ship Holdings Ltd	General Maritime Ship Holdings Ltd.
20011865	General Electric Company	NBC Internet, Inc	NBC Internet, Inc.
20011873	Xcel Energy Inc	Gerald R. Forsythe	Indeck-Bourbonnais, L.L.C. Indeck-Equipment Company, L.L.C. Indeck-Ilion Limited Partnership Indeck-Rockford Equipment II, L.L.C. Indeck-Rockford Equipment, L.L.C. Indeck-Rockford II, L.L.C. Indeck-Rockford, L.L.C.
20011875	El Paso Corporation	A. Ahlstrom Corporation	Ahlstrom Development Corporation
20011879	General Electric Company	General Electric Company	GE-Harris Railway Electronic LLC
20011880	State Street Corporation	DST Systems, Inc	DST Portfolio Systems, Inc.
20011882	Ingenico S.A	IVI Checkmate Corp	IVI Checkmate Corp
20011884	Aon Corporation	Carl Westcott	First Extended, Inc.
20011887	Dimension Data Holdings plc	Proxicom, Inc	Proxicom, Inc.
20011888	Alimentation Couche-Tard Inc	Richard L. Johnson & Ruth W. Johnson, Trustees.	Johnson Oil Company, Inc. Smith Oil Company of Kankakee
20011889	Illinois Tool Works Inc	The Texwipe LLC	Texwipe International LLC Texwipe/Synatx LLX The Texwipe Company LLC
20011899	Donna Karan & Stephen Weiss	Bernard Arnault	New Donna Karan International, Inc.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—06/06/2001			
20011790	The Bank of New York Company, Inc	The Charles Schwab Corporation	U.S. Trust Company of Florida Savings Bank U.S. Trust Company, National Association United States Trust Company of New York
20011868	SIG Holding AG	CIR-Compagnie Industriali Riunite S.p.A	Sasib S.p.A.
20011891	Parker Hannifin Corporation	Dana Corporation	Dana Corporation
20011896	Kerr-McGee Corporation	HS Resources, Inc	HS Resources, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—06/07/2001			
20011859	Tyco International, Ltd	Novartis AG	Novartis Corporation
20011907	Mizuho Holdings, Inc	Fifth Third Bancorp	Fifth Third Bancorp

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, contact representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary

[FR Doc. 01–16933 Filed 7–5–01; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0266]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Registration and Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for medical device registration and listing.

DATES: Submit written or electronic comments on the collection of information by September 4, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.fda.gov/dockets/ecomments. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Device Registration and Listing—21 CFR 807.22 and 807.31 (OMB Control No. 0910–0387)—Extension

Section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360) requires that manufacturers and initial importers engaged in the manufacture, preparation, propagation, compounding, assembly, or processing of medical devices intended for human use and in commercial distribution register their establishments and list the devices they manufacture with FDA. This is accomplished by completing FDA Form 2891 entitled ''Initial Registration of Device Establishment'' and FDA Form 2892 entitled ''Medical Device Listing.'' In addition, each year active, registered establishments must notify FDA of changes to the current registration and device listing for the establishment. Annual changes to current registration information are preprinted on FDA Form 2891a and sent to registered establishments. The form must be sent back to FDA's Center for Devices and Radiological Health, even if no changes have occurred. Changes to listing information are submitted on Form 2892. On August 14, 2001, all hospitals who reprocess single-use devices will be required to register and list their activities. Under the Food and Drug Administration Modernization Act of 1997, foreign manufacturers are now required to register their establishments

and list their devices, but foreign registration and listing will be covered under a separate information requirement. FDA will also accept voluntary registration and listings from firms not covered above that wish to be registered with FDA.

In addition, under § 807.31 (21 CFR 807.31), each owner or operator is required to maintain a historical file containing the labeling and advertisements in use on the date of initial listing, and in use after October 10, 1978, but before the date of initial listing. The owner or operator must maintain in the historical file any labeling or advertisements in which a material change has been made anytime after initial listing, but may discard labeling and advertisements from the file 3 years after the date of the last shipment of a discontinued device by an owner or operator. Along with the recordkeeping requirements above, the owner or operator must be prepared to submit to FDA all labeling and advertising mentioned above (§ 807.31(e)).

The information collected through these provisions is used by FDA to identify firms subject to FDA's regulations and is used to identify geographic distribution in order to effectively allocate FDA's field resources for these inspections and to identify the class of the device that determines the inspection frequency. When complications occur with a particular device or component, manufacturers of similar or related devices can be easily identified.

The likely respondents to this information collection will be domestic establishments engaged in the manufacture, preparation, propagation, compounding, assembly, or processing of medical devices intended for human use and commercial distribution.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED YEAR 1 ANNUAL REPORTING BURDEN[1]

21 CFR Section	FDA Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
807.22(a)	Form 2891 Initial Establishment Registration	2,045	1	2,045	0.25	511
807.22(a) (hospital reuse manufacturers)	Form 2891 Initial Establishment Registration	2,000	1	2,000	0.25	500
807.22(b)	Form 2892 Device Listing—initial and updates	3,450	1	3,450	0.50	1,725
807.22(b) (hospital reuse manufacturers)	Form 2892 Device Listing—initial and updates	2,000	10	20,000	0.50	10,000
807.22(a)	Form 2891(a)—Registration Update	16,500	1	16,500	0.25	4,125
807.31(e)		200	1	200	0.50	100
Total year 1 burden hours						16,961

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED SUBSEQUENT YEARS ANNUAL REPORTING BURDEN[1]

21 CFR Section	FDA Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
807.22(a)	Form 2891 Initial Establishment Registration	2,245	1	2,245	0.25	561
807.22(b)	Form 2892 Device Listing—initial and updates	3,650	1	3,650	0.50	1,825
807.22(a)	Form 2891(a)—Registration Update	18,500	1	18,500	0.25	4,625
807.31(e)		200	1	200	0.50	100
Total year 2 and year 3 burden hours						7,111

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
807.31	9,900	10	99,000	0.50	49,500
Total burden hours					49,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This year's submission has broken out annual costs into two distinct phases, and the tables above summarized the estimated annual reporting burden hours for medical device establishments to report in compliance with the provisions imposed by this regulation.

Hospital Reprocessing of Single-Use Medical Devices

On August 14, 2001, hospitals who reprocess single-use devices will be

required to register their establishments and list those devices they reprocess. FDA has estimated that there will be approximately 2,000 such establishments that will fall into this category. The first year of the requirement will cause a one-time bolus of information to be submitted. FDA has separated the burden estimates into two tables to indicate year 1 (table 1 of this document) and subsequent year's estimates (table 2 of this document). Year 1 will include burden hours based on this bolus of submissions during the first year and subsequent year's estimates will indicate an adjustment for the new registrants for year 2 and beyond.

Burden Hour Explanation

The annual reporting burden hours to respondents for registering establishments and listing devices is estimated to be 16,961 hours, and recordkeeping burden hours for respondents is estimated to be 49,500 hours. The estimates cited in the tables above are based primarily upon the annual FDA accomplishment report, which includes actual FDA registration and listing figures from fiscal year (FY) 2000. These estimates are also based on FDA estimates of FY 00 data from current systems, conversations with industry and trade association representatives, and from internal review of the documents referred to in the previous tables.

According to 21 CFR part 807, all owners/operators are required to list, and establishments are required to register. Each owner/operator has an average of two establishments, according to statistics gathered from FDA's registration and listing database. The database has 16,500 active establishments listed in it. Based on past experience, the agency anticipates that approximately 4,045 registrations will be processed during the first year (because of hospitals who reprocess single-use), and 2,045 registrations thereafter. The agency also anticipates that approximately 5,450 initial and update device listings will be submitted the first year (due to hospitals who reprocess single-use devices), and 3,450 thereafter. FDA anticipates reviewing 200 historical files annually. Finally, because initial importers (currently estimated at 6,200) do not have to maintain historical files and because of the addition of 2,000 hospitals who reprocess single-use medical devices, FDA estimates that the number of recordkeepers required to maintain the initial historical information will be 9,900.

Dated: June 29, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16987 Filed 7–5–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0277]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reports of Corrections and Removals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for reports of corrections and removals.

DATES: Submit written or electronic comments on the collection of information by September 4, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.fda.gov/dockets/ecomments. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Reports of Corrections and Removals—21 CFR Part 806 (OMB Control No. 0910–0359)—Extension

Section 519(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360i(f)) directs FDA to issue regulations to require device manufacturers and importers to report promptly to FDA, any correction or removal of a device undertaken by such manufacturers and importers, if the correction or removal was undertaken to reduce a risk to health posed by the device or to remedy a violation of the act caused by the device which may present a risk to health. Under 21 CFR 806.10 and 806.20(a), FDA requires that each device manufacturer and importer shall submit a written report to FDA of any action initiated to correct or remove a device to reduce a risk to health posed by the device or to remedy a violation of the act caused by the device which may present a risk to health within 10-working days of initiating such correction or removal. In addition, each manufacturer and importer of a device who initiates a correction or removal of a device that is not required to be reported to FDA, shall keep a record of such correction or removal.

The information collected in the reports of corrections and removals will be used by FDA to identify marketed

devices that have serious problems and to ensure that dangerous and defective devices are removed from the market, assuring that FDA has current and complete information regarding these corrections and removals and whether recall action is adequate. Failure to collect this information prevents FDA from receiving timely information about devices that may have a serious effect on the health of the users of the devices.

Respondents to this information collection are businesses or other for-profit manufacturers or importers of medical devices who must remove or correct medical devices that cause public health risk to the general public.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
806.10	880	1	880	10	8,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
806.20(a)	440	1	440	10	4,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The following is an explanation of the burden estimate:

Reporting Burden

FDA estimates that it would take 10 staff hours to prepare and assemble a written report. For the estimated 880 reports, FDA estimates that respondents will spend 8,800 hours to prepare, assemble, and send the reports.

Recordkeeping Burden

FDA estimates that it would take 10 staff hours to prepare a written record. For the estimated 440 records, the total recordkeeping burden is estimated at 4,400 hours per recordkeeper.

Dated: June 29, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16989 Filed 7–5–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 00M–1592, 01M–0072, 01M–0043, 00M–0014, 00M–0012, 00M–0011, 01M–0042, 00M–0055, 01M–0039, 00M–0015, 01M–0041, 00M–1683, 00M–0013, 00M–1684, 01M–0038, 01M–0062, 01M–0149, 01M–0201]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the agency's Dockets Management Branch.

ADDRESSES: Submit written requests for copies of summaries of safety and effectiveness to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number as listed in table 1 of this document when submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summary of safety and effectiveness.

FOR FURTHER INFORMATION CONTACT: Thinh Nguyen, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule to revise §§ 814.44(d) and 814.45(d) (21 CFR 814.44(d) and 814.45(d)) to discontinue publication of individual PMA approvals and denials in the **Federal Register**. Instead, revised §§ 814.44(d) and 814.45(d) state that FDA will notify the public of PMA approvals and denials by posting them on FDA's Intranet home page at http://www.fda.gov; by placing the summaries of safety and effectiveness on the Internet and in FDA's Dockets Management Branch; and by publishing in the **Federal Register** after each quarter a list of available safety and effectiveness summaries of approved PMAs and denials announced in that quarter.

FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet in accordance with the procedure explained previously from January 1, 2001, through March 31, 2001. There were no denial actions during this period. The list provides the

manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE JANUARY 1, 2001, THROUGH MARCH 31, 2001

PMA No./Docket No.	Applicant	Trade Name	Approval Date
P970043/00M–1592	Autonomous Technologies Corp.	LADARVision® Excimer Laser System	November 2, 1998
P970025/01M–0072	DiaSorin, Inc.	PRO–TRAC II™ Tacrolimus ELISA Kit	April 27, 1999
P970049/01M–0043	Laser Institute of the Rockies	Dishler Excimer Laser System	December 16, 1999
P970053(S2)/00M–0014	Nidek Technologies, Inc.	EC 5000 Excimer Laser System	April 14, 2000
P990074/00M–0012	McGhan Medical Corp.	RTV Saline-Filled Breast Implants	May 10, 2000
P990075/00M–0011	Mentor Corp.	Saline-Filled and Spectrum® Mammary Prostheses.	May 10, 2000
P000009/01M–0042	Biotronik, Inc.	Phylax AV Implantable Cardioveter Defibrillator with Program Software.	September 29, 2000
P000011/00M–0055	Biocompatibilities Cardiovascular, Inc.	Biodiv Ysio™ AS PC Coated Stent and Delivery System.	September 29, 2000
P000022/01M–0039	Medtronic AVE, Inc.	AVE BeStent™ 2 with Discrete Technology™ Coronary Stent Delivery System.	October 16, 2000
P930016(S10)/00M–0015	VISX, Inc.	STAR S2 and S3 Excimer Laser System.	October 18, 2000
P910023(S47)/01M–0041	St. Jude Medical, Inc.	Photon™ DR Implantable Cardioverter Defibrillator (ICD).	October 27, 2000
P000027/00M–1683	Roche Diagnostics Corp.	Elecsys Free Immunoassay Calset/ Calcheck.	December 12, 2000
P970013/00M–0013	St. Jude Medical, Inc.	Microny™ SR+ Model 2425T	December 21, 2000
P980020/00M–1684	Q Care International, LLC	Q 103 Needle Management Systems	December 21, 2000
P950021(S2)/01M–0038	Bayer Corp.	ACS: 180 and Advia Centaur PSA Assays.	December 22, 2000
H000001/01M–0062	JOMED AB	JOMED JOSTENT® Coronary Stent Graft.	January 10, 2001
P990085/01M–0149	VISTAKON (Division of Johnson & Johnson Vision Care, Inc.).	VISTAKON Soft Contact Lenses for Extended Wear.	February 16, 2001
H990013/01M–0201	Ortec International, Inc.	Composite Cultured Skin (CCS)	February 21, 2001

II. Electronic Access

Persons with access to the Internet may obtain the documents at http://www.fda.gov/cdrh/pmapage.html.

Dated: June 21, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–16918 Filed 7–5–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[FDA 225–00–4001]

Memorandum of Understanding Between the Maryland Department of Health and Mental Hygiene and the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between the Maryland Department of Health and Mental Hygiene and the Food and Drug Administration. The purpose is to set forth conditions for the utilization of Maryland Medicaid data for the study entitled ''Compliance with Liver Testing Labeling Guidelines by Health Care Providers.''

DATES: The agreement became effective December 12, 2000.

FOR FURTHER INFORMATION CONTACT: Katrina S. Garry, Center for Drug Evaluation and Research (HFD–400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–3192.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and MOUs between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this MOU.

Dated: June 29, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

BILLING CODE 4160–01–C

225-00-4001

MEMORANDUM OF UNDERSTANDING BETWEEN THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND FOOD AND DRUG ADMINISTRATION

This Memorandum of Understanding ("MOU") is made by and between the Maryland Department of Health and Mental Hygiene, Office of the Deputy Secretary for Health Care Policy Financing (hereinafter called "the Department") and Food and Drug Administration, a federal governmental entity, (hereinafter called "FDA"). The term of this Memorandum of Understanding will commence August 15, 2000 and shall terminate December 31, 2001.

SECTION ONE: PURPOSE

This agreement sets forth conditions for the utilization of Maryland Medicaid data for the study entitled "Compliance with Liver Testing Labeling Guidelines by Heath Care Providers".

SECTION TWO: NATURE AND USE OF THE DATA

The data subject to this MOU will be derived from the Maryland Medicaid claims database and eligibility files. The identifying information (e.g., all Medicaid identification numbers) necessary to link one person's medical information across claims databases and over time will be removed from the file prior to the data's release from the Department, and where necessary replaced with non-identifiable data (e.g., change birth date to age in years, dummy identification numbers). Data collected for each eligible patient would include the data and type of each liver function test (determined from service claims), basic demographic characteristics, type of eligibility, whether or not they are in a skilled nursing facility, and the type of health care provider treating the patient. A profile for liver testing practices among different medical specialties stratified by patient age, sex, underlying medical conditions, and practice setting will be described.

SECTION THREE: BUDGET AND BILLING

There is no cost to the Department and the FDA associated with this Memorandum of Understanding. If there are any costs, each party will be responsible for their own costs.

SECTION FOUR: CONDITIONS FOR UTILIZATION OF MARYLAND MEDICAID DATA

The specific conditions for utilization of Maryland Medicaid data agreed to under this MOU are set forth as follows:

The FDA agrees:

1. Not to utilize Maryland Medicaid data without prior written approval from the Department and, where applicable, from the Department Institutional Review Board, and will not use the data to pursue new hypotheses generated during the course of the study, without prior review and approval from the Department and the Department Institutional Review Board;

2. To provide to the Department an updated listing of employees with data access with a statement certifying that only those individuals will have access to the data.

3. To establish appropriate administrative, technical, procedural, and physical safeguards to protect the data and to prevent unauthorized access to it;

4. To use the data for the stated purpose only, and not for any other purpose without prior written approval of the Department;

5. That it may not give Maryland Medicaid data to any other party without prior written approval from the Department, except as required by federal law (e.g., Freedom of Information Act, Federal court order, or request of Congress);

6. Absent express written authorization from the Department, to make no attempt to link records included in the file(s) to any other individual-specific source of information;

7. To treat any non-confidential data with small cell sizes that could reasonably be expected to permit deduction of a beneficiary's identity like confidential data and not publish or release such data, except as required by Federal law (e.g., Freedom of Information Act, Federal court order, or request of Congress);

8. To provide the Department with a copy of any report, written or oral presentation, written analysis, study, article or similar document which makes reference to the data, at least fourteen days prior to release to any other parties, unless otherwise required by Federal law (e.g., congressional subpoena or Federal court order).

9. To acknowledge the contribution of the Department in presentations and publications;

10. To submit quarterly reports to the Department which shall include:
    - the status of the study project;
    - a description of any significant change in the study protocol;
    - a listing of any changes in the staff utilizing the data;
    - a description of any known or anticipated changes in the study design or procedures that may affect the interests and rights of Medicaid recipients;
    - a copy of the IRB approval of the modification, or proposed change in the study design or procedures;
    - copies of any new analyses, reports or presentations; and
    - a statement of any significant new finding.

11. To present periodic updates of the findings and the status of the study to the Medicaid Directors; and

12. Upon completion of the study or termination of this agreement, to destroy all files containing Maryland Medicaid data (including but not limited to systems files, personal computer files and mainframe storage files), unless prior written approval for data retention has been obtained from the Department or otherwise required by Federal law.

SECTION FIVE: DUTIES OF THE DEPARTMENT

1. The Department will remove all personal identifiers from the Medicaid data prior to the data's release from the Department; and

2. The Department will assist the FDA in completing annual review by the Department Institutional Review Board, as necessary.

SECTION SIX: TERMINATION

Either party may terminate this MOU upon thirty (30) days written notice to the other party. Upon termination by either party, the FDA will destroy all Maryland Medicaid data files (in accordance with Section Four, paragraph 12, above) and all utilization of the Maryland Medicaid information will cease.

The Department may immediately suspend or terminate approval of utilization of Medicaid data for research that is not being conducted in accordance with the IRB's of Medicaid's requirements or that has been associated with unexpected serious harm to subjects. Any suspension or termination of approval shall include a statement of the reason for the action and shall be reported promptly to the investigator and appropriate institutional officials.

SECTION SEVEN: MONITORS

The MOU Monitor for the Department shall be:

Ms. Frances Cipriotti
Research Data Coordinator
Planning, Development and Finance Administration
201 West Preston Street, Room 225
Baltimore, Maryland 21201
410-767-5945: 410-333-7505 fax

The Department MOU Monitor is the primary point of contact within the Department for matters relating to this MOU. The FDA Monitor shall contact this person if the FDA is unable to fulfill any of the requirements of, or has any questions regarding, the interpretation of the provisions of this MOU.

The MOU Monitor for the FDA shall be:

Ms. Janet Woodcock, M.D.
Director
FDA/CDER
1451 Rockville Pike, Room 6027, HFD-1
Rockville, Maryland 20852
301-594-5400: 301-594-6197 fax

The FDA MOU Monitor is the primary point of contact for matters relating to this MOU. The Department MOU Monitor shall contact this person immediately if the Department is unable to fulfill any of the requirements of, or has questions regarding, the interpretation of the provisions of this MOU.

SECTION EIGHT: MISCELLANEOUS

This MOU and any documents incorporated into the MOU may be amended only by a written modification signed by the authorized officials of both parties.

The remainder of this page is blank.

In acknowledgement of the foregoing description of the terms and conditions for the utilization of Maryland Medicaid and the requirements of this MOU these authorized signatories of the Department and the FDA do hereby attest to their acceptance of the terms and conditions of this Memorandum of Understanding.

FOR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE

GEORGES C. BENJAMIN, M.D.
SECRETARY

OR

ALICE BURTON
(signature)

Alice Burton,
Director, Office of the Deputy Secretary for Health Care Policy Financing
12/4/00
Date of Signing

APPROVED AS TO THE FORM AND LEGAL SUFFICIENCY

This 12th Day of December 2000

L. Chris Cashiola
Assistant Attorney General
Office of the Attorney General

FOR THE FOOD AND DRUG ADMINISTRATION

11/21/00
Date

Janet Woodcock, MD
Director
Center for Drug Evaluation and Research
Food and Drug Administration, Rockville

Acknowledged and Agreed:

11/16/00
Date

Evelyn M. Rodriguez, M.D., M.P.H.
Division Director, DDREII
Office of Postmarketing Drug Risk Assessment
Food and Drug Administration

[FR Doc. 01–16988 Filed 7–5–01; 8:45 am]
BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Training and Technical Assistance Cooperative Agreement Limited Competition Announcement

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of limited competition cooperative agreement.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that it will award limited competition cooperative agreements for four Training and Technical Assistance Cooperative Agreements to the following four national AIDS organizations: AIDS Action Foundation (AAF), National Association of People Living with AIDS (NAPWA), National Association of State and Territorial AIDS Directors (NASTAD), and the National Minority AIDS Council (NMAC).

The purpose of these cooperative agreements is to assist people who work with Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funded programs and other programs with an interest in HIV/AIDS, to understand and put into action the requirements of the CARE Act as reauthorized in October, 2000.

The new requirements of the CARE Act can be summarized into the following primary goals:

(1) Improving access to HIV services and addressing the unmet HIV-related needs of people who are living with HIV, but are not in care.

(2) Improving health outcomes for people living with HIV through quality management.

(3) Increasing the service capacity of organizations in underserved areas to address the HIV health and support needs communities living with and affected by HIV.

(4) Increasing the availability of needed resources in communities facing new and emerging HIV epidemics.

(5) Increasing coordination and linkages among federally funded programs in communities to improve health outcomes and better use resources for people living with HIV.

These goals will be achieved through the provision of targeted training and technical assistance to health professionals working in and with CARE Act funded programs and other programs providing services to people infected and affected by HIV/AIDS. Health professionals will include administrative and direct service staff of State/local AIDS programs, State/local health departments, CARE Act grantees and their subcontractors, other AIDS service organizations (ASO) and community based organizations (CBO); members of CARE Act planning bodies; and consumers.

HRSA will provide consultation, including administrative and technical assistance as needed, for the execution and evaluation of all aspects of these cooperative agreements. HRSA may also participate and/or collaborate with the organizations in any workshops or meetings to exchange current information, opinions and best practice findings during these cooperative agreements.

Authorizing Legislation: These cooperative agreements are authorized under Title XXVI, Part F of the Public Health Service Act, (Title 42, U.S.C.) as amended by Public Law 106–345, the Ryan White CARE Act Amendments of 2000, dated October 20, 2000.

Background: Assistance will be provided to: AIDS Action Foundation, National Association of People Living with AIDS, National Association of State and Territorial AIDS Directors, and the National Minority AIDS Council. No other applications are solicited. These four organizations are uniquely qualified to develop and provide TA in several priority areas identified by Congress, HRSA and HAB staff, grantees and other constituents.

These organizations have significant experience in responding to the HIV/AIDS epidemic. In particular, their three to five years of experience working closely with HAB has made them intimately familiar with the Ryan White CARE Act funded programs and their most recent challenges.

(1) The AIDS Action Foundation, founded in 1984, is the only organization solely dedicated to supporting the development of policies that improve HIV/AIDS care and services, vigorous medical research and effective prevention. The Foundation is a highly respected source for news and updates on the latest developments in AIDS related policies. It represents a network of 3,200 national AIDS service organizations whom they assist, through educational activities, in working with a variety of populations.

(2) NAPWA has an extensive history responding to the diverse needs of those infected. They do so through national campaigns, publication development, provider and consumer education and training, and community strengthening. It has the ability to reach 40,000 people to forward the most up-to-date HIV/AIDS related news and information of the field.

(3) NASTAD is the only officially established organization that represents and convenes the State and Territorial AIDS Directors of all 50 States and U.S. Territories. For the past nine years, the organization's constituents have included all the program administrators responsible for managing federally and state-funded HIV/AIDS programs, including HIV/AIDS care and treatment programs funded by Title II of the Ryan White CARE Act, and the HIV prevention programs funded by the CDC.

(4) Finally, NMAC is the only national organization founded specifically to develop leadership within communities of color to fight AIDS. NMAC has a thirteen-year history working with minority-controlled organizations and other representatives from communities of color to foster new leadership and address the unique challenges HIV/AIDS presents for racial/ethnic minorities. NMAC has taken a lead on helping minority CBOs to increase their comfort with, knowledge of, and proficiency in the rapid technological advancements of recent years.

Approximately $800,000 is available in Fiscal Year 2001 for the first year of a 3-year project period. It is expected that awards will be made on or before September 30, 2001. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

FOR FURTHER INFORMATION CONTACT: Additional technical information may be obtained from Rene Sterling, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 7–36, Rockville, MD 20857. The telephone number is (301) 443–7778, the fax number is (301) 594–2835, and the e-mail address is *Rsterling@hrsa.gov.*

Dated: June 29, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–16919 Filed 7–5–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Intent To Fund International Social Service, United States of America Branch, Inc., Baltimore, Maryland

AGENCY: Office of Refugee Resettlement (ORR), ACF, DHHS.

ACTION: This is a Notice of Intent to Fund a Sole Source Cooperative Agreement to International Social Service, United States of America Branch, Inc. (ISS-USA), Baltimore, Maryland, to provide services to U.S. citizens returned from abroad through the U.S. Repatriate Program.

SUMMARY: The purpose of the technical assistance agreement is to ensure the provision of direct assistance to repatriates to aid in their return to the U.S. from abroad. Repatriates are referred from officials of the U.S. Consular offices, Department of State, and are provided services upon arrival in the U.S. through U.S. human service organizations, public and private.

FOR FURTHER INFORMATION CONTACT: Sue Benjamin at (202) 401–4851.

Legislative Authority

Title XI, Section 1113 of the Social Security Act (Assistance for United States Citizens Returned from Foreign Countries) [42 U.S.C. 1313 (a) (1)]; Public Law 86–571 (Hospitalization for Mentally Ill Repatriates and Other Services) [24 U.S.C. parts 321–329]; and Executive Order 12656 which assigns DHHS the responsibility for planning for the reception, temporary care, and onward transportation for U.S. citizens and dependents returned to the U.S. in a national emergency.

The Catalog of Federal Domestic Assistance (CFDA) number assigned to this announcement is 93.579.

Funding Availability—ORR intends to award one cooperative agreement to ISS-USA, Baltimore, Maryland, for up to $850,000.

Project Period and Budget Period—The project period is for five years, from September 30, 2001—September 29, 2006. Each award will be for a one-year budget period, with the first budget period from September 30, 2001—September 29, 2002.

Part I: Background

The Office of Refugee Resettlement (ORR), an agency of the U.S. Department of Health and Human Services, is responsible for administering the U.S. Repatriate Program. In 1996, ORR awarded a five-year technical assistance cooperative agreement to ISS-USA, Baltimore, Maryland, to ensure that direct assistance would be provided to repatriates to aid in their return to the U.S. from abroad.

ISS–USA is a member of a consortium entitled the Refugee Council USA, whose members are private organizations that provide assistance in almost all communities in the U.S. ISS–USA also has established links with state and county public human service organizations. Additionally, as a member of an international consortium of international social services organizations, ISS–USA is able to respond to a U.S. repatriate who requires services prior to returning to the U.S. Finally, ISS–USA staff have the required social work credentials and have experience working with the mentally ill, with criminal cases, and with child welfare cases.

ISS–USA has capably provided technical assistance and coordination of services in all counties in the U.S., assisting repatriates returning from abroad, for the past five years under the current agreement. This sole source cooperative agreement will permit ACF to continue funding ISS–USA, which has proven abilities to be responsive to repatriated persons anywhere within the U.S.

The ISS–USA performed the following types of activities under this technical assistance cooperative agreement.

Client Services

- Casework
- Data and financial services
- Maintenance of the State Contact List
- Group or emergency repatriation

Archive Maintenance

- Maintaining case files prior to archiving according to DHHS policies and procedures.

Since ISS–USA has successfully performed under the current cooperative agreement, ACF intends to fund them for another five–year project period, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government. Organizations who believe they have the capacity to provide the required services and are interested in competing for the award must contact Sue Benjamin, within 30 days from date of publication in the **Federal Register**, at the following address: Office of Refugee Resettlement, 37 L'Enfant Promenade, Washington, DC 20447, Tel: (202) 401–4851, Fax: (202) 401–0981, Email: *sbenjamin@acf.dhhs.gov*.

Dated: July 2, 2001.

Carmel Clay-Thompson.

Acting Director, Office of Refugee Resettlement.

[FR Doc. 01–16939 Filed 7–5–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee Resettlement Program: Final Notice of Allocations to States of FY 2001 Funds for Refugee Social Services

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Final notice of allocations to States of FY 2001 funds for refugee social services.

SUMMARY: This notice establishes the allocations to States of FY 2001 funds for social services under the Refugee Resettlement Program (RRP).

This notice includes $20.5 million in two set-aside funding allocations to: (1) Provide outreach and referral services to ensure that eligible refugees access the State Children's Health Insurance Program (SCHIP)and other programs for low income working populations and provide specialized interpreter training and the hiring of interpreters to enable refugees to have equal access to medical and legal services; and (2) provide outreach, referral, and social services to ensure that persons granted asylum access programs to help them attain economic self-sufficiency, as needed.

DATES: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Barbara R. Chesnik, Division of Refugee Self-Sufficiency, (202) 401–4558.

SUPPLEMENTARY INFORMATION: A notice of proposed allocations to States of FY 2001 funds for refugee social services was published in the **Federal Register** on April 27, 2001 (66 FR 21224).

I. Amounts for Allocation

The Office of Refugee Resettlement (ORR) has available $143,621,000 in FY 2001 refugee social service funds as part of the FY 2001 appropriation for the Department of Health and Human Services (Consolidated Appropriations Act, 2001, as enacted into law by Section 1(a)(1) of Pub. L. No. 106–554).

The FY 2001 House Appropriations Committee Report (H.R. Rept. No. 106–645) reads as follows with respect to social services funds:

The bill provides $143,621,000 for social services, the same as the fiscal year 2000 appropriation and $305,000 above the budget request. Funds are distributed by formula as well as through the discretionary grant making process for special projects. The Committee agrees that $19,000,000 is available for assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The Committee has set aside

$26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Finally, the Committee has set aside $14,000,000 to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. The Committee urges ORR to assist refugees at risk of losing, or who have lost benefits including SSI, TANF and Medicaid, in obtaining citizenship.

The FY 2001 Conference Report on Appropriations (H.R. Conf. 106–1033) reads as follows concerning social services:

> The agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.
>
> The agreement also includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

The Conference report provided $143,621,000 in social services funds.

ORR will use the $143,621,000 appropriated for FY 2001 social services as follows:

- $71,927,850 will be allocated under the 3-year population formula, as set forth in this notice for the purpose of providing employment services and other needed services to refugees.
- $12,693,150 will be awarded as continuation social service discretionary grants under prior year competitive grant announcements issued separately from this notice.
- $19,000,000 will be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals. These funds will be awarded through continuation awards under a separate prior year announcement.
- $26,000,000 will be awarded through discretionary grants for communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Continuation awards will be made through separate prior year announcements.
- $14,000,000 will be awarded to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. Awards will be made through a separate announcement.
- $20,000,000 will be awarded in prior year funds to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. This support will include intensive English language training and cultural assimilation programs. Continuation awards will be made through a separate prior year announcement.

In addition, we are adding $20,500,000 in prior year funds to the FY 2001 formula social services allocation as two set-aside allocations as follows: (1) For outreach and assistance for low-income refugees and interpreter capacity-building services, and (2) as a set-aside for outreach, referral, and services for asylees, increasing the total amount available for the formula social services program in FY 2001 to $92,427,850.

Congress provided ORR with broad carry-over authority in the FY 2000 HHS appropriations law (as enacted into law by section 1000(a)(4) of Public Law 106–113) to use unexpended FY 1998 and FY 1999 CMA funds for assistance and other activities in the refugee program provided through September 30, 2001. The appropriations law states:

> That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 105–78 for fiscal year 1998 and under Public Law 105–277 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

Refugee Social Service Funds

The population figures for the formula social services allocation include refugees, Cuban/Haitian entrants, and Amerasians from Vietnam. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.)

The Director is allocating $71,927,850 to States on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 2000 (including a floor amount for States which have small refugee populations).

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that the ''funds available for a fiscal year for grants and contracts [for social services] * * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.''

As established in the FY 1991 social services notice published in the **Federal Register** of August 29, 1991, section I, ''Allocation Amounts'' (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than $100,000, then—

(1) a base amount of $75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) for a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) a floor has been calculated consisting of $50,000 plus the regular per capita allocation for refugees above 50 up to a total of $100,000 (in other words, the maximum under the floor formula is $100,000); (b) if this calculation has yielded less than $75,000, a base amount of $75,000 is provided for the State.

The Director is also allocating an additional total of $20.5 million from prior year carry-over funds as two set-aside allocations as follow:

(1) $10.5 million to (a) provide referral services, including outreach, to ensure that refugees are able to access the State Children's Health Insurance Program (SCHIP) and other programs for low income populations; and (b) expand the capacity of communities to provide interpretation services for refugees through special training and hiring of interpreters to enable refugees to have equal access to medical, social, and certain legal services.

(2) $10 million to provide outreach, referrals, and social services to individuals granted asylum. Services for asylees may be provided only during the 5-year period following the date that asylum was granted.

Outreach, referral and interpretation services are not subject to the 5-year limitation and may be provided to refugees and asylees regardless of their length of time in the U.S. See 45 CFR 400.152(b). However, the need for outreach to asylees is greatest immediately after asylum is granted.

Regarding the first set-aside allocation, eligible refugee families often are not aware of, or do not know how

to access, other Federal support programs available to low income working families in the community. We believe that these programs, including SCHIP, Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Head Start, low-income housing, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), child care assistance, adult day care for aged dependents, and other support programs for low-income families, are important for the well-being of working refugees, particularly refugee families, and are necessary to help these refugees maintain employment and move toward full self-sufficiency.

The organizations funded by the first set-aside amount are expected to conduct outreach into the community to identify low-income refugees and to help these refugees enroll in and to be familiar with the services available and the participation requirements of these programs. We expect States to fund community-based organizations, to the maximum extent possible, to provide hands-on assistance, which means having the application forms available and helping refugees to fill out the application, accompanying the refugee to the eligibility office, assisting in the communication between the family and the eligibility worker, closely following the application process until the family has been found eligible, and then helping the family effectively use the service or support program in which they have been enrolled. For example, there may be different levels of medical coverage available to a family, depending on the ages of the children and the income level of the family, each with different requirements. It is important for the caseworkers/advocates funded through this initiative to understand the program requirements (such as a co-payment structure) in order to help the family make decisions and fully participate.

The organizations funded under this set-aside should develop effective ways to provide an on-going link between these services, the population they serve, and the targeted low income programs. Methods might include: partnering with schools to identify refugee children who may be eligible for SCHIP by virtue of their eligibility for the school lunch program; connecting with local Head Start programs to help identify refugee children who are eligible for SCHIP and other health care programs; arranging to have Medicaid eligibility workers visit the Mutual Assistance Association (MAA) or other participating organization on a scheduled basis; and working with other groups serving low income families, such as hospitals, WIC programs, low-income housing programs, and food assistance programs to make these services widely known to the refugee community being served.

It is also important that States provide as high a standard as possible in language interpretation to non-English speaking and to Limited-English-Proficient (LEP) refugees, particularly with regard to medical and legal issues. We are therefore including funding in the first set-aside for States to improve the availability and quality of interpreter services for refugees in their communities. The set-aside funds are to be used by States: (1) To fund specialized interpreter training for medical, legal, and social services; and (2) to pay for the hiring and employment of these trained interpreters by MAAs, voluntary agencies, and other community-based organizations serving refugees, to the maximum extent possible, in order to increase the number of skilled interpreters in the community.

Interpretation requires a great deal of skill—interpreters need to be fluent in English and the language spoken by the refugee. They must have the ability to quickly understand the message and terminology, if technical, in one language and to express it as quickly and correctly in another language. In addition to fluency in two languages, interpreters must have the skills to handle confidential client information and to deal with a variety of professionals in the medical, legal, law enforcement, social services, and other fields. All interpreters should be working under a recognized code of ethics.

States should use qualified training programs or trainers to provide the interpreter training. Several strategies may be employed, e.g., the direct training of interpreters in a group setting, paying the course tuition and associated expenses for individuals at a community college or university, and the training of trainers in order to establish and maintain an efficient training capacity in the community. To the extent possible, we would expect States to use an established curriculum rather than incurring costs to develop a new one. Funding of interpreter services should be directed to areas of greatest need and to the most linguistically isolated communities.

States must determine a community's capacity to ensure refugee access to medical and other services, and then examine how best to fund and maintain interpreter services for refugees based upon the need and size of refugee population. For example, an interpreter bank with dedicated interpreters may be a preferred option if the needs of the community can justify full-time interpreters. However, because the provision of interpreter services may not fully occupy funded staff in some locations or in certain languages, States may choose to train bilingual caseworkers at voluntary resettlement agencies, MAAs and refugee service providers. These workers are frequently called upon to interpret and should receive interpreter training. States may also consider cross-training of interpreters so that they may also assist, for example, in enrolling clients in SCHIP, Medicaid, or other services for low-income clients, and/or serve as case managers or in other staff positions. Staff with both bilingual interpreter skills and knowledge of the family services network, such as child protective services and the domestic violence system, are also highly desirable.

We also encourage States to set up creative ways to maintain and expand the availability of interpreter services in the community, such as seeking reimbursement for services from the courts, hospitals, and agencies which may be able to pay for interpreter services but have been otherwise hindered in providing these services by the lack of available and appropriately trained individuals. Fees from low-income refugee clients, however, may not be sought.

Regarding the second set-aside allocation, individuals granted asylum do not have voluntary agency caseworkers to bring them into the network of refugee program and benefits. They often are unaware of the benefits to which they are entitled. Outreach activities under the second set-aside allocation should be conducted with the goal of providing information to asylees or of providing information to the agencies and organizations that traditionally have contact with asylees and may be able to assist them in accessing needed services and benefits. For example, outreach through organizations and agencies may include training seminars on benefits-eligibility conducted for attorneys that represent asylum seekers, monthly liaison meetings with the District Office of the Immigration and Naturalization Service to establish effective contacts, or provision of benefits and eligibility materials to local English as a Second Language (ESL) programs for distribution to students. This set-aside amount may also be used to provide social services to asylees. Although the formula social services funds are

available to serve asylees, States may augment this funding using these set-aside funds for those agencies who are already serving, or expect to serve, refugees and asylees. Or, States may elect to hold a separate competition for the funds, depending upon State administrative procedures and programmatic need. As for refugees, services to asylees are those covered in 400.154 and 155.

A State that can demonstrate that the total amount of set-aside funds awarded is not needed to provide the services described above may submit a written request to the Director to use a portion of the funds for another non-employment service. This request must fully describe how the need for the specified set-aside services is already being met in the State, as well as a description of the additional service proposed, why it is needed, and how it will be provided.

In using the set-aside amount, funds should be directed to refugee specific organizations, where possible, such as refugee MAAs, qualified community based organizations with refugee experience, voluntary resettlement agencies, or refugee service providers.

Population To Be Served and Allowable Services

Eligibility for refugee social services includes persons who meet all requirements of 45 CFR 400.43 (as amended by 65 FR 15409 (March 22,2000)).

Note: ORR State Letter No. 00–12 clarifies that effective June 15, 2000, persons granted asylum are eligible for refugee benefits and services from the date that asylum was granted.

Services to refugees must be provided in accordance with the rules of 45 CFR Part 400 Subpart I—Refugee Social Services. Although the allocation formula is based on the 3-year refugee population, States are not required to limit social service programs to refugees who have been in the U.S. only 3 years. However, under 45 CFR 400.152, States may not provide services funded by this notice, except for referral and interpreter services and citizenship and naturalization preparation services, to refugees who have been in the United States for more than 60 months (5 years).

Allowable social services are those indicated in 45 CFR 400.154 and 400.155. Additional services not included in these sections which the State may wish to provide must be submitted to and approved by the Director of ORR (§ 400.155(h)).

Service Priorities

In the past, a number of States have focused primarily on serving refugee cash assistance (RCA) recipients because of the need to help these refugees become employed and self-sufficient within the 8-month RCA eligibility period. Now, with the passage of welfare reform, refugee recipients of Temporary Assistance for Needy Families (TANF) also face a time limit for cash assistance and need appropriate services as quickly as possible to become employed and self-sufficient. In order for refugees to move quickly off TANF, we believe it is crucial for these refugees to receive refugee-specific services that are designed to address the employment barriers that refugees typically face.

Some States are doing remarkably well in helping refugees achieve self-sufficiency. For this reason, this may be a good time for these States to re-examine the range of services they currently offer to refugees and expand beyond employment services to address the broader needs that refugees have in order to successfully integrate into the community.

States should also expect that these funds will be made available to pay for social services which are provided to refugees who participate in Wilson/Fish projects. Section 412(e)(7)(A) of the INA provides that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (64 FR 19793 (April 22, 1999)).

II. Discussion of Comments Received

No comments were received.

III. Allocation Formulas

Of the funds available for FY 2001 for social services, $71,927,850 is allocated to States in accordance with the formula specified in A. below. In addition, $20.5 million in set-aside funds are allocated in accordance with the formulas specified in B. and C. below.

A. A State's allowable formula allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees, Cuban/Haitian entrants, and Amerasians from Vietnam who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount is multiplied by—

3. The number of persons in item 2, above, in the State as of October 1, 2000, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

B. A State's allowable first set-aside allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees, Cuban/Haitian entrants, and Amerasians from Vietnam who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount is multiplied by—

3. The number of persons in item 2 above, in the State as of October 1, 2000, adjusted for estimated secondary migration.

C. A State's allowable second set-aside allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of asylees who were granted asylum in FY 2000 by the INS asylum corps (22,809), the asylum judges of the Executive Office of Immigration Review (12,763), and the Bureau of Immigration Appeals (1,402).

The calculations in B. and C. above yield the set-aside formula allocations for each State.

Adding the results for A., B., and C. above yields the total formula allocation for each State.

IV. Basis of Population Estimates

The population estimates for the allocation of funds in FY 2001 for the formula social service allocation and the first set-aside are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 2000, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Vietnam, Cuban and Haitian entrants.

For fiscal year 2001, ORR's formula social service allocations for the States are based on the numbers of refugees, Amerasians, and entrants in the ORR data base. The numbers are based upon the arrivals during the preceding three fiscal years: 1998, 1999, and 2000.

The estimates of secondary migration are based on data submitted by all participating States on Form ORR–11 on secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 2000. The total migration reported by each State is summed, yielding in- and out-migration figures and a net migration figure for each State. The net migration figure is applied to the State's total arrival figure, resulting in a revised population estimate.

Estimates are developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians are included in the refugee figures. Havana parolees (HP's) are enumerated in a separate column in Table 1, below because they are tabulated separately from other entrants. For FY 2000 and FY 1999, Havana parolee arrivals for all States are based on actual data. For FY 1998, Florida's HP's (10,183) are based on actual data, while HP's in other States (3,258) are prorated according to the State's proportion of the three-year entrant populations.

The second set-aside is based on the number of asylees granted asylum in FY 2000, according to data received from the Department of Justice for cases approved by the Asylum Corps, the immigration judges of the Executive Office of Immigration Review, and the Bureau of Immigration Appeals. These data show the asylee's zip code of record. Because we are asking States to set up systems to identify and serve those asylees in need of services, we have added this second set-aside amount to the total allocation for States. During the next year, ORR intends to revise the ORR–11 and seek OMB approval to capture the number of asylees and secondary migrants accessing services at the county level. ORR will adjust the social services formula 3-year population based on these data.

Table 1, below, shows the estimated 3-year populations, as of October 1, 2000, of refugees (col. 1), entrants (col. 2), Havana parolees (col. 3); total refugee/entrant population, (col. 4); the formula amounts which the population estimates yield, (col. 5); the allocation amounts after allowing for the minimum amounts (col. 6); first set-aside allocation, (col. 7); the 1 year asylee population (col. 8); the second set-aside amount, (col. 9); and the total allocation (col. 10).

V. Allocation Amounts

Funding subsequent to the publication of this notice will be contingent upon the submittal and approval of a State annual services plan that is developed on the basis of a local consultative process, as required by 45 CFR 400.11(b)(2) in the ORR regulations.

The following amounts are for allocation for refugee social services in FY 2001:

TABLE 1.—ESTIMATED THREE-YEAR REFUGEE/ENTRANT/ASYLEE/PAROLEE POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND FINAL SOCIAL SERVICE FORMULA AMOUNT AND ALLOCATION FOR FY 2001

State	Refugees [1]	Entrants	Havana parolees [2]	Total population	Final formula amount	Final allocation	Final set-aside ($10.5 million)	Asylees [3]	Asylee set-aside ($10 million)	Total final allocation
Alabama	460	5	59	524	$127,579	$127,579	$18,721	33	$8,931	$155,231
Alaska	0	0	0	0	.....	.....	.....	0	.....	.....
Arizona	7,466	433	190	8,089	1,969,438	1,969,438	288,999	306	82,810	2,341,247
Arkansas	46	9	8	63	15,339	75,000	2,251	21	5,683	82,934
California	29,576	53	379	30,008	7,306,081	7,306,081	1,072,108	13,525	3,660,155	12,038,344
Colorado	3,349	3	5	3,357	817,332	817,332	119,937	268	72,527	1,009,796
Connecticut	3,428	28	102	3,558	866,270	866,270	127,118	194	52,501	1,045,889
Delaware	124	11	1	136	33,112	75,000	4,859	50	13,531	93,390
Dist. of Columbia	964	1	9	974	237,141	237,141	34,798	298	80,645	352,584
Florida	13,324	12,004	34,839	60,167	14,648,926	14,648,926	2,149,611	5,295	1,432,940	18,231,477
Georgia	11,230	33	118	11,381	2,770,945	2,770,945	406,614	567	153,442	3,331,001
Hawaii	97	0	0	97	23,617	75,000	3,466	24	6,495	84,961
Idaho [5]	2,077	0	3	2,080	506,420	506,420	74,313	4	1,082	581,815
Illinois	10,868	14	190	11,072	2,695,712	2,695,712	395,574	524	141,806	3,233,092
Indiana	1,830	4	13	1,847	449,691	449,691	65,989	103	27,874	543,554
Iowa	5,298	0	3	5,301	1,290,640	1,290,640	189,391	41	11,095	1,491,126
Kansas	727	1	8	736	179,195	179,195	26,295	46	12,449	217,939
Kentucky [6]	3,586	1,171	396	5,153	1,254,607	1,254,607	184,103	35	9,472	1,448,182
Louisiana	1,491	104	78	1,673	407,327	407,327	59,772	41	11,095	478,194
Maine	872	0	0	872	212,307	212,307	31,154	14	3,789	247,250
Maryland	3,086	10	34	3,130	762,065	762,065	111,827	1,579	427,311	1,301,203
Massachusetts	6,393	102	78	6,573	1,600,336	1,600,366	234,836	686	185,646	2,020,818
Michigan	8,067	713	191	8,971	2,184,179	2,184,179	320,511	411	111,225	2,615,915
Minnesota	10,266	2	7	10,275	2,501,666	2,501,666	367,099	566	153,172	3,021,937
Missippi	126	5	8	139	33,842	75,000	4,966	38	10,284	90,250
Missouri	8,316	6	22	8,344	2,031,523	2,031,523	298,109	27	7,307	2,336,939
Montana	12	0	2	14	3,409	75,000	500	1	271	75,771
Nebraska	2,433	3	22	2,458	598,452	598,452	87,818	38	10,284	696,554
Nevada [6]	1,498	735	341	2,574	626,695	626,695	91,962	181	48,982	767,639
New Hampshire	1,715	0	0	1,715	417,553	417,553	61,272	25	6,766	485,591
New Jersey	4,446	265	818	5,529	1,346,152	1,346,152	197,537	770	208,378	1,752,067
New Mexico	421	330	229	980	238,602	238,602	35,013	10	2,706	276,321
New York	22,833	1,113	526	24,472	5,958,225	5,958,225	874,321	6,847	1,852,944	8,685,490
North Carolina	4,375	15	57	4,447	1,082,716	1,082,716	158,880	235	63,596	1,305,192
North Dakota	1,603	0	0	1,603	390,284	390,284	57,271	0	.....	447,555
Ohio	4,639	5	28	4,672	1,137,497	1,137,497	166,918	208	56,289	1,360,704
Oklahoma	412	0	8	420	102,258	102,258	15,006	63	17,049	134,313
Oregon	4,858	460	170	5,488	1,336,169	1,336,169	196,072	129	34,910	1,567,151
Pennsylvania	7,700	166	158	8,024	1,953,612	1,953,612	286,677	657	177,798	2,418,087
Rhode Island	603	1	8	612	149,004	149,004	21,865	87	23,544	194,413
South Carolina	199	1	21	221	53,807	91,634	7,896	37	10,013	109,543
South Dakota [6]	1,265	0	0	1,265	307,991	307,991	45,195	10	2,706	355,892

TABLE 1.—ESTIMATED THREE-YEAR REFUGEE/ENTRANT/ASYLEE/PAROLEE POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND FINAL SOCIAL SERVICE FORMULA AMOUNT AND ALLOCATION FOR FY 2001—Continued

State	Refugees [1]	Entrants	Havana parolees [2]	Total population	Final formula amount	Final allocation	Final set-aside ($10.5 million)	Asylees [3]	Asylee set-aside ($10 million)	Total final allocation
Tennessee	3,226	7	118	3,351	815,872	815,872	119,723	263	71,173	1,006,768
Texas	13,282	831	459	14,572	3,547,861	3,547,861	520,620	798	215,956	4,284,437
Utah	3,433	0	2	3,435	836,323	836,323	122,724	48	12,990	972,037
Vermont	981	0	0	981	238,845	238,845	35,049	9	2,436	276,330
Virginia	4,867	111	72	5,050	1,229,529	1,229,529	180,423	1,330	359,926	1,769,878
Washington	15,760	0	36	15,796	3,845,869	3,845,869	564,350	387	104,730	4,514,949
West Virginia	20	0	0	20	4,869	75,000	715	4	1,082	76,797
Wisconsin	1,667	2	4	1,673	407,327	407,327	59,772	119	32,204	499,303
Wyoming [4]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	235,315	18,757	39,820	293,892	71,554,211	71,927,850	10,500,000	36,952	10,000,000	92,427,850

[1] Includes: refugees and Amerasian immigrants from Vietnam adjusted for secondary migration.
[2] For FY 1999 and FY 2000, Havana Parolee arrivals for all States are based on actual data. For FY 1998, Florida's HP's based on actual data, while Havana Parolees in other States are prorated according to the State's proportion of the three-year entrant population.
[3] Includes individuals granted asylum in FY 2000 by the INS asylum corps (22,787), the immigration judges of the Executive Office of Immigration Review (12,763), and the Bureau of Immigration Appeals (1,402). These numbers were not used for the social services allocation. See narrative for their use in the set-aside.
[4] Alaska and Wyoming no longer participate in the Refugee Program.
[5] The allocation for Idaho is expected to be awarded to the State replacement designee.
[6] The allocations for South Dakota, Kentucky, and Nevada are expected to be awarded to Wilson/Fish projects.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 93.566 Refugee Assistance—State Administered Programs)

Dated: June 26, 2001.

Carmel Clay-Thompson,

Acting Director, Office of Refugee Resettlement

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

The Status of PASRR and Mental Health Services for Persons in Nursing Facilities: Case Studies of Four States—New—SAMHSA's Center for Mental Health Services is sponsoring an assessment of the effectiveness of the Preadmission Screening and Resident Review (PASRR) program, which is a required component of every State's Medicaid plan. Data will be collected from administrators and staff in 24 nursing facilities in four states (six facilities per state). In addition, data will be collected from a total of 100 residents of nursing facilities in two of the states. Data collection for this project will be conducted over a 4-month period.

Nursing facility variables of interest include the following: availability of mental health services; change in condition procedures; alternative placement procedures; and experience with PASRR.

Variables of interest for the nursing facility residents include: mental health symptomotology, functioning, and mental health service access. Data will be entered and managed electronically. The total estimated respondent burden is summarized in the table below.

Respondent	Number of respondents	Responses/respondents	Average burden/response (hrs.)	Total burden (hrs.)
Nursing Facility Administrators	24	1	1.0	24
Nursing Facility Staff	48	1	1.0	48
Nursing Facility Residents	100	1	.5	50
Total	172	.....	.....	122

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 28, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–16922 Filed 7–5–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Service Administration

Community Mental Health Services and Substance Abuse Prevention and Treatment Block Grant Maintenance of Effort Requirements: Exclusion From Future Year Calculations

In keeping with SAMHSA's delegation of authority from the Secretary for Health and Human Services (HHS) and in compliance with section 1915(b)(2) and section 1930(b) of the Public Health Service (PHS) Act as amended by Public Law 106–310, the Substance Abuse and Mental Health Services Administration is issuing the following guidance that will be used in determining whether to approve an exclusion from aggregate expenditures by the State used in the calculation of maintenance of effort requirements under both the Community Mental Health Services (CMHS) Block Grant program and the Substance Abuse Prevention and Treatment (SAPT) Block Grant program.

Summary: Under the CMHS Block Grant program, States are required as a condition of receipt of funds to maintain State expenditures for community based mental health services for adults with serious mental illness and children with serious emotional disturbance at a level that was equal to the average expenditures for such purposes over the previous two years. Under the SAPT Block Grant program, the States are required to maintain State expenditures for the single State agency responsible for substance abuse services at a level that is equal to the average expenditures for such purposes over the previous two years. Under both block grants, the States are required to materially comply with the maintenance of effort requirements.

Public Law 106–310 added sections 1915(b)(2) and 1930(b) to the PHS Act which explicitly authorize the Secretary, as a matter within his discretion, to exclude from the calculation of the maintenance of effort ''funds appropriated to the principal agency for authorized activities which are of a non-recurring nature and for a specific purpose.'' This exclusion from the maintenance of effort will, among other things, offer States some latitude to try new programs without having to commit themselves to outyear expenditures.

This notice provides guidance to States eligible to request such an exclusion from the maintenance of effort requirements. The State must request the exclusion separate from the yearly application that it submits for funding under both programs and the request must be signed by the State's Chief Executive Officer or by an individual authorized on behalf of the Chief Executive Officer. The State must also submit documentation sufficient to support its request for an exclusion under section 1915(b)(2) or section 1930(b). The documentation must support its position that the funds were appropriated by the State legislature for authorized activities that are of a non-recurring nature and for a specific purpose, indicate the length of time the project is expected to last in years and months, and affirm that these expenditures would be in addition to funds otherwise needed to meet the State's maintenance of effort requirement for the year that it is applying for exclusion. With regard to the last point, if the State is otherwise required to expend $1,000,000 to satisfy its maintenance of effort requirement, an expenditure of $100,000 eligible for exclusion under this new authority must be expended in addition to the $1,000,000. It simply will not be used to calculate future maintenance of effort requirements.

With respect to documentation to support the State's position that the funds were appropriated for authorized activities that are of a non-recurring nature and for a specific purpose, the governor's budget justification would be sufficient unless the appropriation for the principal agency responsible for community based mental health services or substance abuse services is below the budget request, in which case the State should show that the legislature intended to provide funding for the activity at issue. If the State legislature explicitly rejected that activity of the governor's budget, it may not be claimed as an eligible exclusion as funds have not been appropriated for the specific purpose in question.

The length of time of the activity may be for more than one year. The longer the length of the activity, however, the more difficult it will be to determine that the expenditure is non-recurring.

In addition, a State may apply for more that one exclusion in any one year or apply for additional exclusions in other years while other excluded activities are ongoing.

In summary, in order for SAMHSA to approve a request from a State to have excluded from the aggregate State expenditures funds appropriated by the State legislature to the principal agency for authorized activities which are of a non-recurring nature and for a specific purpose, the following is necessary:

1. The State shall request the exclusion separately from the application;

2. The request shall be signed by the State's Chief Executive Officer or by an individual authorized to apply for the SAPT or CMHS Block Grant on behalf of the Chief Executive Officer. SAMHSA will consider such requests for funds appropriated after the date of enactment of Public Law 106–310, October 17, 2000, in the first year for which additional funds are being added to the budget for such activities;

3. The State shall provide documentation that supports its position that the funds were appropriated by the State legislature for authorized activities which are of a non-recurring nature and for a specific purpose, indicates the length of time the project is expected to last in years and months, and affirms that these expenditures would be in addition to funds needed to otherwise meet the State's maintenance of effort requirement for the year for which it is applying for exclusion; and

4. The Administrator of SAMHSA agrees that the criteria for exclusion have been met.

Nothing in this guidance limits a State from requesting more than one exclusion in any one year. If during a particular year the State wishes to submit more than one project for exclusion, it should do so in a single request.

Dated: June 28, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–16923 Filed 7–5–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–27]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: July 6, 2001.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless.

Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 28, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01–16733 Filed 7–5–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of a Draft Environmental Impact Statement Evaluating the Environmental Effects of Providing Fish Passage Through the Leavenworth National Fish Hatchery and Providing Riverine Habitat Within the Hatchery Grounds

AGENCY: Fish and Wildlife Service, Interior (Lead Agency); Forest Service, Agriculture (Cooperating Agency).

ACTION: Notice of availability.

SUMMARY: When the Bureau of Reclamation (Interior) built the Leavenworth National Fish Hatchery along the west bank of the Icicle Creek, a tributary to the Wenatchee and Columbia Rivers, in 1939, it modified the original Icicle Creek channel into a series of adult salmon and steelhead holding and juvenile rearing ponds. The main flow of Icicle Creek was diverted into a dammed manmade canal. Fish passage to creek areas above the hatchery was deliberately blocked. Holding and rearing fish in the modified channel worked poorly and was abandoned in 1979 when the U.S. Fish and Wildlife Service (Service) built a conventional fish ladder and two holding ponds immediately downstream of the dam at the tail end of the manmade canal. Use of the ponds in the original creek bed was abandoned.

The Service, in cooperation with the U.S. Forest Service, has completed the preparation of a draft Environmental Impact Statement addressing the potential effects on the human environment that may result from removing the obstacles in Icicle Creek to provide fish passage to areas above the hatchery and to provide riverine habitat within the hatchery grounds.

The draft Environmental Impact Statement is available for public review and comment. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: The comment period will end on August 20, 2001.

ADDRESSES: Comments should be addressed to Ms. Corky Broaddus, Supervisory Information and Education Specialist, U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex, 12790 Hatchery Road, Leavenworth, Washington 98826. Written comments may also be sent via facsimile to (509) 548–6263.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Pratschner, Project Leader, U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery Complex, Leavenworth, Washington 98826, at (509)548–7641.

SUPPLEMENTARY INFORMATION:

Document Availability

Copies of the draft Environmental Impact Statement are available for review at the following government offices and libraries:

Government Offices: U.S. Fish and Wildlife Service, Leavenworth National Fish Hatchery, 12790 Hatchery Road, Leavenworth, Washington 98826, (509) 548–7641; U.S. Fish and Wildlife Service, Mid-Columbia River Fisheries Resource Office, 12790 Hatchery Road, Leavenworth, Washington 98826, (509) 548–7573; U.S. Forest Service, Leavenworth Ranger District, 600 Sherbourne, Leavenworth, Washington 98826, (509) 548–6977; U.S. Forest Service, Okanogan-Wenatchee National Forest, Supervisor's Office, 215 Melody Lane, Wenatchee, Washington 98801, (509) 662–4335.

Libraries: Leavenworth Public Library, 700 Highway 2, Leavenworth, Washington 98826, (509) 548–7923; Wenatchee Public Library, 310 Douglas, Wenatchee, Washington 98801, (509) 662–5021; East Wenatchee Public Library, 271 Ninth Street Northeast, East Wenatchee, Washington 98802, (509) 886–7404; Cashmere Public Library, 101 Woodring, Cashmere, Washington 98815, (509) 782–3314.

Background

Pursuant to the National Environmental Policy Act, the Service prepared a draft Environmental Impact Statement evaluating the consequences of a proposed action to remove instream structures in Icicle Creek, a tributary of the Wenatchee River, near Leavenworth, Washington. When the Leavenworth National Fish Hatchery (Hatchery) was built in 1939, the original Icicle Creek channel was modified into a series of salmon and steelhead holding ponds with the instream placement of weirs, dams, and a headgate which controlled flow through the ponds. Fish passage to areas above the Hatchery was deliberately blocked. Flow in Icicle Creek was diverted downstream via a manmade canal bounded on the downstream end by a velocity barrier dam and spillway. The use of the instream ponds to hold returning salmon and steelhead was abandoned in 1979 due to recurrent water temperature

and water quality problems. Instead, the Hatchery constructed a conventional fish ladder and holding ponds adjacent to the spillway dam. The ladder and holding ponds are currently in use.

On March 10, 1999, the Service published in the **Federal Register** a Notice of Intent to prepare an Environmental Impact Statement. The stated Purpose and Need was: to provide long term, year-round, sustainable passage of native fish to habitat above the Leavenworth National Fish Hatchery; to provide riverine fish habitat through the Hatchery grounds.

The Service invites the public to comment on the draft Environmental Impact Statement. All comments received will become part of the public record and may be released. The public will have 45 days to review and comment on the draft Environmental Impact Statement. This notice is provided pursuant to the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Date: June 27, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01–16658 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA670–1150DK]

Closure of Lands to Vehicular Camping, Imperial County, CA

AGENCY: Bureau of Land Management, California Desert District, Interior.

ACTION: Temporary camping closure order for a portion of lands within and adjacent to the East Mesa area of critical environmental concern (California Desert Conservation Area ACEC #70), Imperial County, CA.

SUMMARY: The Bureau of Land Management will implement a Temporary Camping Closure in accordance with 43 CFR 8364.1. This closure to camping will include the following portion of land known as ''East Mesa,'' west of the Old Coachella Canal: *T16S., R. 20 E.*, SBM Sec. 31 (portion west of canal and north of old Interstate 80). These lands are located on BLM managed lands west of the old Coachella Canal and extending north of old Highway 80 just west of the Imperial Sand Dunes Recreation Area. This closure will be in effect for a period of 1 year. Posting of closure boundaries and approved routes of travel will be accomplished in this area. Vehicular traffic in this area is restricted to approved routes of travel.

SUPPLEMENTARY INFORMATION: The purpose of this closure is to implement the conference opinion (U.S. Fish & Wildlife Service #1–6–97–F–8), for the use of Herman Schneider Memorial Bridge, also known as Gray's Well Bridge, located on the All American Canal just west of the Imperial Sand Dunes Recreation Area.

The purpose for constructing Herman Schneider Memorial Bridge was to connect the Imperial Sand Dunes Recreation Area south of Interstate 8 to the Recreation Area north of Interstate 8. In consultation with the U.S. Fish and Wildlife Service, BLM is implementing reasonable and prudent measure number 2, which requires this area be identified as closed to vehicular camping.

Since 1989, the area north of Interstate 8 and west of the old Coachella Canal has sustained an increase in vehicular camping due to overflow from the Imperial Sand Dunes Recreation Area. Closure of the lands to camping will eliminate intensive riding activities normally found in and around campsites, which adversely impacts Flat Tailed Horned Lizard habitat. Flat Tailed Horned Lizard habitat which is closed to camping is expected to recover from impacts resulting from intensive use.

EFFECTIVE DATE: This closure will be effective on April 06, 2001 and will remain in effect for a period of one year.

FOR FURTHER INFORMATION CONTACT: Roxie C. Trost, BLM Resources Branch Chief, Bureau of Land Management, El Centro Resource Area, 1661 4th St, El Centro California 92243, (760) 337–4420.

Dated: March 30, 2001.

Roxie C. Trost,

Acting Field Manager.

[FR Doc. 01–16874 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–074–1220–PA–241A]

Final Notice of Closure of Certain Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final notice of closure of certain lands to off-highway vehicle use to implement the Medicine Lodge Resource Management Plan, and Big Desert Management Framework Plan, Upper Snake River District, Idaho.

SUMMARY: With the publication of this Notice, the Bureau of Land Management announces the closure of seasonal restriction of certain BLM-administered lands within the Idaho Falls Field Office. A complete description of these lands and the off-highway vehicle restrictions was previously published in the **Federal Register** [66 FR 6653–6655].

SUPPLEMENTARY INFORMATION: No public comments were received within the 30 day deadline following publication, which ended February 21, 2001. The closures include small parcels of land in the following areas: Tex Creek/Willow Creek, Stinking Springs, Big Bend Ridge, and lands adjacent to the South Fork of the Snake and Main Snake Rivers. More information on these closures is available in the **Federal Register** Notice cited above, or at the BLM office listed below.

FOR FURTHER INFORMATION CONTACT: Jeff Gardetto, Wildlife Management Biologist, BLM Idaho Falls Field Office, 1405 Hollipark Dr., Idaho Falls, Idaho 83401. Telephone (208) 524–7500.

Dated: April 6, 2001.

Joe Kraayenbrink,

Idaho Falls Field Manager.

[FR Doc. 01–16872 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–090–01–9922–EK]

Proposal of a Supplemental Rule Restricting Recreational and Sport Shooting To Protect Human Health and Safety in the Vicinity of the BLM Lands in Potter County, Texas

AGENCY: Bureau of Land Management, Department of the Interior, Amarillo Field Office, Amarillo, Texas.

ACTION: This notice proposes that on those public lands administered by the BLM in Potter County, Texas, (Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, and 48 in Block 5 of G.M. Survey; Sections 1, 3 and 4 in Block 4 of G.M. Survey; Sections 19, 21, 27, 29 and 35 of Block 21–W of G.C.&S.F.R.R. Survey) firing any handgun, shotgun or rifle is prohibited. Archery hunting with bow and arrow would be allowed pursuant to State of Texas, Parks and Wildlife regulations.

SUMMARY: In accordance with Title 43, Code of Federal Regulations § 8365.1–6, the State Director may establish

supplementary rules in order to provide for the protection of persons, property and public lands and resources. Failure to comply with this proposed supplementary rule would be punishable by a fine not to exceed $100,000 and/or imprisonment not exceed 12 months. The environmental effects of the proposed rule will be analyzed separately by Environmental Assessment 090–2001–002.

DATES: Comments must be received in writing to the BLM on or before August 6, 2001.

ADDRESSES: Written comments shall be mailed to the following address: Mr. Paul Tanner, Natural Resource Specialist, Bureau of Land Management, 801 S. Fillmore, Suite 500, Amarillo, Texas 79101–3545.

SUPPLEMENTARY INFORMATION: Uncontrolled shooting on the subject public lands in Potter County, Texas, creates a public health and safety hazard by firing solid projectile firearms, that have a long range, into and about a populated rural area. Portions of the area of concern receive heavy use by ranchers, oil and gas development personnel and BLM employees. This proposed supplemental rule would prohibit the firing of any firearm. By prohibiting all gunfire a safer environment on both public and private lands will be created. This proposed rule only affects public lands administered by BLM. This special rule is in addition to existing rules and regulations previously established under Title 43 Code of Federal Regulations as well as other Federal laws applicable to the use of public lands.

FOR ADDITIONAL INFORMATION CONTACT: BLM Amarillo Field Office, 801 S. Fillmore Street, Suite 500, Amarillo, Texas 79101–3545, telephone (806) 324–2602.

Dated: May 8, 2001.

M.J. Chavez,

State Director.

[FR Doc. 01–16877 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–070–1210–PA–241E]

Extension of Restrictions, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of restrictions adjacent to and within the Sand Mountain WSA, Idaho.

SUMMARY: In accordance with Title 43 Group 8000-Recreation Programs, and in accordance with the principles established by the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969, Notice is hereby given that temporary restrictions previously published in the **Federal Register** are hereby extended. These actions are under the authority of 43 CFR 8364.

The restrictions extended include the following Notices:

- Notice of restricted motor vehicle use [57 FR 36405]
- Notice of Recreation Use Restrictions and Regulations for Egin Lakes Access and Red Road Recreation Sites Adjacent and Within the Sand Mountain Wilderness Study Area (WSA), Idaho [64 FR 27804]
- Notice of Recreation Use Restrictions and Regulations for Egin Lakes Access and Red Road Recreation Sites Adjacent and Within the Sand Mountain Wilderness Study Area (WSA), Idaho [64 FR 46935]

DATES: The restrictions will be extended for the period on or before July 8, 2002.

ADDRESSES: Bureau of Land Management, Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401. Telephone (208) 524–7500.

SUPPLEMENTARY INFORMATION: The Sand Mountain WSA includes 21,000 acres of public land that is part of the larger St. Anthony Sand Dunes Special Recreation Management Area (SRMA) in Fremont and Jefferson Counties. The aforementioned **Federal Register** Notices established various restrictions within the WSA and SRMA. These include:

Within the WSA

1. Lands within the WSA are restricted to unlicenced off-road vehicles, including ATVs (3 and 4-wheelers), dual purpose off-road motorcycles and dune buggies or dune rails. All licensed vehicles (with the exception of dual purpose motorcycles) are prohibited, including passenger automobiles, pick-up campers, camp trailers, self-contained campers and similar vehicles.

2. All permitted use must occur on the open sand areas or on designated roads or trails.

3. Glass containers for food and beverages are prohibited within the WSA boundaries.

4. Safety equipment such as helmets, boots, and protective clothing, are strongly recommended.

5. Each vehicle is required to have a ''whip flag'' not less than 6 feet in length with brightly colored material on the end of the flag.

6. Open campfires are prohibited within the WSA, except in the designated Red Road Open Sand Campfire Area. Within the Red Road Open Sand Campfire Area, burning any foreign material other than wood in all campfires is prohibited. This includes, but is not limited to pallets, treated lumber, tires, glass, aluminum, etc.

7. Use of personal water craft or other motorized vehicle or craft is prohibited on any body of water within the WSA.

Within the SRMA

1. Quiet hours will be observed within the Egin Lakes Access Site and Red Road Recreation Area from 11 p.m. to 7 a.m. nightly.

2. Burning any foreign material other than wood in all campfires is prohibited. This includes, but is not limited to pallets, treated lumber, tires, glass, aluminum, etc.

3. Engaging in fighting is prohibited.

4. Addressing any offensive, derisive, or annoying communication that has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed, is prohibited.

5. No person under the age of twenty-one (21) shall possess or consume any alcoholic beverage, as defined by Idaho Code Title 23–105.

These restrictions are intended to reduce the possibility of injury to individuals, or damage to the natural resources within the WSA and the SRMA. Recreational use on the St. Anthony Sand Dunes has increased more than 1000% since 1984, with an estimated 150,000 visitors last season.

Maps of the areas where the restrictions and regulations apply will be available at the Idaho Falls Field Office. Signs with the rules and regulations will be posted at all entrances into the WSA as well as at the recreation sites and areas. For more complete information on these restrictions, please refer to the previously mentioned **Federal Register** Notices.

FOR FURTHER INFORMATION CONTACT: Bill Boggs, Bureau of Land Management, Upper Snake River District, Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, (208) 524–7527.

Dated: April 3, 2001.

Joe Kraayenbrink,

Idaho Falls Field Manager.

[FR Doc. 01–16873 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[CA–180–1630/PD]

Camping and Firearms Restrictions

ACTION: Final supplementary rules and written orders.

SUMMARY: In previous **Federal Register** Notices, the Bureau of Land Management (BLM) has enacted numerous Supplementary Rules and Orders to provide management and protection of Public Lands and resources. The BLM has republished those existing Supplementary Rules and Orders to correct typographical errors, correct administrative errors, to review the need for the Rule, and to provide for additional public comment. The proposed Supplementary Rules and Written Orders were published in the **Federal Register** September 5, 2000 (Volume 65, Number 172, page 53746).

No comments were received to the proposed Supplementary Rules and Written Orders. Two changes were to the proposed Supplementary Rules and Written Orders. A change was made to correct an error in the legal description for the Supplementary Rules for the Red Hills. The second change was deleting ''and persons visiting registered campers'' from section (g) of the Merced River Written Orders. No other changes were made from the proposed Supplementary Rules and Written Orders.

Supplementary Rules: South Yuba River

Action: Establishment of camping, day use, and firearms Supplementary Rules on Public Lands within the South Yuba Recreation Area of the Folsom Field Office, California. These rules shall apply to all public lands within sections 1 and 2, Township 16 north, Range 7 east; sections 25, 26, 27, 34, 35, 36, Township 17 north, Range 7 east; sections 13, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, Township 17 north, Range 8 east; sections 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, Township 17 north, Range 9 east; all of the Mt. Diablo meridian.

Supplementary Rules

(a) No person shall camp within area described as one quarter mile downstream and one-half mile upstream from Edward's Crossing bridge and within one quarter mile on each side of the South Yuba River.

(b) No person shall occupy a campsite in the South Yuba Campground with more than two motor vehicles or more than eight adults.

(c) No person shall discharge a firearm within one half mile of the South Yuba Campground and within the day use area described in (a).

(d) No person shall use, build, attend, or maintain a campfire within the day use area described in (a).

(e) No person shall operate a motor vehicle on the South Yuba Trail.

(f) No person shall operate a motor vehicle within one quarter mile of each side of the South Yuba River except on roads and trails designated for motorized use. The following Supplementary Rules shall apply only to the Hoyt's Crossing Area, specifically to all public land within sections 28 and 34, Township 17 north, Range 8 east of the Mt. Diablo meridian. This action was necessary to limit adverse impacts to public lands while long term planning is underway. The California State Parks and the County of Nevada urged BLM to enact restrictions in the Hoyt's Crossing area to reduce ongoing problems. These Supplementary Rules will protect the resources and the recreational experience until planning is completed.

(g) No person shall camp.

(h) No person shall build, maintain, attend, or use a campfire.

(i) No person shall possess or consume any alcoholic beverage.

(j) No person shall possess any bottle or container made of glass.

A firearm is defined under Title 18, United States Code, section 921(a)(3). Camping is defined as the use, construction, or taking possession of public lands using tents, shacks, leantos, tarps, vehicles, huts, blankets, or sleeping bags. Campfire is defined as a controlled fire occuring out of doors used for cooking, branding, personal warmth, lighting, ceremonial, or esthetic purposes. The term alcoholic beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

SUPPLEMENTARY INFORMATION: The purpose of these Rules is to protect resources of the public lands, persons, and property. Authority for these Rules is contained in the Code of Federal Regulations, Title 43, § 8365.1–6. Any person who fails to comply with these Rules may be subject to a fine not to exceed 100,000 dollars and/or 12 months imprisonment. These penalties are specified in United States Code, Title 43, section 303, and United States Code, Title 18, section 3623. Federal, state, and local law enforcement personnel and emergency service personnel, while performing official duties, are exempt from these Rules.

Written Orders: North Fork American River

Action: Closure of all public lands administered by the Bureau of Land Management within the boundaries of the North Fork of the American River Wild and Scenic corridor to the operation or possession of motorized vehicles or equipment and other restrictions. These Written Orders shall apply on public lands described from the BLM boundary upstream from the Iowa Hill Road bridge (approximately one eighth mile upstream from the bridge) east to the National Forest boundary and within one quarter mile of each side of the river. These public lands are contained in section 36, Township 15 north, Range 9 east; and sections 1, 2, 9, 10, 11, 14, 15, 16, 20, 21, 22, 28, 29, 30, 31 and 32, Township 15 north, Range 10 east; of the Mt. Diablo meridian. Summary: The BLM section of the North Fork of the American River was classified ''wild'' by the Wild and Scenic River Act as amended (Pub. L. 95–625, November 10, 1978). These Written Orders are necessary to insure public use is consistent with the Act.

Written Order:

(a) No person shall use or posses a motorized vehicle or motorized equipment.

(b) No person shall operate a motorized vehicle on the Steven's Trail.

(c) No person shall operate a motor vehicle except on roads and trails designated for motorized use.

(d) No person shall camp more than fourteen (14) days in any ninety (90) day period.

SUPPLEMENTARY INFORMATION: Camping is defined as the use, construction, or taking possession of public lands using tents, shacks, leantos, tarps vehicles, huts, blankets, or sleeping bag. The authority for this Written Order is contained in the Code of Federal Regulations, Title 43, § 8351.2–1. Any person who fails to comply with this Written Order may be subject to a fine not to exceed 500 dollars and/or imprisonment not to exceed 6 months. These penalties are specified in the Code of Federal Regulations, Title 43, section 8351.2–1(f). The following persons are exempt from this Written Order: 1. Any Federal, state, local government officer or member of an

organized rescue or fire suppression force in the performance of an official duty, 2. Persons with written permission authorizing the otherwise prohibited act or omission.

Supplementary Rules; Red Hills Area of Critical Environmental Concern

Action: Establishment of firearms and vehicle use restrictions in the Red Hills Area of Environmental Concern. These Supplementary Rules apply within the Red Hills Area of Environmental Concern as described in **Federal Register**, volume 50, number 46, March 8, 1985; specifically on all public lands within sections 1, 2, 11, 12, and 13, Township 1 south, Range 13 east; and sections 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35, Township 1 south Range 14 east in the Mt. Diablo meridian.

Supplementary Rules

(a) No person shall discharge any firearm. For the purposes of this Rule, a firearm is defined as under United States Code, Title 18, section 921(a)(3). Licensed sport hunters in the legitimate and legal pursuit of game with an appropriate firearm and during the proper season as defined by the California fish and Game shall be exempt from this Supplementary Rule.

(b) No person shall operate a motor vehicle off designated routes of travel.

(c) No person shall operate a motor vehicle unless the vehicle is registered for street use in accordance with the California Vehicle Code, section 4000a.

SUPPLEMENTARY INFORMATION: Authority for these Supplementary Rules is contained in the Code of Federal Regulations, Title 43, section 8364.1. Any person who fails to comply with these Supplementary Rules may be subject to fines not to exceed 100,000 dollars and/or not to exceed imprisonment of 12 months. These penalties are specified by United States Code, Title 43, section 303; and United States Code, Title 18, section 3623. Federal state, and local law enforcement personnel and emergency service personnel, while performing official duties, are exempt from these Rules.

Written Orders: Merced River Wild and Scenic River

Action: Establishment of Written Orders for the management of public lands along the Merced River.

Summary: The Merced River was classified ''wild'' and ''scenic'' in accordance with the Wild and Scenic Rivers Act as amended (Pub. L. 95–625, November 10, 1978). These Written Orders shall insure management of the public lands consistent with these classifications. These Written Orders apply to public lands within one quarter mile of the river; from the National Forest boundary west to Lake McClure. These public lands are contained within sections 1, 2, 4, 5, 6, 9, 10, 11, 15, Township 4 south, Range 17 east; and sections 2, 3, 5, 6, 8, 9, 10, 11, 16, 17, 25, 35, 36, Township 3 south, Range 18 east; Mt. Diablo meridian.

Written Orders

(a) No person shall discharge a firearm within one quarter mile of each side of the Merced River. A firearm is defined as under United States Code, Title 43, section 921(a)(3).

(b) No person shall occupy a campsite in a developed campground with more than two motor vehicles or more than eight adults.

(c) No person shall camp outside of designated campgrounds along the Merced River within the area described as one quarter mile upriver from Briceburg to one quarter mile below Railroad Flat Campground; and between the river and one quarter mile north of the Merced River. Camping is defined in Supplementary Rules for the South Yuba River.

(d) No person shall operate a motor vehicle on the old railroad bed between the high water mark of Lake McClure and the Railroad Flat Campground; or between Briceburg and the National Forest boundary.

(e) No person shall operate a motor vehicle on the Briceburg Road unless it is registered for street use as defined in the California Vehicle Code, section 4000a.

(f) No person shall operate a motor vehicle off the Briceburg Road or the developed campground roads.

(g) No person shall enter a developed campground between 10 p.m. and 6 a.m. unless that person is a registered camper.

(h) No person shall operate or possess a motor vehicle or motorized equipment in the classified ''wild'' section of the Merced River; which is described as the section between the high water mark of Lake McClure and the Railroad Flat Campground.

(i) No person shall possess any glass beverage container within one quarter mile of each side of the Merced River.

(j) No person shall occupy a campsite for longer than 30 minutes without placing the required camping fee in the envelopes provided for that purpose, providing the written information on the envelope, and depositing the envelope with the required fee into the fee collection receptacle.

(k) No person shall camp more than fourteen (14) days in any ninety (90) day period.

(l) No person shall leave any property unattended for more than twenty four (24) hours.

SUPPLEMENTARY INFORMATION: The authority for this Written Order is contained in the Code of Federal Regulations, Title 43, § 8351.2–1. Any person who fails to comply with these Written Orders may be subject to a fine not to exceed 500 dollars and/or imprisonment not to exceed 6 months. These penalties are specified in the Code of Federal Regulations, Title 43, § 8351.2–1(f). The following persons are exempt from this Written Order: 1. Any Federal, state, local government officer or member of an organized rescue or fire suppression force in the performance of an official duty, 2. Persons with written permission authorizing the otherwise prohibited act or omission.

FOR ADDITIONAL INFORMATION CONTACT: Deane Swickard, Field Manager, 63 Natoma Street, Folsom, CA 95630. Information can also be obtained via e-mail to *Deane Swickard@ca.blm.gov.*

Mike Pool,

State Director, California.

[FR Doc. 01–16875 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart P, Sulphur Operations.'' We are also soliciting comments from the public on this ICR.

DATES: Submit written comments by August 6, 2001.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0086), 725 17th Street, NW., Washington, DC 20503. Mail or hand carry a copy of your comments to

the Department of the Interior, Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0086'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain at no cost a copy of our submission to OMB, which includes the regulations that require this information to be collected.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and efficient exploration and development of a lease area.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart P, Sulphur Operations, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. For example, MMS uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Ensure that the drilling unit is fit for the intended purpose.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee will not encounter geological conditions that present a hazard to operations.
- Ensure the adequacy and safety of firefighting plans.
- Ensure the adequacy of casing for anticipated conditions.
- Review log entries of crew meetings to verify that crew members are properly trained.
- Review drilling, well-completion, and well-workover diagrams and procedures to ensure the safety of the proposed drilling, well-completion, and well-workover operations.
- Review production operation procedures to ensure the safety of the proposed production operations.
- Monitor environmental data during operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

Responses are mandatory. No questions of a ''sensitive'' nature are asked. MMS will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 250.196 (Data and information to be made available to the public), and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is generally ''on occasion''.

Estimated Number and Description of Respondents: Approximately 1 Federal OCS sulphur lessee.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The following chart details the components of the hour burden for the information collection requirements in subpart P—an estimated total of 903 burden hours. In estimating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart P	Reporting or recordkeeping requirement	Hour burden per requirement
	Reporting Requirements	
1600	Submit exploration or development and production plan according to 30 CFR 250, subpart B.	Burden included in 1010–0049.
1603(a)	Request determination whether sulphur deposit can produce in paying quantities.	1 hour.
1605(b)(3)	Submit data and information on fitness of drilling unit	4 hours.

Citation 30 CFR 250 subpart P	Reporting or recordkeeping requirement	Hour burden per requirement
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request.	1 hour.
1605(d)	Submit results of additional surveys and soil borings upon request	1 hour.
1605(e)(5)	Request copy of directional survey (by holder of adjoining lease)	1 hour.
1605(f)	Submit application for installation of fixed drilling platforms or structures according to 30 CFR subpart I.	Burden included in 1010–0058.
1607	Request establishment, amendment, or cancellation of field rules for drilling, well-completion, or well-workover.	8 hours
1608	Submit well casing and cementing plan or modification	5 hours.
16010(d)(8)	Request exception to ram-type blowout preventer (BOP) system components rated working pressure.	1 hour.
1611(b); 1625(b)	Request exception to water-rated working pressure to test ram-type and annular BOPs and choke manifold.	1 hour.
1611(f); 1625(f)	Request exception to recording pressure conditions during BOP tests on pressure charts*.	1 hour.
1612	Request exception to § 250.408 requirements for well-control drills*	1 hour.
1615	Request exception to blind-shear ram or pipe rams and inside BOP to secure wells.	1 hour.
1610(d)(8); 1611(b), (f); 1615; 1617; 1618; 1619(b); 1622; 1625(b), (f);.	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Sundry Notices and Reports on Wells), Form MMS–125 (Well Summary Report). Submissions include various exceptions and approvals required in subpart P.	Burden included in 1010–0044, 1010–0045, and 1010–0046.
1612	Request exception to § 250.408 requirements for well-control drills	1 hour.
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request	1 hour.
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4 hours.
1629(b)(3)	Request approval of firefighting systems	4 hours.
1630(a)(5)	Notify MMS of pre-production test and inspection of safety system and commencement of production.	½ hour.
1633(b)	Submit application for method of production measurement	2 hours.
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1 hour.
1600 thru 1634	General departure and alternative compliance requests not specifically covered elsewhere in subpart P regulations.	2 hours.
Recordkeeping Requirements		
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	¼ hour.
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log	2 hours.
1611(d)(3); 1625(c)(3).	Record in driller's report the date, time, and reason for postponing pressure testings.	10 minutes
1611(f), (g); 1625(f), (g).	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6 hours.
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2 hours.
1616(c)	Retain training records for lessee and drilling contractor personnel according to 30 CFR 250, included subpart O.	Burden in 1010–0128.
1619(a)	Retain records for 2 years for each well and all well operations	12 hours.
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date/time.	1 hour.
1628(d)	Maintain information on approved design and installation features for the life of the facility.	1 hour.
1629(b)(1)(ii) and (iii).	Retain for 2 years pressure-recording charts used to determine operating pressure ranges; post firefighting system diagram.	12 hours.
1630(b)	Retain records for 2 years for each safety device installed	1 hour.
1631	Conduct safety device training prior to production operations and periodically thereafter; record date/time.	1 hour.

Estimated Annual Reporting and Recordkeeping ''Non-H Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C.q 3501, *et seq.*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the

information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 8, 2001, we published a **Federal Register** notice (66 FR 13956) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 displays the OMB control numbers for the information collection requirements imposed by the 30 CFR part 250 regulations and forms; specifies that the public may comment at anytime on these collections of information; and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 6, 2001. The PRA provides that 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.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: May 24, 2001.

John V. Mirabella,

Acting Chief, Engineering and Operations Division.

[FR Doc. 01–16969 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–MR–P]

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0043).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are submitting to OMB for review and approval an information collection request (ICR), titled ''30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations.'' We are also soliciting comments from the public on this ICR.

DATE: Submit written comments by August 6, 2001.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0043), 725 17th Street, NW., Washington, DC 20503. Mail or hand carry a copy of your comments to the Department of the Interior, Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0043'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the 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.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain at no cost a copy of our submission to OMB, which includes the regulations that require this information to be collected.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart F, Oil and Gas Well-Workover Operations.

OMB Control Number: 1010–0043.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations ''to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein'' and to include provisions ''for the prompt and efficient exploration and development of a lease area.'' These authorities and responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR 250, subpart F, Oil and Gas Well-Workover Operations and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS District Supervisors use the information collected to analyze and evaluate planned well-workover operations to ensure that operations result in personnel safety and protection of the environment. They use this evaluation in making decisions to approve, disapprove, or to require modification to the proposed well-workover operations. For example, MMS uses the information to:

- Review log entries of crew meetings to verify that safety procedures have been properly reviewed.

Review well-workover procedures relating to hydrogen sulfide (H_2S) to ensure the safety of the crew in the event of encountering H_2S.

- Review well-workover diagrams and procedures to ensure the safety of well-workover operations.
- Verify that the crown block safety device is operating and can be expected to function and avoid accidents.
- Verify that the proposed operation of the annular preventer is technically correct and will provide adequate protection for personnel, property, and natural resources.
- Verify the reasons for postponing blowout preventer (BOP) tests, verify the state of readiness of the equipment and to ascertain that the equipment meets safety standards and requirements, ensure that BOP tests have been conducted in the manner and frequency to promote personnel safety and protect natural resources. Specific

testing information must be recorded to verify that the proper test procedures were followed.

• Assure that the well-workover operations are conducted on well casing that is structurally competent.

Responses are mandatory. No questions of a sensitive nature are asked. MMS will protect proprietary information according to 30 CFR 250.196 (Data and information to be made available to the public) and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is primarily monthly or ''on occasion.''

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees and operators.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The following chart details the components of the estimated hour burden for the information collection requirements in subpart F—19,205 total burden hours. In estimating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart F	Reporting or Recordkeeping Requirement	Requirement Hour Burden
	Reporting Requirements	
602	Request exceptions prior to moving well-workover equipment	1 hour
605; 613; 615(a)	Request approval to begin subsea well-workover operations; submit forms MMS–124 and/or MMS- 125.	Burden included in 1010–0045 and 1010–0046
614	Post number of stands of drill pipe or workover string and drill collars that may be pulled prior to filling the hole and equivalent well-control fluid volume.	.25 hour
616(a)	Request exception to rated working pressure of the BOP equipment; request exception to annular-type BOP testing.	2 hours
617(b)	Pressure test, caliper, or otherwise evaluate tubing & wellhead equipment casing; submit results (every 30 days during prolonged operations).	6 hours
617(c)	Notify MMS if sustained casing pressure is observed on a well	.25 hour
600 thru 618	General departure and alternative compliance requests not specifically covered elsewhere in subpart F regulations.	2 hours
	Recordkeeping Requirements	
606	Instruct crew members in safety requirements of operations to be performed; document meeting (weekly for 2 crews x 2 weeks per workover = 4).	1 hour
611	Perform operational check of traveling-block safety device; document results (weekly x 2 weeks per workover = 2).	1 hour
616(a), (b), (d), (e)	Perform BOP pressure tests, actuations & inspections; record results; retain records 2 years following completion of workover activities (when installed; at a minimum every 7 days x 2 weeks per workover = 2).	8 hours
616(b)(2)	Test blind or blind-shear rams; document results (every 30 days during operations). (Note: this is part of BOP test when BOP test is conducted.).	1 hour
616(b)(2)	Record reason for postponing BOP system tests	.5 hour
616(c)	Perform crew drills; record results (weekly for 2 crews x 2 weeks per workover = 4)	1 hour

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 8, 2001, we published a **Federal Register** notice (66 FR 13951) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 displays the OMB control numbers for the information collection requirements imposed by the 30 CFR part 250 regulations and forms; specifies that the public may comment at anytime on these collections of information; and provides the address to which they should send comments. We have received no comments in response to these efforts. We also consulted with several respondents and the foregoing chart reflects adjustments for some of the requirement hour burdens as a result of those consultations.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by August 6, 2001. The PRA provides that 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.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: May 17, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–16970 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Environmental Water Account, San Francisco Bay/Sacramento-San Joaquin Delta, CA

AGENCY: Bureau of Reclamation/ California Department of Water Resources, Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report (EIS/EIR).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) intend to prepare an EIS/EIR for implementing the Environmental Water Account (EWA) as described in the Programmatic Record of Decision for the CALFED Bay-Delta Program.

The EWA has been established to provide water for the protection and recovery of fish beyond water available through existing regulatory actions related to State Water Project/Central Valley Project operations. The EWA is a cooperative management program whose purpose is to provide protection to the fish of the Bay-Delta estuary through environmentally beneficial changes in project operations at no uncompensated water cost to the projects' water users. This approach to fish protection requires the acquisition of alternative sources of project water supply, called the ''EWA assets,'' which will be used to augment streamflows, Delta outflows, to modify exports to provide fishery benefits, and to replace the regular project water supply interrupted by the changes to project operations. The replacement water will compensate for reductions in deliveries relative to existing facilities, project operations and the regulatory baseline that result from EWA actions.

Reclamation will be the lead federal agency; the U.S. Fish and Wildlife Service and National Marine Fisheries Service will be cooperating agencies for the EIS/EIR in accordance with NEPA. DWR will be the lead state agency; the Department of Fish and Game will be a responsible agency for the EIS/EIR in accordance with CEQA. A draft EIS/EIR is expected to be available in December 2001.

DATES: A series of public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the EIS/EIR as follows:

- Thursday, July 19, 10–12 noon, Sacramento, CA.
- Thursday, July 19, 7–9 p.m., Chico, CA.
- Monday, July 23, 7–9 p.m., Oakland, CA.
- Tuesday, July 24, 7–9 p.m., Tracy, CA.
- Wednesday, July 25, 7–9 p.m., Bakersfield, CA.
- Thursday, July 26, 7–9 p.m., Los Angeles, CA.

Written comments on the scope of the EIS/EIR may be mailed to Reclamation at the address below by August 20, 2001.

ADDRESSES: The meeting locations are:

- Sacramento at Best Western Expo Inn, 1413 Howe Avenue.
- Chico at Chico Area Recreation District Community Center, 545 Vallambrosa.
- Oakland at the Federal Building, Room H, 5th Floor, North Tower.
- Tracy at the VFW Hall, 430 West Grant Line Road.
- Bakersfield at the Double Tree Inn, 3100 Camino Del Rio Court, Sierra Room.
- Los Angeles at the Los Angeles Convention Center, 1201 South Figueroa Street, Room 513.

Written comments on the scope of the EIS/EIR should be sent to Ms. Michelle Light, Bureau of Reclamation, 2800 Cottage Way, MP–700, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Ms. Light at the above address or by telephone at 916–978–5060 or TDD 1–800–735–2922; or Ms. Delores Brown, Department of Water Resources, 3251 S Street, Sacramento, CA 95816 or by telephone at 916–227–2407.

SUPPLEMENTARY INFORMATION:

Background

The CALFED Bay Delta Program is a long-term comprehensive plan to restore ecological health and improve water management for beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) estuary system. The agencies that signed the Record of Decision/Notice of Determination (ROD) for the Final Programmatic Environmental Impact Statement/Environmental Impact Report on August 28, 2000, committed to implement the CALFED Bay Delta Program. The Environmental Water Account (EWA) is one component of the long-term comprehensive plan adopted in the CALFED Bay-Delta Program ROD.

To achieve the program purpose, the long-term plan addresses problems of the Bay-Delta system within each of four resource categories: ecosystem quality, water quality, water supply reliability, and levee system integrity. CALFED agencies identified a need in the ROD for additional fisheries protection measures above and beyond the existing baseline regulatory measures to speed recovery of listed fish species. The establishment of the EWA was a key component of this additional protection.

The EWA is a cooperative management program involving five CALFED agencies that have responsibility for implementing the EWA. The three management agencies, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (DFG), have primary responsibility for determining how to manage the EWA assets to benefit long-term survival of fish species, including those listed under the State and Federal Endangered Species Acts. The two Project Agencies are Reclamation and the Department. The Project Agencies will cooperate with the Management Agencies in administering the EWA, including banking, borrowing, transferring, selling, making operational changes, and arranging for the conveyance of EWA assets.

Current Activities

Following the signing of the ROD in August of 2000, the California Department of Water Resources undertook the initial required acquisitions and one-year transfers. As of June 2001, 294,000 acre-feet had been acquired, of which 281,000 acre-feet was used to protect threatened and endangered fish species. A critique and scientific review of the first year of EWA implementation will be conducted this summer, and the results will be used to help formulate strategies for managing the EWA in subsequent years.

Alternative Measures

The ROD for the CALFED Bay Delta Program described broad actions to be taken as part of a long-term plan to fix the problems in the Delta: ecosystem, water quality, water supply reliability and levee stability. As described above, the EWA is one element of the long-term plan to which the signatory agencies have committed. This EIS/EIR will focus on a project specific evaluation of the EWA including alternative strategies for banking, borrowing, transferring, and using water assets to achieve the EWA.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which

we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, 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. 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 disclosure in their entirety.

Dated: June 22, 2001.

Laura Allen,

Acting Regional Environmental Officer.

[FR Doc. 01–16928 Filed 7–5–01; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–951 and 952 (Preliminary)]

Blast Furnace Coke From China and Japan

AGENCY: 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–951 and 952 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China and Japan of blast furnace coke provided for in statistical reporting numbers 2704.00.0025 and 2704.00.0050 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 13, 2001. The Commission's views are due at Commerce within five business days thereafter, or by August 20, 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 29, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (phone: 202–205–3179; e-mail: *ffischer@usitc.gov*), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on June 29, 2001, by (1) the Committee for Fair Coke Trade and its member producers: Acme Steel Co., Chicago, IL; DTE Energy Services Inc., Ann Arbor, MI; Koppers Industries, Inc., Pittsburgh, PA; and Shenango Inc., Pittsburgh, PA; and (2) the United Steelworkers of America, AFL–CIO, Pittsburgh, PA.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in 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 20, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Fischer (phone: 202–205–3179; e-mail: *ffischer@usitc.gov*) not later than July 16, 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 25, 2001, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: July 2, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–17038 Filed 7–5–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled ''General Wage determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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HI010001 (Mar. 2, 2001)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 28th day of June 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–16812 Filed 7–5–01; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting to Solicit Stakeholder Input on the Use of Risk Information in the Nuclear Materials and Waste Regulatory Process: Case Study on the Paducah Gaseous Diffusion Plant Seismic Upgrades

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission's (NRC's) Office of Nuclear Materials Safety and Safeguards is developing criteria for determining when risk information should be used in the regulation of nuclear materials and waste. As part of this effort, the NRC staff is conducting case studies on a spectrum of activities in the nuclear materials and waste arenas, including gaseous diffusion plants (GDPs). The purpose of the case studies is (1) to illustrate what has been done and what could be done in the materials and waste arenas to alter the regulatory approach in a risk-informed manner and (2) to establish a framework for using a risk-informed approach in the materials and waste arenas by testing a set of draft screening criteria, and determining the feasibility of safety goals.

NRC staff is in the initial phase of its case study on GDPs. Specifically, this case study is focusing on NRC and licensee activities associated with seismic upgrades for the Paducah GDP. The purpose of this meeting is to: (1) communicate to stakeholders the status of this case study, and (2) to solicit recommendations and comments on how NRC should proceed with the case study, apply or revise the draft screening criteria, develop safety goals, and incorporate risk information into its regulatory program. The tentative agenda for the meeting is as follows:

1. Opening remarks.

2. Provide background information on the case study effort.

3. Present status of case study.

4. Receive comments, feedback, and recommendations.

5. Closing remarks.

The meeting is open to the public; all interested parties may attend and provide comments. Persons who wish to attend the meeting should contact Marissa Bailey no later than July 26, 2001.

DATES: The meeting will be held on July 31, 2001, from 1:30 p.m. to 4:30 p.m., in the U.S. Nuclear Regulatory Commission Auditorium, 11545 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Marissa Bailey, Mail Stop T–8–A–23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7648; Internet: MGB@NRC.GOV.

SUPPLEMENTARY INFORMATION: The NRC staff's case study approach, the draft screening criteria, and the case study areas under consideration are described in the ''Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies'' which has been published in the **Federal Register** (65 FR 66782, November 7, 2000). Copies of this plan are also available on the Internet at http://www.nrc.gov/NMSS/IMNS/riskassessment.html. Written requests for single copies of this plan may also be submitted to the U.S. Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Risk Task Group, Mail Stop T–8–A–23, Washington, DC 20555–0001.

Dated at Rockville, MD, this 29th day of June, 2001.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Section Chief, Risk Task Group, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16913 Filed 7–5–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting to Solicit Stakeholder Input on the Use of Risk Information in the Nuclear Materials and Waste Regulatory Process: Case Study on the TMI–2 Independent Spent Fuel Storage Installation Seismic Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission's (NRC's) Office of Nuclear Materials Safety and Safeguards is developing criteria for determining when risk information should be used in the regulation of nuclear materials and waste. As part of this effort, the NRC staff is conducting case studies on a spectrum of activities in the nuclear materials and waste arenas, including independent spent fuel storage installations (ISFSIs). The purpose of the case studies is (1) to illustrate what has been done and what could be done in the materials and waste arenas to alter the regulatory approach in a risk-informed manner and (2) to establish a framework for using a risk-informed approach in the materials and waste arenas by testing a set of draft screening criteria, and determining the feasibility of safety goals.

NRC staff is in the initial phase of its case study on ISFSIs. Specifically, this case study is focusing on the exemption to the seismological requirements in 10 CFR 72.102(f)(1) for the Three Mile Island Unit 2 (TMI–2) ISFSI, which is located at the Idaho National Engineering and Environmental Laboratory in Eastern Idaho. The purpose of this meeting is to: (1) communicate to stakeholders the status of this case study, and (2) to solicit recommendations and comments on how NRC should proceed with the case study, apply or revise the draft screening criteria, develop safety goals, and incorporate risk information into its regulatory program. The tentative agenda for the meeting is as follows:

1. Opening remarks.
2. Provide background information on the case study effort.
3. Present status of case study.
4. Receive comments, feedback, and recommendations.
5. Closing remarks.

The meeting is open to the public; all interested parties may attend and provide comments. Persons who wish to attend the meeting should contact Marissa Bailey no later than July 26, 2001.

DATES: The meeting will be held on July 31, 2001, from 9 a.m. to 12 noon, in the U.S. Nuclear Regulatory Commission Auditorium, 11545 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION, CONTACT: Marissa Bailey, Mail Stop T–8–A–23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–7648; Internet: MGB@NRC.GOV.

SUPPLEMENTARY INFORMATION: The NRC staff's case study approach, the draft screening criteria, and the case study areas under consideration are described in the ''Plan for Using Risk Information in the Materials and Waste Arenas: Case Studies'' which has been published in the **Federal Register** (65 FR 66782, November 7, 2000). Copies of this plan are also available on the Internet at http://www.nrc.gov/NMSS/IMNS/riskassessment.html. Written requests for single copies of this plan may also be submitted to the U. S. Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Risk Task Group, Mail Stop T–8–A–23, Washington, DC 20555–0001.

Dated at Rockville, MD, this 29th day of June 2001.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Section Chief, Risk Task Group, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16914 Filed 7–5–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 128th meeting on July 17–19, 2001, at 11545 Rockville Pike, Rockville, Maryland, Room T–2B3.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, July 17, 2001

A. *8:30–8:40 A.M.: Opening Statement* (Open)—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate several items of interest.

B. *8:40–10:15 A.M.: ACNW Planning and Procedures* (Open)—The Committee will review items under consideration at this meeting and consider topics proposed for future ACNW meetings.

C. *10:30–12:00 Noon: Update on Igneous Activity Issue Resolution* (Open)—The Committee members will receive a presentation from the NRC staff on progress in resolving the igneous activity issue.

D. *1:00–3:00 P.M.: DOE's Supplemental Science and Performance Analysis (SSPA)* (Open)—The Committee members will receive a status report from DOE on its SSPA to be issued this summer.

E. *3:15–4:15 P.M.: Research Plan for Radionuclide Transport Program* (Open)—The Committee members will receive an information briefing by the NRC RES staff on the current status of the radionuclide transport program, and will discuss its plans to review the research program.

F. *4:15–4:45 P.M.: Meeting Reports* (Open)—The Committee will hear reports from the members and staff on meetings attended since the 127th ACNW meeting.

G. *4:45–6:00 P.M.: Preparation of ACNW Reports* (Open)—The Committee will discuss the following proposed reports: Igneous Activity Issue Resolution and Research Plan for Radionuclide Transport.

Wednesday, July 18, 2001

H. *8:30–8:40 A.M.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

I. *8:40–12:00 Noon.: Key Technical Issues (KTIs)—Vertical Slice Report* (Open)—The Committee members will discuss their progress and then commence drafting a report on assigned KTIs.

J. *1:00–2:30 P.M.: Greater-than-Class C (GTCC) Wastes* (Open)—The Committee will hear a presentation by DOE representatives on their handling of GTCC.

K. *2:45–7:00 P.M.: Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics: Igneous Activity Issues Resolution; Research Plan for Radionuclide Transport; GTCC Disposal Options; and KTI-Vertical Slice Report.

Thursday, July 19, 2001

L. *8:30–8:35 A.M.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

M. *8:35–9:30 A.M.: Preparations for October Visit to Nevada* (Open)—The Committee will discuss potential topics, including public outreach sessions and a visit the Envirocare facility.

N. *9:30–12:45 P.M..: Discussion of Proposed ACNW Reports* (Open)—The Committee will continue its discussion of proposed ACNW reports.

O. *12:45–1:00 P.M.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2000 (65 FR 60475). In accordance with these procedures, oral or written statements may be presented

by members of the public, 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 Committee, its consultants, and staff. Persons desiring to make oral statements should notify Howard J. Larson, ACNW, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Larson as to their particular needs.

Further information regarding topics to be discussed, 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 therefore can be obtained by contacting Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8 A.M. and 5 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EDT at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: June 29, 2001.

Annette Vietti-Cook,

Acting Advisory Committee Management Officer.

[FR Doc. 01–16916 Filed 7–5–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on July 17–18, 2001, at Oregon State University, Richardson Hall, Room 313, Jefferson Way, Corvallis, Oregon.

The agenda for the subject meeting shall be as follows:

Tuesday, July 17–18, 2001—8:30 a.m. until the conclusion of business

The Subcommittee will discuss (1) the NRC Office of Nuclear Regulatory Research (RES) experimental program at the APEX–CE facility pertaining to thermal-hydraulic phenomena associated with Pressurized Thermal Shock (PTS) in support of the NRC PTS Rule Reevaluation Program; and, (2) the RES program investigating phase separation phenomena in support of model upgrades for the RES TRAC–M and RELAP5 codes. 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 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.

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. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 5:00 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 28, 2001.

Sam Duraiswamy,

Acting Associate Director for Technical Support.

[FR Doc. 01–16917 Filed 7–5–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25056]

Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940

June 29, 2001.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of June, 2001. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW, Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 24, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, N.W., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, N.W., Washington, DC 20549–0506.

Kentucky Daily Municipal Income Fund, Inc. [File No. 811–8423]

Tennessee Daily Municipal Income Fund, Inc. [File No. 811–8427]

Texas Daily Municipal Income Fund, Inc. [File No. 811–8429]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Each applicant has never made a public offering of its securities and does not propose to make

a public offering or engage in business of any kind.

Filing Dates: The applications were filed on May 14, 2001, and amended on June 22, 2001.

Applicants' Address: 600 Fifth Avenue, New York, NY 10020.

Calvert New World Fund, Inc. [File No. 811–8924]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 29, 2001, applicant transferred its assets to Calvert South Africa Fund, a series of Calvert Impact Fund, Inc., based on net asset value. Expenses of $4,139 incurred in connection with the reorganization were paid by Calvert South Africa Fund.

Filing Dates: The application was filed on May 17, 2001, and amended on June 14, 2001.

Applicant's Address: 4550 Montgomery Avenue, Suite 1000N. Bethesda, MD 20814.

Leland Funds, Inc. [File No. 811–9573] Leland Real Estate Collective Investment Trust [File No. 811–9775]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Neither applicant has ever made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The applications were filed on May 17, 2001, and amended on June 1, 2001, and June 18, 2001.

Applicants' Address: c/o ASB Capital Management, Inc., 1101 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20004.

Putnam Dividend Income Fund [File No. 811–5852]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On May 25, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Applicant has retained $405,094 to pay accrued and unpaid liabilities. Expenses of approximately $274,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on May 30, 2001.

Applicant's Address: One Post Office Sq., Boston, MA 02109.

WCT Funds [File No. 811–8335]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2000, applicant transferred its assets to Federated Stock Trust based on net asset value. Applicant incurred no expenses in connection with the reorganization.

Filing Date: The application was filed on June 5, 2001.

Applicant's Address: Federated Investors Tower, 1001 Liberty Ave., Pittsburgh, PA 15222–3779.

1–800 MUTUALS Fund Group, Inc. [File No. 811–9099]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on April 19, 2001, and amended on June 5, 2001.

Applicant's Address: Plaza of the Americas, 600 North Pearl St., Suite 2150 Dallas, TX 75201.

Gen-Net Realty Unit Investment Trust, Corporate-Government Series [File No. 811–9949]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on April 25, 2001, and amended on June 20, 2001.

Applicant's Address: One Oakland Towne Square, 14th Floor, Southfield, MI 48076.

The Emerging Markets Telecommunications Fund, Inc. [File No. 811–6562]

The Latin America Equity Fund, Inc. [File No. 811–6413]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be investment companies. On November 3, 2000, The Emerging Markets Telecommunications Fund, Inc. transferred its assets to The Emerging Markets Infrastructure Fund, Inc. based on net asset value. On November 10, 2000, The Latin America Equity Fund, Inc. transferred its assets to The Latin America Investment Fund, Inc. based on net asset value. Expenses of $543,730 and $490,605, respectively, incurred in connection with the reorganizations were shared equally between each applicant and its acquiring fund.

Filing Dates: The applications were filed on November 9, 2000, and November 14, 2000, respectively, and amended on May 23, 2001.

Applicants' Address: 466 Lexington Avenue, 16th Floor, New York, New York 10017.

Group Variable Annuity Account [File No. 811–8538]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 1, 2000, applicant made a liquidating distribution to its remaining shareholder based on net asset value. Expenses of $2,625 incurred in connection with the liquidation were paid by Minnesota Life Insurance Company.

Filing Dates: The application was filed on December 6, 2000, and amended on June 1, 2001.

Applicant's Address: 400 Robert Street North, St. Paul, Minnesota 55101–2098.

Advisor's Fund [File No. 811–8843]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 18, 2000, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Dates: The application was filed on November 30, 2000, and amended on June 26, 2001.

Applicant's Address: 700 SW Harrison Street, Topeka, Kansas 66636–0001.

SBL Variable Annuity Account X [File No. 811–8779]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 18, 2000, applicant made a liquidating distribution to its shareholders based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Dates: The application was filed on December 22, 2000, and amended on June 26, 2001.

Applicant's Address: 700 SW Harrison Street, Topeka, Kansas 66636–0001.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16927 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act of 1940, Release No. 25055/June 29, 2001]

Hillview Investment Trust II, Hillview Capital Advisors, LLC, 1055 Washington Boulevard, Stamford, Connecticut 06901, (812–12062); Order Pursuant to Section 6(c) of the Investment Company Act of 1940 Granting an Exemption From Section 15(a) of the Act and Rule 18f–2 Under the Act and Denying a Request for a Hearing

Hillview Investment Trust II (''Hillview Trust'') and Hillview Capital Advisors, LLC filed an application on April 14, 2000, and an amendment to the application on November 15, 2000, requesting an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act. The requested order would permit Hillview Trust, an open-end investment company registered under the Act (''fund'') that would operate under an adviser/subadviser(s) structure described in the application, to enter into and materially amend subadvisory agreements without shareholder approval (''manager of managers exemptive relief'').

On February 6, 2001, a notice of the filing of the application was issued (Investment Company Act Release No. 24853). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued unless a hearing was ordered.

On March 5, 2001, Fund Democracy, LLC (''Fund Democracy'') submitted a hearing request on the application (''Hearing Request''). Also on March 5, 2001, Institutional Shareholder Services (''ISS'') submitted a letter supporting the Hearing Request.

Rule 0–5(c) under the Act states that the Commission will order a hearing on a matter, upon the request of an ''interested person'' or upon its own motion, if it appears that a hearing is ''necessary or appropriate in the public interest or for the protection of investors.''

The Commission has reviewed the issues raised in the Hearing Request, which are summarized below.

Fund Democracy asserts that a fund that has only one subadviser should not be entitled to the manager of managers exemptive relief (*i.e.*, should not be able, among other things, to hire a new subadviser or reallocate fees between the adviser and the subadviser without shareholder approval). Fund Democracy also asserts that the conditions governing the manager of managers exemptive relief are insufficient to assure that funds relying on the relief hold themselves out to the public as operating pursuant to the manager of managers structure. The Hearing Request includes several examples of disclosures made by funds that have received the manager of managers exemptive relief that fund Democracy views as inadequate.

The Commission finds that these issues were considered and decided when the Commission granted manager of managers exemptive relief in *Frank Russell Investment Company, et al.*, Investment Company Act Release Nos. 21108 (June 2, 1995) (notice) (''Frank Russell Notice'') and 21169 (June 28, 1995) (order) (''Frank Russell Order''). Nearly 70 other orders granting manager of managers exemptive relief under the conditions established in the Frank Russell Order have been issued since 1995 (''Other Orders''). The Frank Russell Order and the Other Orders allow funds that utilize the manager of managers structure to avoid the costs and burdens associated with seeking shareholder approval of subadvisory agreements. The order requested by the Hillview Trust would be subject to conditions substantially identical to those in the Frank Russell Order and the Other Orders.

When we first granted manager of managers exemptive relief in the Frank Russell Order, we recognized that certain funds may employ subadvisers in a capacity similar to that of individual portfolio managers. The application for the Frank Russell Order stated that ''primary responsibility for management of the [f]unds, in particular, the selection and supervision of the [subadvisers], will be vested in the [advisers], subject to oversight and approval by the [f]unds' directors.'' [1] Under the terms and conditions of the Frank Russell Order and the Other Orders, the adviser was required to provide general management and administrative services to the fund and, subject to review and approval of the fund's board of directors, set the fund's overall investment strategies, select subadvisers, allocate the fund's assets among subadvisers, monitor and evaluate the performance of the subadvisers, and ensure that the subadvisers, comply with the fund's investment objectives, policies and restrictions.[2] In such an arrangement, irrespective of the number of subadvisers employed or the frequency with which subadvisers are changed, we determined that relief from the shareholder approval requirements in section 15(a) of the Act and rule 18f–2 under the Act for subadvisory agreements was appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.[3]

In the Frank Russell Order, we also specifically considered the advisory fee arrangement of a fund operating pursuant to a manager of managers structure. The Frank Russell Order and the Other Orders permit the adviser to allocate and reallocate advisory fees between itself and the subadviser(s), and among subadvisers, without a shareholder vote, provided that the aggregate advisory fee paid by the fund remains subject to approval by the shareholders, and subject to the other conditions in the Frank Russell Order and the Other Orders.

Finally, the Commission finds that the conditions set forth in the Frank Russell Order and the Other Orders are appropriate to assure that funds relying on the manager of managers exemptive relief adequately disclose to the public the manner in which these funds operate.

The Commission therefore finds that it has previously considered and decided the issues raised in the Hearing Request. Therefore, it appears that a hearing is not necessary or appropriate in the public interest or for the protection of investors.[4] Accordingly,

It is ordered that the request for a hearing is denied.

The matter having been considered, it is found, on the basis of the information set forth in the application, as amended, that granting the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered that the requested exemption under section 6(c) of the Act

[1] Frank Russell Notice, applicants' legal analysis at paragraph 2.

[2] *Id.*, applicants' condition #8.

[3] Neither the terms nor the conditions of the Frank Russell order required the funds to use multiple subadvisers; instead, the applicants represented specifically that the adviser to the funds ''has engaged, or will engage, one or more subadvisers.'' Frank Russell Notice, applicants' representations at paragraph 3. The Frank Russell Order and the Other Orders similarly imposed no requirement that the subadvisers be changed with any frequency.

[4] The Commission does not deem it necessary to make a formal determination with respect to the status of Fund Democracy or ISS as an ''interested person'' within the meaning of section 40(a) of the Act and rule 0–5(c) under the Act inasmuch as the Commission has determined that the issues raised in the Hearing Request do not warrant a hearing.

from section 15(a) of the Act and rule 18f–2 under the Act is granted, effective immediately, subject to the conditions contained in the application, as amended.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16879 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44483; File No. SR–Amex–2001–40]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by American Stock Exchange LLC Relating to the Listing and Trading of Institutional Index Notes

June 27, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 12, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Annex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is approving this proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to approve for listing and trading notes, the return on which is based upon an equal-dollar weighted portfolio of twenty securities chosen from the Amex Institutional Index pursuant to the methodology set forth below (the ''Institutional Holdings Index'').[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Under Section 107A of the Amex Company Guide (''Company Guide''), the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[4] The Amex proposes to list for trading under Section 107A of the Company Guide notes based on the Institutional Holdings Index (the ''Institutional Holding Notes'' or ''Notes''). The Institutional Holdings Index will be determined, calculated and maintained solely by the Amex.[5]

The Institutional Holdings notes will conform to the initial listing guidelines under Section 107A[6] and continued listing guidelines under Sections 1001–1003[7] of the Company Guide. The Institutional Holdings Notes are senior non-convertible debt securities of Merrill Lynch & Co., Inc. (''Merrill Lynch''). The Notes will have a term of not less than one, nor more than ten years. The Institutional Holdings Notes will entitle the owner at maturity to receive an amount based upon the percentage change between the ''Starting Index Value'' and the ''Ending Index Value'' (the ''Redemption Amount''). The ''Starting Index Value'' is the value of the Institutional Holdings Index on the date the issuer prices the Institutional Holdings Notes for the initial sale to the public. The ''Ending Index Value'' is the value of the Institutional Holdings Index over a period shortly prior to the expiration of the Notes. The Ending Index Value will be used in calculating the amount owners will receive upon maturity. The Institutional Holdings Notes will not have a minimum principal amount that will be repaid and, accordingly, payments on the Institutional Holdings Notes prior to or at the maturity may be less than the original issue price of the Notes. During a two week period in the designated month each year, investors will have the right to require the issuer to repurchase the Institutional Holdings Notes at a redemption amount based on the value of the Institutional Holdings Index at such repurchase date. The Institutional Holdings Notes are not callable by the issuer.

The Institutional Holdings Notes are cash-settled in U.S. dollars and do not give the holder any right to receive a portfolio security or any other ownership right or interest in the portfolio of securities comprising the Institutional Holdings Index.

The Institutional Holdings Index will consist of twenty qualifying stocks (''Qualifying Stocks'') selected using the methodology presented below from the Amex Institutional Index (excluding utilities, if any, and the common stock of Merrill Lynch) which is a capitalization-weighted index of seventy-five (75) widely held stocks

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[1] 15 U.S.C 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As of May 31, 2001, the portfolio of securities comprising the Institutional Holdings Index would be: Abbott Laboratories; American Home Products Corporation; Anheuser–Busch Companies, Inc.; Bank of America Corporation; The Bank of New York Company, Inc.; Bank One Corporation; The Boeing Company; Citigroup, Inc.: Colgate–Palmolive Company; Eli Lilly and Company; Emerson Electric Co.; Exxon Mobil Corporation; Federal Home Loan Mortgage Corporation; Federal National Mortgage Association; Microsoft Corporation; Minnesota Mining and Manufacturing Company; PepsiCo, Inc.; Philip Morris Companies Inc.; Tyco International Ltd.; United Technologies Corporation. The actual initial securities will be selected based on this methodology on a date specified in the prospectus supplement.

[4] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29) (''Hybrid Approval Order'').

[5] Subject to the criteria in the prospectus regarding the construction of the Institutional Holdings Index, the Exchange has sole discretion regarding changes to the Institutional Holdings Index due to annual reconstitutions and adjustments to the Institutional Holdings Index and the multipliers of the individual components.

[6] The initial listing standards for the Notes require: (1) A minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least $4 million; and (4) a term of at least one year. In addition, the listing guidelines provide that the issuer have assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[7] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the Notes, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

among institutional equity portfolios with market values in excess of $100,000,000. ''Qualifying Stocks'' include those stocks that pass the following screening tests:

• *Price Momentum Screen.* First, the thirty-eight (38) stocks with the greatest 1-year price return are selected from the Amex Institutional Index. From this narrowed universe, the stocks are then ranked in descending order based on 1-year price return improvement.

• *Recovery Screen.* Second, the thirty-eight (38) stocks with the worst 3-year price return are selected from the Amex Institutional Index. These stocks are then ranked in descending order based on 1-year price return.

• *Dividend Yield Screen.* Third, the thirty-eight (38) stocks with the greatest dividend yield are selected from the Amex Institutional Index. These stocks are then ranked in descending order by 1-year price return.

• *Price to Earnings Ratios Screen.* Fourth, the thirty-eight (38) stocks with the lowest price-to-earnings ratio are selected from the Amex Institutional Index. These stocks are then ranked in descending order based on 1-year price return.

The twenty Qualifying Stocks selected to make up the Institutional Holdings Index at the time of initial composition or any reconstitution are chosen in the following order: (1) Price Momentum Screen; (2) Recovery Screen; (3) Dividend Yield Screen; and (4) Price-to-Earnings Ratio Screen. The selection process includes one stock from each screen added to the Institutional Holdings Index in the order set forth above until there are twenty unique stocks. If a stock in a particular screen has already been included in the Institutional Holdings Index, the screen in which the duplicate appears is skipped and a stock from the next screen is then chosen.

Components of the Institutional Holdings Index approved pursuant to this filing will also meet the following criteria: (1) A minimum market value of at least $75 million, except that up to 10% of the component securities in the Institutional Holdings Index may have a minimum market value of $50 million; (2) average monthly trading volume in the last six months of not less than 1,000,000 shares, except that up to 10% of the component securities in the Institutional Holdings Index may have an average monthly trading volume of 500,000 shares or more in the last six months; (3) 90% of the Institutional Holdings Index's numerical value and at least 80% of the total number of component securities will meet the then current criteria for standardized option trading set forth in Exchange Rule 915; and (4) all component stocks will either be listed on the Amex, the New York Stock Exchange, Inc. (''NYSE'') or traded through the facilities of the National Association of Securities Dealers Automated Quotation System (''NASDAQ'') and reported National Market System securities.

As of May 31, 2001, the market capitalization of the securities that would represent the Institutional Holdings Index would range from a high of $37.2 billion to a low of $2.9 billion. The average monthly trading volume for those same securities for the last six months, as of the same date, ranged from a high of 964.2 million shares to a low of 41.4 million shares. Moreover, as of May 31, 2001, all of the securities that would comprise the Institutional Holdings Index were eligible for standardized options trading pursuant to Amex Rule 915.

At the outset, each of the securities in the Institutional Holdings Index will represent approximately an equal percentage of the Starting Index Value. Specifically, each security included in the portfolio will be assigned a multiplier on the date of issuance so that the security represents approximately an equal percentage of the value of the entire portfolio underlying the Institutional Holdings Index on the date of the Institutional Holdings Notes are priced for initial sale to the public. The multiplier indicates the number of shares (or fraction of one share) of a security, given its market price on an exchange or through NASDAQ, to be included in the calculation of the Institutional Holdings Index. Accordingly, each of the twenty companies initially included in the Index will represent approximately 5% of the total portfolio at the time of business. The Institutional Holdings Index will initially be set to provide a benchmark value of $100 at the close of trading on the day the Institutional Holdings Notes are priced for initial sale to the public.

The value of the Institutional Holdings Index at any time will equal: (1) The sum of the products of the current market price for each stock underlying the Institutional Holdings Index and the applicable share multiplier, plus (2) an amount reflecting current calendar quarter dividends, and less (3) a pro rata portion of the annual index adjustment factor.[8] Current quarter dividends for any day will be determined by the Amex and will equal the sum of each dividend paid by the issuer on one share of stock underlying the Institutional Holdings Index during the current calendar quarter multiplied by the share multiplier applicable to such stock on the ex-dividend date.

As of the first day of the start of each calendar quarter, the Amex will allocate the current quarter dividends as of the end of the immediately preceding calendar quarter to each then outstanding component of the Institutional Holdings Index. The amount of the current quarter dividends allocated to each stock will equal the percentage of the value of such stock contained in the portfolio of securities comprising the Institutional Holdings Index relative to the value of the entire portfolio based on the closing market price of such stock on the last day in the immediately preceding calendar quarter. The share multiplier of each stock will be increased to reflect the number of shares, or portion of a share, that can be purchased of each outstanding component based on the amount of the current quarter dividend allocated to each stock and the closing market price on the last day in the immediately preceding calendar quarter.

As of the close of business on each anniversary date (anniversary of the day the Institutional Holdings Notes are priced for initial sale to the public) through the applicable anniversary date in the year preceding the maturity of the Notes, the portfolio of securities comprising the Institutional Holdings Index will be reconstituted by the Amex using the same methodology applied at the initial composition of the Institutional Holdings Index. The Exchange will announce such changes to investors at least one day prior to the anniversary date.[9]

The portfolio will be reconstituted and rebalanced on the anniversary date so that each stock in the Institutional Holdings Index will represent approximately 5% of the value of the Institutional Holdings Index. To effectuate this, the share multiplier for each new stock will be determined by the Amex and will indicate the number of shares or fractional portion thereof of each new stock, given the closing

[8] At the end of each day, the Institutional Holdings Index will be reduced by a pro rata portion of the annual index adjustment factor, expected to approximately be 1.5% (*i.e.* 1.5%/365 days=0.0041% daily). This reduction to the value of the Institutional Holdings Index will reduce the total return to investors upon exchange or at maturity. The Amex represents that an explanation of this deduction will be included in any marketing materials, fact sheets, or any other materials circulated to investors regarding the trading of this product.

[9] The Exchange will publish a notice to advise investors of changes to the securities underlying the index if any such changes are made following an annual reconstitution.

market price of such new stock on the anniversary date, so that each new stock represents an equal percentage of the Institutional Holdings Index value at the close of business on such anniversary date. For example, if the Institutional Holdings Index value at the close of business on an anniversary date was 200, then each of the twenty new stocks comprising the Institutional Holdings Index would be allocated a portion of the value of the Index equal to 10, and if the closing market price of one such new stock on the anniversary date was 20, the applicable share multiplier would be 0.5. Conversely, if the Institutional Holdings Index value was 80, then each of the twenty new stocks comprising the Institutional Holdings Index would be allocated a portion of the value of the Institutional Holdings Index equal to 4 and if the closing market price of one such new stock on the anniversary date was 20, the applicable share multiplier would be 0.2. The last anniversary date on which such reconstitution will occur will be the anniversary date in the year preceding the maturity of the Notes. As noted above, investors will receive information on the new portfolio of securities comprising the Institutional Holdings Index at least one day prior to each anniversary date.

The multiplier of each component stock in the Institutional Holdings Index will remain fixed until adjusted for quarterly dividend adjustments, annual reconstitutions or certain corporate events, such as payment of a dividend other than an ordinary cash dividend, a distribution of stock of another issuer to its shareholders,[10] stock split, reverse stock split, and reorganization.

The multiplier of each component stock may be adjusted, if necessary, in the event of a merger, consolidation dissolution or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders. If the issuer of a stock included in the institutional Holdings Index were to no longer exist, whether by reason of a merger, acquisition or similar type of corporate transaction, a value equal to the stock's final value will be assigned to the stock for the purpose of calculating the Institutional Holdings Index value prior to the subsequent anniversary date. For example, if a company included in the Institutional Holdings Index were acquired by another company, a value would be assigned to the company's stock equal to the value per share at the time the acquisition occurred. If the issuer of stock included in the Institutional Holdings Index is in the prices of liquidation or subject to a bankruptcy proceeding, insolvency, or other similar adjudication, such security will continue to be included in the Institutional Holdings Index so long as a market price for such security is available or until the subsequent anniversary date. If a market price is no longer available for an Institutional Holdings Index stock due to circumstances including but not limited to, liquidation, bankruptcy, insolvency, or any other similar proceeding, then the security will be assigned a value of zero when calculating the Institutional Holdings Index for so long as no market price exists for that security or until the subsequent anniversary date. If the stock remains in the Institutional Holdings Index, the multiplier of that security may be adjusted to maintain the component's relative weight in the Institutional Holdings Index at the level immediately prior to the corporate action. In all cases, the multiplier will be adjusted, if necessary, to ensure Institutional Holdings Index continuity.

The Exchange will calculate the Institutional Holdings Index and, similar to other stock index values published by the Exchange, the value of the Institutional Holdings Index will be calculated continuously and disseminated every fifteen seconds over the Consolidated Tape Association's Network B. The Index value will equal the sum of the products of the most recently available market prices and the applicable multipliers for the component securities.

Because the Institutional Holdings Notes are linked to a portfolio of equity securities, the Amex's existing equity floor trading rules will apply to the trading of the Institutional Holdings Notes. First, pursuant to AmexRule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the notes.[11] Second, the Institutional Holdings Notes will be subject to the equity margin rules of the Exchange.[12] Third, in conjunction with the Hybrid Approval Order, the Exchange will, prior to trading the Institutional Holdings Notes, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in the Notes and highlighting the special risks and characteristics of the Notes.

(2) Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5),[14] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0069. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to SR–Amex–

[10] If the issuer of a component security in the Institutional Holdings Index issues to all of its shareholders publicly traded stock of another issuer, such new securities will be added to the portfolio comprising the Institutional Holdings Index until the subsequent anniversary date. The multiplies for the new component will equal the product of the original issuer's multiplier and the number of shares of the new component issued with respect to one share of the original issuer.

[11] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts, relative to every customer and to every order or account accepted.

[12] *See* Amex Rule 462 and Section 107B of the Company Guide.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

2001–40 and should be submitted by July 27, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5) of the Act.[15] The Commission finds that this proposal is similar to several approved instruments currently listed and traded on the Amex and the NYSE.[16] Accordingly, the Commission finds that the listing and trading of Industrial Holdings Notes is consistent with the Act and will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, protect investors and the public interest consistent with Section 6(b)(5) of the Act.[17]

Industrial Holdings Notes are not leveraged instruments; however, their price will still be derived and based upon the underlying linked security. Accordingly, the level of risk involved in the purchase or sale of Industrial Holdings Notes is similar to the risk involved in the purchase or sale of traditional common stock. Nonetheless, because the final rate or return of Industrial Holdings Notes is derivatively priced, based on the performance of a portfolio of securities, and the components of the Industrial Holdings Index are more likely to change each year, over the term of the Industrial Holdings Notes, than products previously issued, there are several issues regarding the trading of this type of product.

The Commission notes that the Exchange's rules and procedures that addresses the special concerns attendant to the trading of hybrid securities will be applicable to Industrial Holdings Notes. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes the Exchange has addressed adequately the potential problems that could arise from the hybrid nature of Industrial Holdings Notes. Moreover, the Exchange will distribute a circular to its membership calling attention to the specific risks associated with Industrial Holdings Notes. In addition, the Commission notes that Amex will incorporate and rely upon its existing surveillance procedures governing equities, which have been deemed adequate under the Act.[18]

In approving the product, the Commission recognizes that the components are likely to change each year over the life of the product. Nevertheless, the Commission believes that this is acceptable because the Amex has clearly stated its guidelines and formula for replacing components from a specific group of well-known and highly capitalized securities. Each year, as noted above, the portfolio of securities comprising the Industrial Holdings Index will represent twenty qualifying stocks selected using four separate screens: (1) Price Momentum Screen; (2) Recovery Screen; (3) Dividend Yield Screen; and (4) Price-to-Earnings Ratio Screen. Amex will do the calculation for replacements based on a set formula to determine which of the Industrial Holdings Index securities will be in the Index for the following year. The Commission believes that within these confines the potential frequent changes in the components of the Industrial Holdings Index are reasonable and will meet the expectation of investors.

In addition, the Commission notes that the Industrial Holdings Notes are non-principal protected. The Notes may not have a minimum principal amount that will be repaid and that payments on the Notes prior to or at maturity may be less than the original issue price of the Industrial Holdings Notes. The Commission also recognizes that annually, during a two-week period of the designated month, investors may have the right to require the issuer to repurchase the Industrial Holdings Notes at a redemption amount based on the value of the Industrial Holdings Index at such repurchase date.

The Commission notes that Industrial Holdings Notes are dependent upon the individual credit of the issuer, Merrill Lynch. To some extent this credit risk is minimized by the Exchange's listing standards in Section 107A of the Company Guide which provide the only issuers satisfying substantial asset and equity requirements may issue securities such as Industrial Holdings Notes. In addition, the Exchange's hybrid listing standards further require that Industrial Holdings Notes have at least $4 million in market value.[19] In any event, financial information regarding Merrill Lynch, in addition to the information on the issuers of the underlying securities comprising the Industrial Holdings Index, will be publicly available.[20]

The Commission also has a systemic concern, however, that a broker-dealer, such as Merrill Lynch, or a subsidiary providing a hedge for the issuer will incur position exposure. As discussed in the prior approval orders for similar instruments (*e.g.,* the Select Ten Notes), the Commission believes this concern is minimal given the size of Industrial Holdings Notes issuance in relation to the next worth of Merrill Lynch.

The Commission also believes that the listing and trading of Industrial Holdings Notes should not unduly impact the market for the underlying securities comprising the Industrial Holdings Index. First, the underlying securities comprising the Industrial Holdings Index, from which the Industrial Holdings Notes components are selected, are well-capitalized, highly liquid stocks. Second, because all of the components of the Industrial Holdings Index will be equally weighted, initially

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[15] *Id.*

[16] *See* Securities Exchange Act Release Nos. 44437 (June 18, 2001), 66 FR 33585 (June 22, 2001) (accelerated approval order for the listing and trading of Industrial 15 Notes); 44342 (May 23, 2001), 66 FR 29613 (May 31, 2001) (accelerated approval order for the listing and trading of Select Ten Notes); 42582 (March 27, 2000), 65 FR 17685 (April 4, 2000) (accelerated approval order for the listing and trading of notes linked to a basket of no more than twenty equity securities) (File No. SR–Amex–99–42); 41546 (June 22, 1999), 64 FR 35222 (June 30, 1999) (accelerated approval order for the listing and trading of notes linked to a narrow based index with a non-principal protected put option) (File No. SR–Amex–99–15); 39402 (December 4, 1997), 62 FR 65459 (December 12, 1997) (notice of immediate effectiveness for the listing and trading non-principal protected commodity preferred securities linked to certain commodities indices) (File No. SR–Amex–97–47); 37533 (August 7, 1996), 61 FR 42075 (August 13, 1996) (accelerated approval order for the listing and trading of the Top Ten Yield Market Index Target Term Securities (''MITTS'')) (File No. SR–Amex–96–28); 33495 (January 19, 1994), 59 FR 3883 (January 27, 1994) (accelerated approval order for the listing and trading of Stock Upside Note Securities) (File No. SR–Amex–93–40); 32840 (September 2, 1993), 58 FR 47485 (September 9, 1993) (accelerated approval order for the listing and trading of MITTS on the NYSE) (File No. SR–NYSE–93–31); and 32343 (May 20, 1993), 58 FR 30833 (May 27, 1993) (accelerated approval order for the listing and trading of non-principal protected notes linked to a single equity security) (File No. SR–Amex–92–42).

[17] 15 U.S.C. 78f(b)(5). In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiently, competition, and capital formation. 15 U.S.C. 78c(f).

[18] The Commission also notes that Amex has a general policy which prohibits the distribution of material, non-public information by its employees. Telephone conversation between Jeffrey Burns, Senior Counsel, AMEX and Mare McKayle, Special Counsel, Division of Market Regulation, Commission on June 26, 2001.

[19] *See* Company Guide Section 107A.

[20] The companies that comprise the Industrial Holdings Index are reporting companies under the Act.

and immediately following each annual reconstitution of the Industrial Holdings Index, no single stock or group of stocks will likely dominate the Industrial Holdings Index. Finally, the issuers of the underlying securities comprising the Industrial Holdings Index, are subject to reporting requirements under the Act, and all of the portfolio securities are either listed or traded on, or traded through the facilities of, U.S. securities markets. Additionally, the Amex's surveillance procedures will serve to deter as well as detect any potential manipulation.

Finally, the Commission notes that the value of the Industrial Holdings Index will be disseminated at least once every fifteen seconds throughout the trading day. The Commission believes that providing access to the value of the Industrial Holdings Index at least once every fifteen seconds throughout the trading day is extremely important and will provide benefits to investors in the product.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publications of notice thereof in the **Federal Register.** The Amex has requested accelerated approval because this product is similar to several other instruments currently listed and traded on the Amex and NYSE. In determining to grant the accelerated approval for good cause, the Commission notes that the Industrial Holdings Index is a portfolio of highly capitalized and actively traded securities similar to hybird securities products that have been approved by the Commission for U.S. exchange trading. Additionally, Industrial Holdings Notes will be listed pursuant to existing hybird security listing standards as described above. Moreover, the Index's applicable equal-dollar weighting methodology is a commonly applied index calculation need. Based on the above, the Commission finds, consistent the Section 6(b) of the Act,[21] that there is good casue for accelerated approval of the product.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–Amex–2001–40), is hereby approved on an accelerated basis.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16885 Filed 7–5–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44490; File No. SR–CBOE–2001–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Automatic Step-up Based on Order Size Parameters

June 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 11, 2001, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The proposed rule change has been filed by the CBOE as a ''non-controversial'' rule change under rule 19–4(f)(6).[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to allow the appropriate floor procedure committee (''FPC'') to establish the size of the automatic step-up amount applicable to orders entered through the Exchange's Retail Automatic Execution System (''RAES'') based upon order size parameters. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basic for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Interpretation .02 to CBOE Rule 6.8 establishes the process for the automatic execution of orders through RAES when the Exchange's best bid or offer is inferior to that of another market. Under this provision, the Exchange automatically fills any equity option order submitted through RAES at any better price being quoted in another market, so long as the price on the away market is better by no more than one tick (''automatic step-up'').[4] If the price on the away market is better by more than the automatic step-up amount (*i.e.,* more than one-tick), the order is rerouted to the DPM for non-automated handling.[5] The purpose of this rule filing is to provide for the step-up parameters to be based upon order size (''order size parameters'').

Under the proposal, the appropriate FPC shall have the authority to establish the size of the step-up amount based upon order size parameters. This enhancement will allow automatic execution on RAES at the NBBO when the price displayed on a competing market is within a designated number of ticks of the price displayed by CBOE, provided the size of the order falls within the specified order size parameters. For example, the order size parameters might be established such that orders of 1–3 contracts receive 3-tick step-up, orders of 4–6 contracts receive 2-tick step-up, orders of 7–10 contracts receive 1-tick step-up, and orders of 11 or more contracts receive no step-up.[6] If the CBOE price is not within the designated step-up amount to

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] CBOE Rule 6.42 establishes the minimum trading increments for bids and offers.

[5] The Commission approved the CBOE automatic step-up plan in Securities Exchange Act Release No. 40096 (June 16, 1998), 63 FR 34209 (June 23, 1998) (order approving SR–CBOE–98–13)(''automatic step-up Approval Order''). Pursuant to CBOE Rule 6.42, the trading increment for option series quoted at or below $3 per contract is 5 cents. For option series quoted above $3, the trading increment shall be 10 cents.

[6] In this instance, orders of 1–3 contracts would be executed within RAES at the NBBO provided the price displayed on CBOE is within 3-ticks of the price displayed by the competing market.

the away market price, the order shall be routed for manual handling.

As discussed above, the appropriate FPC shall have the authority to establish the size of the step-up amount based upon order size parameters. The FPC shall determine which classes or series are eligible for step-up and, correspondingly, may establish the amount of the step-up. In considering which classes or series are eligible for step-up, the FPC may consider such factors as the open interest in the requested option, the average daily volume, customer requests, and any other factors the FPC deems appropriate. While the FPC will have the ability to vary the order size parameters by class or series, it also will have the authority to mandate that a minimum step-up amount be applicable either on a floor-wide or class-by-class basis. Consistent with current Interpretation .02 to CBOE Rule 6.8, the appropriate FPC shall also have the authority to designate or remove classes or series from the list of those eligible for step-up enhancement. Finally, the Exchange will publish a list of all option classes eligible for step-up enhancement in an Informational Circular distributed to members.

The Exchange believes that allowing the FPC to increase the amount of the automatic step-up amount will promote competition. As the Commission noted in the automatic step-up Approval Order:

> By automating the execution of eligible retail orders for equity options through the RAES Auto-Step-Up, the amended Interpretation and Policy. 02 should help to insure that investors receive prompt, automatic execution of RAES orders at the best available prices, even if those prices are being quoted in a market other than the Exchange, when the better prices in other markets of not improve on the CBOE's market by more than one tick. This proposal should minimize the delay inherent in manually handling orders in this circumstance, and there by reduce the risk to investors that, as a result of an adverse move in the market while their orders are being manually handled, they may receive an inferior execution.[7]

This proposal will authorize the appropriate FPC to increase the step-up amount by more than 1-tick for public customer orders within established order size parameters. As such, investors not only will have the opportunity to receive better-priced executions, but they also will have the opportunity to receive more expedient executions.

[7] *See* note 5, *supra.*

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5),[9] which provides that the rules of an exchange must be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder[11] because the proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of the filing, or such shorter time that the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change.[12]

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission accelerate the operative date of the proposal. The Commission finds good cause for accelerating the operative date of the proposed rule change. The Commission notes that it approved a similar proposal filed by the American Stock Exchange (''Amex'').[13] Approval of this proposal on an accelerated basis will enable the CBOE to compete on an equal basis with other exchanges and thus is consistent with Section 6(b)(8) of the Act.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–2001–32 and should be submitted by July 27, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16881 Filed 7–5–01; 8:45 am]

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[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78(f)(b)(5).

[10] 15 U.S.C. 78f(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] The Commission has determined to waive the requirement the CBOE provide the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date.

[13] *See* Securities Exchange Act Release No. 44013 (February 28, 2001), 66 FR 13816 (March 7, 2001) (approving SR–Amex–01–05).

[14] 15 U.S.C. 78f(b)(8).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44489; File No. SR–CBOE–2001–31]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Exchange Fees

June 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 11, 2001, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to establish a new fee on clearing firms for each contract the firm sends to the Exchange's Public Automated Routing (''PAR'') system in a given month, if the total number of contracts cancelled by the firm on PAR that month exceeds 40% of the total number of contracts that the firm sent to PAR in that same month. The fee does not apply to any clearing firm that sends fewer than 4,000 contracts to PAR in a given month. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to establish a fee to deal with various operational problems and costs resulting from the practice of immediately following orders routed through the Exchange's PAR system with a cancel request. Since these orders frequently come in large bunches, the PAR system can quickly become backlogged, which increases Exchange costs and adversely impacts public customers, their clearing firms, and Exchange DPMs by making the execution of customer orders less timely, and requiring the Exchange to spend increased amounts on systems and other hardware to process increased order traffic flow.

Under the proposed fee, a clearing firm would be charged 30 cents per contract for every option contract that it sends to the PAR system in any month where the total contracts canceled by the firm through PAR exceeded 40% of the total contracts that the firm sent to PAR in that same month. This fee will not apply to firms that send fewer than 4,000 contracts to PAR in a given month. Firms may avoid this fee, if they wish, by choosing not to route certain of their orders through PAR. In this way, the Exchange believes that the fee will help ease backlogs on PAR, and fairly allocate the related costs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other changes among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition that is not necessary in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)A) of the Act and subparagraph (f)(2) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[3]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–2001–31 and should be submitted by July 27, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16882 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(C).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44488; File No. SR–CHX–2001–13]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated To Extend Pilot Rules for Decimals

June 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 26, 2001, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange) filed with the Securities and Exchange Commission (''Commission) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b-4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Term of Substance of the Proposal

The Exchange proposes to extend through November 5, 2001 the pilot rule changes amending certain CHX rules that were impacted by the securities industry transition to a decimal pricing environment. the pilot currently is due to expire on July 9, 2001. The CHX does not propose to make any substantive changes to the pilot; the only change is an extension of the pilot's expiration date through November 5, 2001.[6] The text of the proposed rule change is available at the Commission and at the CHX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set for in Section A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 24, 2000, the Commission approved, on a pilot basis through February 28, 2001, changes proposed by the Exchange to amend certain CHX rules that would be impacted by the securities industry transition to a decimal pricing environment.[7] Following one extension of the pilot through July 9, 2001,[8] the Exchange now requests an extension of the same pilot through November 5, 2001.[9]

The pilot for which the Exchange seeks an extension amended certain CHX rules that were impacted by the securities industry transition to a decimal pricing environment. Specifically, the exchange proposed continued pilot approval of these groups of changes to CHX Article II, rule 37, which would (1) allow specialists to elect, on an issue by issue basis, to either manually or automatically execute limit orders when a trade-through occurs in the primary market; (2) remove the ''pending auto-stop'' functionality in the Exchange's systems; and (3) allow a specialist, on an issue by issue basis, to establish an auto execution guarantee that is not dependent on the ITS Best Bid or Offer (''ITS BBO'') or National Best bid or Offer (''NBBO'') size, The Exchange believes that decimal pricing is likely to continue to affect the CHX trading environment, and the interaction between the CHX and the national market system, in a manner that necessitates extension of these pilot rule amendments, that are designed to minimize the adverse impact of decimalization on trading operations.[10]

2. Statutory Basis

The CHX believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[11] The CHX believes the proposal is consistent with Section 6(b)(5) of the Act[12] in that it is designed to promote just and equitable principles of trade, to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)

[5] The Exchange provided the Commission with written notice of its intent to file the proposal on June 15, 2001, pursuant to Rule 19b–4(f)(6). 17 CFR 240.19b–4(f)(6).

[6] Telephone conservation between Kathleen M. Boege, Associate General Counsel, CHX, and Joseph P. Morra, Special Counsel, Division of Market Regulation, SEC, June 28, 2001.

[7] *See* Securities Exchange Act Release No. 43204 (August 24, 2000), 65 FR 53065 (August 31, 2000)(SR–CHX–00–22).

[8] *See* Securities Exchange Act Release No. 43874 (February 16, 2001), 66 FR 11621 (February 26, 2001)(SR–CHX–2001)(SR–CHX–03).

[9] As noted above, in February, 2001, the CHX extended the effective date of its decimal-related pilot rules through July 9, 2001, the date by which national securities exchanges and the National Association of Securities Dealers, Inc. were required to submit their rule filings to establish minimum price variations for the quoting of equity securities or options. *See* Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000). These rule filings were scheduled to follow the submission of studies by each market that describe the impact of decimalization on trading behavior, capacity and liquidity and that likely would offer insights into any other rule changes that would be necessary to maintain fair and orderly markets. The Commission subsequently extended the dates by which both these studies and related rule filings must be submitted. *See* Securities Exchange Act Release No. 44336 (May 22, 2001), 66 FR 29368 (May 30, 2001). The Exchange is now requesting that its decimalization-related pilot rules be extended through November 5, 2001, the new date for filing of exchange rule changes.

[10] This submission does not concern ''typographical'' amendments to CHX rules, where the sole change that was proposed by the Exchange was the substitution of a decimal price increment for the fractional price increment set forth in certain CHX rules. The proposed ''typographical'' amendments were the subject of a separate submission previously approved by the Commission on a permanent basis. *See* Securities Exchange Act Release No. 43256 (September 6, 2000), 65 FR 55659 (September 14, 2000).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furthermore of the purposes of the Act.

The Exchange has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become operative immediately because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the pilot to continue uninterrupted through November 5, 2001, the deadline for which self-regulatory organizations must file proposed rule changes to set the minimum price variation for quoting in a decimals environment. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Security and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to file number SR–CHX–2001–13 and should be submitted by July 27, 2001.

[14] 17 CFR 240.19b–4(f)(6).

[15] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16884 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44485; File No. SR–NSCC–2001–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Regarding the Discontinuance of Trade Comparison Services for Transactions Matched at or by the Relevant Market

June 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 14, 2001, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') and on June 22, 2001, amended the proposed rule change as described in Items I and II below, which items have been prepared primarily by NSCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies NSCC's Rules and Procedures to provide that as the various securities markets move to assume the full responsibility for trade comparison, NSCC will discontinue providing trade comparison services for trades executed in those markets.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Having the trade comparison function and locking-in trades at the marketplace where the trades occur is necessary step as the securities industry moves towards straight-through-processing and shortening the clearance and settlement cycle. Over the years, the stock exchanges and marketplaces have increasingly assumed this responsibility because it is faster and more efficient for comparison to be done by the marketplace at the time of execution. Comparison at the exchanges and marketplaces allows discrepancies to be identified and resolved more quickly and thus reduces the risk of failed trades. As a result, today close to 99 percent of all streetside equity trades are compared at the time of execution on a real-time basis and are submitted to NSCC as locked-in for trade recording. NSCC's Rules and Procedures currently recognize and provide for trades to be submitted on a locked-in basis from self-regulatory organizations, service providers, and special representatives.[3] The remaining transactions are sent to NSCC for trade comparison.

In preparation for the move towards shortened settlement cycles, NSCC has been working with the securities exchanges and markets as they move to assume the entire responsibility for comparing their respective trades. The first entity that will assume full repsonsibility for comparing or locking-in all its equity trades is the New York Stock Exchange (''NYSE''). The NYSE will take on this responsibility effective June 28, 2001. As a result, from and after June 28, 2001, NSCC will cease providing comparison services for equity transactions executed on the NYSE.

Subsequently, it is anticipated that the Amex and Nasdaq marketplace will assume full responsibility for comparison of equity trades executed on their marketplaces by year-end 2001 and by the end of the first quarter 2002, respectively. As each entity fully assumes the responsibility for comparing such trades, NSCC will

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] NSCC's Rule 7 (Comparison Operation) and Rule 39 (Special Representative/Index Receipt Agent).

discontinue the trade comparison process for all such trades.[4]

Accordingly, NSCC is modifying its Rules and Procedures to reflect this development. Rules 5 (General Provisions) and 7 (Comparison Operation), and Procedure II (Trade Comparison Service) will be amended to provide that as the various marketplaces and exchanges assume the responsibility for comparing trades executed in their respective markets, NSCC will cease providing comparison services with respect to the trades executed in those markets. NSCC will notify its members by Important Notice prior to the occurrence of each such ''discontinuance.''

This rule change provides for trades to be compared at the time of execution at the markets when the market provides comparison services and thereby permits discrepancies to be identified and corrected more quickly and reduces the risk of failed trades. Accordingly, NSCC believes that this change should facilitate the prompt and accurate clearance and settlement of securities transactions. NSCC states that the proposed rule change is therefore consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of Section 17A(b)(3)(F).[5] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. Having the trade comparison function occur at the marketplace where the trades occur should help reduce the risk of failed trades and thus should promote prompt and accurate clearance and settlement of securities transactions.

NSCC has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of the notice of the filing. The Commission finds good cause for approving the rule change prior to the thirtieth day after publication because such approval will allow NSCC to cease providing comparison services for the NYSE when the NYSE assumes full responsibility for comparing all its equity trades on June 28, 2001.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–2001–12 and should be submitted by July 27, 2001.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR–NSCC–2001–12) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16880 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

[4] The Nasdaq Stock Market, Inc. has filed an application for exchange registration. Before NSCC ceases providing comparison services for the Nasdaq marketplace, it will make sure that market participants at both the National Association of Securities Dealers, Inc. and The Nasdaq Stock Market, Inc. have access to comparison services. Securities Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 (June 13, 2001) (Notice of The Nasdaq Stock Market, Inc.'s application for exchange registration).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44484; File No. SR–NYSE–2001–12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Amending the Original Listing Standard for Cash Flow Revenue and Requiring Press Release Announcement from Companies Below Continued Listing Criteria By Reason of Share Price

June 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 17, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend Sections 102 and 103 of the Exchange's *Listed Company Manual* to align the cash flow revenue original listing standard with that in the global market capitalization standard. The proposed rule change also would amend Section 802 and NYSE Rule 499 to require a press release announcement when a company is notified it is below the $1.00 price standard. The text of the proposed rule change is as follows: Proposed additions are *italicized* and proposed deletions are in brackets.[3]

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposed rule language has been marked against Sections 102, 103, 802, and NYSE Rule 499 as amended by SR–NYSE–2001–02 in Securities Exchange Act Release No. 44481 (June 27, 2001). Telephone conversation between James F. Duffy, Senior Vice President and Associate General Counsel, NYSE; Florence Harmon, Senior Special

102.00 Domestic Companies

102.01 Minimum Numerical Standards—Domestic Companies—Equity Listings

* * * * *

102.01C A company must meet one of the following financial standards.

* * * * *

(II) A Company with not less than $500,000,000 market capitalization and [$200,000,000] *$100,000,000* in revenues during the most recent 12 month period must demonstrate from the operating activity section of its cash flow statement that its cash flow, which represents net income adjusted to (a) reconcile such amounts to cash provided by operating activities, and (b) exclude changes in operating assets and liabilities, is at least $25,000,000 in the aggregate for the last three fiscal years, and each year is reported as a positive amount as adjusted (E)(F) pursuant to Para. 102.10C(I)(2)(a) and (b) as applicable. With respect to reconciling amounts pursuant to this Paragraph, all such amounts are limited to the amount included in the company's income statement.

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103.00 Non-U.S. Companies

103.01 Minimum Numerical Standards Non-U.S. Companies Equity Listings Distribution

* * * * *

103.01B. A company must meet one of the following financial standards:

* * * * *

(II) *A company* [Companies] with not less than $500,000,000 market capitalization and [$200,000,000] *$100,000,000* in revenues in the most recent 12 month period must demonstrate from the operating activity section of its cash flow statement that its operating cash flow excluding changes in operating assets and liabilities is at least $100,000,000 in the aggregate for the last three fiscal years, where each of the two most recent years is reported at a minimum of $25,000,000 as adjusted (C)(D) for Para. 102.01C(I)(2)(a) and (b). Reconciliation to U.S. GAP of the third year back would only be required if the Exchange determines that reconciliation is necessary to demonstrate that the aggregate $100,000,000 threshold is satisfied.

* * * * *

802.00 Continued Listing

802.01 Continued Listing Criteria

The exchange would normally give consideration to delisting a security either a domestic or non-U.S. issuer when;

* * * * *

802.01C Price Criteria

Average closing price of a security is less than $1.00 over a consecutive 30-trading-day period (E)

(E) Once notified, the company must bring its share price and average share price back above $1.00 by six months following receipt of the notification. If this is the only criteria that makes the company below the Exchange's continued listing standards, the procedures outlined in Paras. 802.02 and 802.03 do not apply. The company must, however, notify the Exchange, within 10 business days of receipt of the notification, of its intent to cure this deficiency or be subject to suspension and delisting procedures. *In addition, the company has 45 days (90 days in the case of a non-U.S. company) from receipt of the notification to issue a press release disclosing the fact that it has fallen below the continued listing standards of the Exchange. If the company fails to issue this press release during the allotted 45 or 90 days, the Exchange will issue the requisite press release.* In the event that at the expiration of the six-month cure period, both a $1.00 share price and a $1.00 average share price over the preceding 30 trading days are not attained, the Exchange will commence suspension and delisting procedures. Notwithstanding the foregoing, if a company determines that, if necessary, it will cure the price condition by implementing a reverse stock split, it must so inform the Exchange in the above referenced notification, must obtain shareholder approval for the reverse by no later than its next annual meeting, and must implement the reverse promptly thereafter. The price condition will be deemed cured if price promptly exceeds $1.00 per share, and the price remains above that level for at least the following 30 trading days. Notwithstanding the foregoing, if the subject security is not the primary trading common stock of the company (e.g., a tracking stock or a preferred class) or is a stock listed under the Affiliated Company standard where the parent remains in ''control'' as that term is used in that standard, the Exchange may determine whether to apply the Price Criteria to such security after evaluating the financial status of the company and/or the parent/affiliated company, as the case may be.

* * * * *

Delisting of Securities

Suspension from Dealings or removal from List by Action of the Exchange

* * * * *

Rule 499. Securities admitted to the list may be suspended from dealings or removed from the list at any time.

* * * Supplementary Material:

* * * * *

.20 NUMERICAL AND OTHER CRITERIA

The Exchange would normally give consideration to suspending or removing from the list a security of a company, whether it be a domestic or non-U.S. issuer, when:

* * * * *

8. Average closing price of a security is less than $1.00 over a consecutive 30 trading-day period. Once notified, the company must bring its share price and average share price back above $1.00 by six months following receipt of the notification. If this is the only criteria that makes the company below the Exchange's continued listing standards, the procedures outlined in Paras. .50 and .60 of this Rule 499 do not apply. The company must, however, notify the Exchange, within 10 business days of receipt of the notification, of its intent to cure this deficiency *or be subject to suspension and delisting procedures. In addition, the company has 45 days (90 days in the case of a non-U.S. company) from receipt of the notification to issue a press release disclosing the fact that it has fallen below the continued listing standards of the Exchange. If the company fails to issue this press release during the allotted 45 or 90 days, the Exchange will issue the requisite press release.* In the event that at the expiration of the cure period, both a $1.00 share price and a $1.00 average share price over the preceding 30 trading days are not attained, the Exchange will commence suspension and delisting procedures. Notwithstanding the foregoing, if a company determines that, if necessary, it will cure the price condition by taking an action that will require approval of its shareholders, it must so inform the Exchange in the above referenced notification, must obtain the shareholder approval by no later than its next annual meeting, and must implement the action promptly thereafter. The price condition will be deemed cured if the price promptly exceeds $1.00 per share, and the price

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Counsel, Division of Market Regulation (''Division''), Commission; and Susie Cho. Special Counsel, Division, Commission, June 26, 2001.

remains above that level for at least the following 30 trading days.

Notwithstanding the foregoing, if the subject security is not the primary trading common stock of the company (e.g., a tracking stock or a preferred class) or is a stock listed under the Affiliated Company standard where the parent remains in ''control'' as that term is used in that standard, the Exchange may determine whether to apply the Price Criteria to such security after evaluating the financial status of the company and/or the parent/affiliated company, as the case may be.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed my comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Sections 102 and 103 of the Exchange's *Listed Company Manual* to align the cash flow revenue original listing standard with that in the global market capitalization standard. The proposed rule change also would amend Section 802 and NYSE Rule 499 to require a press release announcement when a company is notified it is below the $1.00 price standard.

Amendments to Sections 102 and 103 (Original Listing)

Sections 102 and 103 set forth the criteria for original listing of, respectively, domestic and foreign issuers. Last year, the Exchange reduced the per annum revenue required under the $1 billion global market capitalization standard from $200 million to $100 million.[4] The Exchange represents that its experience with that amended standard suggests that a similar change would be appropriate in the cash flow standard,[5] which otherwise requires a company to have a market capitalization of not less than $500 million and aggregate cash flow over its these most recent fiscal years of a least $25 million ($100 million for non-U.S. companies). Accordingly, the Exchange purposes to reduce the 12-month revenue required under the cash flow standard from $200 million to $100 million.

Amendments to Section 802 (Continued Listing)[6]

Section 802.01C provides that a company will be below criteria (''BC'') if its average closing share price over a connective 30 trading-day period is less than $1.00. Such a company is required to bring its 30 trading-day average closing price above $1.00 by the later of its next annual meeting date or six months after receipt of notification from the Exchange of the price condition. While companies falling below the Exchange's other financial continued listing criteria related to market capitalization and shareholders' equity are required to put out a press release announcement after they are notified of their BC status by the Exchange,[7] the same is not required of companies that become BC for the reason of their share price. The Exchange represents that its experience with the existing press release requirement suggests that a similar press release requirement would be appropriate for companies that become BC for share price. The same time frame for issuance of the press release would also seem appropriate. Accordingly, the Exchange proposes to require a U.S. company ot put out a press release announcing its BC status no later than 45 days, and a non-U.S. company to put out a press release no later than 90 days, after being notified by the Exchange of the price condition. The Exchange believes that, as is that case with the press release requirement relating to the other BC standards, the time period for issuance of the press release would allow companies some time to formulate an action plan for dealing with the situation. Thus, any public announcement would include information about the actions the company proposes to alter its BC status.

2. Statutory Basis

The Exchange believes the basis under the Act for the proposed rule change is the requirement under Section 6(b)(5)[8] that an Exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

[4] *See Listed Company Manual* Sections 102.01C(III) (domestic companies) and 103.01B(III) (non-U.S. companies). *See* Securities Exchange Act Release No. 43027 (July 12, 2000), 65 FR 44556 (July 18, 2000) (approving SR–NYSE–00–27).

[5] *See Listed Company Manual* Sections 102.01C(II) (domestic companies) and 103.01B(II) (non-U.S. companies).

[6] Parallel amendments would also be made to Exchange Rule 499. In addition, a phrase that appears in Section 802.01C of the *Listed Company Manual* but not at the parallel spot in Exchange Rule 499 would be added to Exchange Rule 499 herein.

[7] *See Listed Company Manual* Sections 802.02 (domestic companies) and 802.03 (non-U.S. companies).

[8] 15 U.S.C. 78f(b)(5).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–2001–12 and should be submitted by July 27, 2001.

For the Commission, by Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–16883 Filed 7–5–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3341]

State of Minnesota; Amendment #6

In accordance with a notice received from the Federal Emergency Management Agency, dated June 28, 2001, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to July 31, 2001.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 31, 2001 and for economic injury the deadline is February 15, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 28, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16860 Filed 7–5–01; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–100a]

Termination of Action and Monitoring: European Communities' Regime for the Importation, Sale and Distribution of Bananas

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of termination of action, monitoring, and request for public comments.

SUMMARY: Pursuant to authority under section 301 of the Trade Act of 1974, as amended, on April 19, 1999, the United States Trade Representative (Trade Representative) imposed 100 percent *ad valorem* duties on a list of products of certain member States of the European Communities (EC) as a result of the EC's failure to implement the recommendations and rulings of the World Trade Organization (WTO) Dispute Settlement Body concerning the EC's regime for the importation, sale and distribution of bananas. On April 11, 2001, the United States and the EC announced an understanding in the *Bananas* dispute. Pursuant to that understanding, the EC is taking steps to provide greater market access to U.S. banana distributors, and the Trade Representative is terminating the 100 percent *ad valorem* duties on the list of EC products. The Trade Representative will monitor the EC's compliance with the understanding, and in particular, whether the EC modifies certain tariff rate quotas by January 1, 2002. Should the EC fail to do so, the Trade Representative may again take action under Section 301.

DATES: Comments should be submitted by 5 p.m. on August 7, 2001. The termination of increased duties is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 2001, except that the termination of increased duties on HTS subheading 4911.91.20 is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 3, 1999.

ADDRESSES: Comments should be submitted to Sybia Harrison, Staff Assistant to the Section 301 Committee, ATTN: Docket 301–100a, Office of the United States Trade Representative, 1724 F Street, NW., Room 217, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Sybia Harrison, Staff Assistant to the Section 301 Committee, (202) 395–3419, for questions concerning procedures for filing comments in response to this notice; Ralph Ives, Assistant U.S. Trade Representative, (202) 395–3430, for questions concerning the *Bananas* case; William Busis, Associate General Counsel, (202) 395–3150, for questions concerning procedures under Section 301; or Yvonne Tomenga, Program Officer, Office of Trade Programs, U.S. Customs Service, (202) 927–0133, for questions concerning entries.

SUPPLEMENTARY INFORMATION: In 1993, the EC adopted a regime governing the importation, sale, and distribution of bananas that was discriminatory and harmed the economic interests of the United States by denying to U.S. companies a major portion of their banana distribution business. WTO dispute settlement panels have confirmed that the EC's banana regime was inconsistent with the EC's obligations under the WTO Agreement. WTO arbitrators have determined that the EC's banana regime has nullified or impaired U.S. benefits under the WTO Agreement in the amount of $191.4 million per year. As a result, the WTO Dispute Settlement Body authorized the United States to suspend the application to the EC, and member States thereof, of WTO tariff concessions and related obligations covering trade in an amount of $191.4 million per year.

Pursuant to the authorization of the WTO Dispute Settlement Body and under the authority of Sections 301 to 309 of the Trade Act of 1974, as amended (''Section 301''), the USTR announced a list of nine EC products that would be subject to a 100 percent rate of duty, effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 3, 1999. See 64 FR 19,209 (April 19, 1999). Since that time, the United States and the EC have consulted in an effort to resolve the dispute, and the increased duties have remained in place. The procedural and substantive background of the U.S. investigation under Section 301 and the associated WTO proceedings concerning the EC's banana regime is set forth in prior notices. See 64 FR 19,209 (April 19, 1999); 63 FR 71,665 (Dec. 29, 1998); 63 FR 63,099 (Nov. 10, 1998); 63 FR 56,687 (Oct. 22, 1998); and 63 FR 8248 (Feb. 18, 1998).

On April 11, 2001, the United States and the EC announced an understanding in the dispute. The understanding provides for phased implementation steps. By July 1, 2001, the EC is to adopt a new system of banana licenses based on historic reference periods. By January 1, 2002, the EC will shift an additional 100,000 tons of bananas into a tariff rate quota accessible to bananas of Latin American origin (with respect to which U.S. distributors have a substantial historic share). By January 1, 2006, the EC will introduce a tariff-only regime for banana imports.

Pursuant to the understanding, the United States is to remove increased duties on EC products by July 1, 2001 if the EC completes the first phase of implementation (adoption of historic reference periods). The understanding also provides that the United States may reimpose increased duties if the EC does not complete the second phase of

[9] 17 CFR 200.30–3(a)(12).

implementation (modifying its tariff rate quotas) by January 1, 2002.

The Office of the United States Trade Representative (USTR) has been monitoring the EC's compliance with the understanding. USTR confirms that the EC has adopted a new system of banana licenses based on historic reference periods and has issued licenses in accordance with that system. As a result, U.S. banana distributors have obtained additional access to the EC market.

Under Section 307 of the Trade Act of 1974, the Trade Representative, subject to the specific direction, if any, of the President, may modify or terminate action taken under Section 301 if, among other things, the foreign country ''is taking satisfactory measures to grant the rights of the United States under a trade agreement'' or ''has agreed to eliminate or phase out the act, policy, or practice'' that is the subject of the Section 301 investigation. Section 301(a)(2)(B)(i) and (ii) of the 1974 Trade Act; Section 307(a)(1)(A) of the 1974 Trade Act. The EC's entry into the understanding, combined with its completion of the first phase of implementation, indicates that the EC is taking satisfactory measures to grant the rights of the United States under the WTO Agreement and has agreed to eliminate or phase out its discriminatory banana regime. Accordingly, the Trade Representative has decided to terminate the action previously taken under Section 301 to increase duties on a list of nine products of certain EC member States.

As set out in the Annex to this notice, the termination of increased duties is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 2001, with the exception of the increased duties imposed on *Pictures, designs, and photographs, * * * Lithographs* (HTS subheading 4911.91.20). As illustrated by notices published in the Customs Bulletin, there was widespread confusion in the importing community prior to the imposition of the increased duties with regard to whether certain pictures, designs, and photographs should be classified as *Pictures, designs, and photographs, * * * Lithographs* (HTS subheading 4911.91.20) or as *Pictures, designs, and photographs, * * * Other (HTS subheading 4911.91.40). See Revocation of Treatment or Ruling Relating to the Classification of Offset Printing Posters,* 34 Customs Bulletins and Decisions 41 & 42, page 141 (Oct. 15, 2000). As a result, importers who had been for years entering goods under subheading 4911.91.40 found that their goods instead fell within the scope of subheading 4911.91.20 and were subject to 100 percent duties. To address this situation, the Trade Representative has determined that the increased duties imposed on *Pictures, designs, and photographs, * * * Lithographs* (HTS subheading 4911.91.20) should be terminated with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 3, 1999—the initial effective date of the increased duties.

Under Section 306 of the Trade Act, USTR will continue to monitor the EC's implementation of the understanding. As noted, by January 1, 2002 the EC is scheduled to shift an additional 100,000 tons into a tariff rate quota accessible to bananas of Latin American origin. Should the EC fail to complete this implementation step, the Trade Representative may again take action under Section 301.

Prior to terminating the Section 301 action, USTR consulted with the domestic industry concerned and at this time is providing an opportunity for public comment on this action under Section 307 of the Trade Act.

Public Comments

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) and must be filed on or before 5:00 p.m. on August 7, 2001. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section 301 Committee, ATTN: Docket 301–100a, Office of the United States Trade Representative, 1724 F Street, NW., Room 217, Washington, DC 20508. Comments will be placed in a file (Docket 301–100a) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of the twenty copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection. An appointment to review the docket may be made by calling Brenda Webb at (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 3, First Floor, Office of the United States Trade Representative, 1724 F Street, NW., Washington, DC 20508.

William Busis,

Chairman, Section 301 Committee.

Annex

I. Effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after July 1, 2001, the imposition of 100 percent *ad valorem* tariffs as provided in subheadings 9903.08.04 (affecting articles in subheading 3307.30.50), 9903.08.07 (affecting articles in subheading 4202.22.15), 9903.08.08 (affecting articles in subheading 4202.32.10), 9903.08.09 (affecting articles in subheading 4805.50), 9903.08.10 (affecting articles in subheading 4819.20), 9903.08.13 (affecting articles in subheading 6302.21.90), 9903.08.14 (affecting articles in subheading 8507.20.80), and 9903.08.15 (affecting articles in subheading 8516.71) of the Harmonized Tariff Schedule of the United States (HTS) is terminated.

II. Effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after March 3, 1999, the imposition of 100 percent *ad valorem* tariffs as provided in subheading 9903.08.11 (affecting articles in subheading 4911.91.20 (lithographs)) of the HTS is terminated. This termination shall apply to all merchandise classifiable under subheading 9903.08.11 of the HTS entered, or withdrawn from warehouse, for consumption on or after March 3, 1999 for which unliquidated entries or entries subject to timely protest are pending before the United States Customs Service.

III. Effective July 1, 2001, the instruction in the notice of April 19, 1999, 64 FR 19,209, that ''Any merchandise subject to this determination that is admitted to U.S. foreign-trade zones on or after April 19, 1999 must be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41'' is terminated.

[FR Doc. 01–16936 Filed 7–5–01; 8:45 am]

BILLING CODE 3190–01–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending June 22, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. sections

412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–9957.
Date Filed: June 19, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC31 SOUTH 0108 dated 25 May 2001
South Pacific (except New Zealand-USA) Resolution r1–r31
Minutes—PTC31 SOUTH 0109 dated 8 June 2001
Tables—PTC31 SOUTH 0026 Fares dated 15 June 2001
Intended effective date: 1 October 2001.

Docket Number: OST–2001–9990.
Date Filed: June 22, 2001.
Parties: Members of the International Air Transport Association.
Mail Vote 130 Resolution 010e Special Passenger
Amending Resolution e-mail te418
Intended effective date: 1 July 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–16859 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Application for Certificates

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 22, 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–2001–9984.
Date Filed: June 21, 2001.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 12, 2001.
Description: Application of Delta Air Lines, Inc., pursuant to 49 U.S.C. Sections 41102 and 41108, and subpart B, requesting a new or amended Certificate of Public Convenience and Necessity, authorizing Delta to provide scheduled foreign air transportation of persons, property and mail between New York's Kennedy International Airport (JFK) and Buenos Aires, Argentina, and for allocation of seven (7) U.S.-Argentina Frequencies that become available on December 1, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–16858 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Rockland County, New York

AGENCY: The Federal Highway Administration (FHWA), the New York State Thruway Authority/Canal Corporation (NYSTA), and the New York Department of Transportation (DOT)

ACTION: Revised notice of intent.

SUMMARY: The FHWA, NYSTA and DOT announce the termination of the preparation of an environmental impact statement for the proposed Rockland County to Manhattan Ferry Project.

FOR FURTHER INFORMATION CONTACT: Robert Arnold, Division Administrator, FHWA, Leo W. O'Brien Federal Building, Room 719, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone (518) 431–4127; Philip J. Clark, Director, Design Division, NYSDOT, Main Office, 1220 Washington Avenue, Albany, New York 12232, Telephone (518) 457–6452; John T. Brizzell, Deputy Executive Director/Chief Engineer, NYS Thruway Authority/Canal Corporation, 200 Southern Boulevard, Albany, New York 12209, Telephone (518) 436–2811.

SUPPLEMENTARY INFORMATION: In 1996, FHWA, NYSTA and DOT initiated an environmental review of the construction of landside facilities in Rockland County to support a high-speed ferry service between Rockland County and Manhattan.

A public scoping meeting was held on September 30, 1996 at Hyack High School, 360 Christian Herald Road, Upper Nyack, NY from 7:30 p.m. to 10:30 p.m. The scoping meeting provided information about the proposed project and allowed the public the opportunity to identify issues and concerns they believed should be addressed in the Environmental Impact Statement (EIS). Comments and suggestions were invited from all interested parties.

At present, FHWA, NYSTA and DOT will not exercise the option to prepare the draft EIS and are terminating the environmental review of the proposed action. This decision assumes that landside facilities to support a high speed ferry service between Rockland County and Manhattan would not be constructed by the project sponsors.

Authority: 23 U.S.C. 315; 23 CFR 771.123

Issued on: June 27, 2001.

David W. Nardone,

Senior Operations Engineer, New York Division.

[FR Doc. 01–16961 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34065]

Ellis & Eastern Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant limited local trackage rights[1] to Ellis & Eastern Company (EE) over BNSF's rail line from approximately milepost 141.7 near Sioux Falls, SD, to approximately milepost 134.0 near Corson, SD, a distance of approximately 7.7 miles.[2]

The transaction is scheduled to be consummated on or shortly after July 2, 2001.[3]

The purpose of the trackage rights is to enable EE to provide rail service to a new facility of its parent company, Sweetman Construction Company.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and*

[1] The trackage rights agreement is a supplemental agreement to the Basic Agreement, dated November 10, 1989, between BNSF's predecessor, the Burlington Northern Railroad Company, and EE. *See Ellis & Eastern Company—Acquisition, Operation, Joint Relocation Project, and Trackage Rights Exemption—Brandon-Ellis, SD,* Finance Docket No. 32506 (STB served Mar. 11, 1996).

[2] A redacted version of the Supplemental Trackage Rights Agreement between BNSF and EE was filed with the notice of exemption. An unredacted version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. That motion has been granted in a separate decision and a protective order in this proceeding is being served on July 3, 2001.

[3] EE states that it anticipates that it will exercise the above-described trackage rights in the Spring of 2002, but will in no event exercise the trackage rights prior to July 2, 2001.

Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34065, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Rose-Michele Weinryb, Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036–1609.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 29, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–16934 Filed 7–5–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Grant Program for Research and Development in the Field of Transportation Statistics

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Announcement of grant program.

SUMMARY: The Bureau of Transportation Statistics supports its goal of advancing the field of transportation statistics through the Transportation Statistics Research Grants program. This notice solicits applications for projects that (1) support the development of the field of transportation statistics; and/or (2) involve research or development in transportation statistics. It outlines the purpose, goals, and general procedures for application and award. For this cycle, BTS will make available up to approximately $200,000 in grant funds to eligible organizations.

DATES: For BTS to consider your application, we must receive it by August 31, 2001, at 5:00 p.m. Eastern Standard Time. Applications received after August 31, 2001, will be held for the next cycle, which is anticipated to be every six to twelve months, unless you request in writing that your application be returned.

ADDRESSES: You must send six copies of the application package to the BTS Grants Program, Room 3430, Bureau of Transportation Statistics, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Promod Chandhok, Office of Statistical Programs and Services, Bureau of Transportation Statistics, Room 3430, 400 Seventh Street, SW., Washington, DC 20590; phone (202) 366–2158; fax: (202) 366–3640; e-mail: promod.chandhok@bts.gov.

SUPPLEMENTARY INFORMATION:

I. Background—Advancing the Discipline of Transportation Statistics

The purpose of this grant program is to provide financial assistance to eligible organizations to help advance the discipline of transportation statistics. These grants are authorized by section 5109 of the Transportation Equity Act for the 21st Century (TEA–21) (Public Law 105–178 (1998), codified at 49 U.S.C. 111(g)). BTS anticipates awarding up to $500,000 per year in grants for projects that (1) support development of the field of transportation statistics; and/or (2) advance research or development in transportation statistics.

BTS is a separate operating organization within the U.S. Department of Transportation (DOT). Its mission is to lead in developing transportation data and information of high quality, and to advance their effective use in public and private transportation decision-making. In accomplishing this mission, BTS works to improve six key attributes of transportation data and analysis—quality, comparability, completeness, timeliness, relevance, and utility.

Our ultimate goal is to make transportation better—to enhance safety, mobility, economic growth, the human and natural environment, and national security (the five strategic goals of the Department of Transportation). BTS's role in this goal is to put together data and information that others need to make decisions concerning transportation. We collect data and compile, analyze, and publish statistics. Many others, both within and outside DOT, are involved in building this knowledge base and BTS could not do it alone.

While there are many excellent transportation data programs and many excellent statistics programs, few are devoted to the intersection of these two disciplines. Bringing a better understanding of statistics to transportation data will improve data quality, increase utility (e.g., by improving measures of travel), and reduce costs (e.g., by using techniques to make data collection, analysis, and dissemination more efficient). BTS wants to foster the transportation statistics discipline and increase its quality and usefulness to the transportation community. This grants program is one way BTS is working toward this goal.

II. Eligibility Requirements

What Organizations May Apply?

BTS invites applications from public and private non-profit institutions of higher education. We strongly encourage Minority Serving Institutions, which have been traditionally under-represented in transportation statistics, to submit applications. If organizations partner on a project, the participants should submit a single application. You may submit more than one application as long as the applications are for separate and distinct projects.

What Projects Are Eligible for Funding?

For this cycle we are particularly interested in proposals on:

1. The development of techniques and pattern analyses that apply modern methods of biostatistical risk assessment to data on transportation injuries or fatalities;

2. The exploration of fresh ideas for the measurement of VMT (vehicle miles traveled) or AADT (average annual daily traffic)—new technology can be a component of this proposal, but it should also incorporate innovative statistical ideas for sampling and/or estimation; and

3. The application of small area estimation techniques to transportation.

What Are the Cost Sharing Requirements?

For awards of $100,000 or more, the recipient shall fund at least 50 percent of the project's costs. The nonfederal match must come from sources other than the project sponsor, and must be cash contributions rather than in-kind contributions. In reviewing all applications, even those requesting less than $100,000, the degree of cost-sharing will be considered, with more weight given to cash contributions than in-kind services.

III. Application Contents

For more information about sending your application, please refer to the

ADDRESSES and **DATES** sections listed above. In order to be considered for funding under this program, your application package must include the following:

(1) *A Project Narrative.* This must not exceed seven letter-size pages, single-sided and double-spaced. Use at least 12-point type and one inch margins. In general, the information you provide should be in sufficient detail so BTS understands the proposed work and its anticipated benefits. It should also demonstrate that you have the necessary experience and resources to accomplish it. The narrative must identify the organization; how it meets the eligibility criteria; its experience and accomplishments in collecting, analyzing, and/or disseminating transportation data; and the qualifications of the principals proposed to conduct the activities. The narrative must also describe the proposed activity, including how you would accomplish it, a timeline listing major milestones associated with the project, and a list of specific products and/or services with the dates they will be delivered.

(2) *An Application for Federal Assistance.* Submit OMB SF–424 (Application for Federal Assistance), which is the official form required for all federal grants. It requests basic information about the grantee and the proposed project. Under Part 10 of this form, use 20.920 and Transportation Statistics Research Grants for the Catalog of Federal Domestic Assistance Number and Title. Also submit OMB SF–424A (Budget Information—Nonconstruction Programs). You can download these forms from the OMB Internet site at http://www.whitehouse.gov/omb/grants.

(3) *An Evaluation Plan.* Include a brief description of how you will evaluate and measure the success of the project, including the anticipated benefits and challenges in completing it. This can be part of the Project Narrative.

(4) *Resumes.* Include resumes from up to three key personnel who would be significantly involved in the project.

(5) *Letters of Commitment.* If your proposal includes the significant involvement of other eligible organizations, your application must include letters of commitment from them.

IV. Application Review Process and Selection Criteria

The Transportation Statistics Research Grants program uses a competitive process and applications will be evaluated based on the merit and relevance of the proposed project in relation to the other applications received. BTS anticipates making multiple awards based on this solicitation. While BTS will select the most meritorious proposals, we may choose to not award all available funds.

Upon receiving an application, BTS will conduct an initial review to determine if it meets the eligibility criteria and contains all of the items specified under the Application Contents section of this announcement. A BTS evaluation committee will then review each complete application from an eligible recipient using the evaluation criteria listed below (the order of criteria does not designate priority) and the BTS Director will select the final grants. The evaluation criteria are:

(1) How well does the proposal support BTS's strategic goals of improving the quality, comparability, completeness, timeliness, relevance, and utility of transportation data? How well does the proposal serve the broad transportation interests of the United States?

(2) How innovative is the proposed activity? To what extent is the work being accomplished elsewhere?

(3) How much experience has the applicant demonstrated in one or more of the following areas—collecting, analyzing, storing, or disseminating transportation data, particularly data collected or disseminated by BTS, and working with theoretical statistical issues concerning transportation data?

(4) Does the applicant have the professional qualifications and team members necessary for satisfactory performance of the proposed activity?

(5) How well does the technical approach and proposed costs reflect an understanding of the procedures necessary to complete the required tasks?

(6) To what degree does the proposal include cost-sharing? More weight will be given to proposals with cash contributions than in-kind services. For awards of $100,000 or more, BTS requires cash contributions of 50 percent toward the total project's cost.

V. Amount of Funds Available and Period of Support

We anticipate that approximately $500,000 per year will be designated to support grants over the next five years, subject to the availability of appropriated funds. This estimate does not bind BTS to a specific number of offers or awards, nor to a specific amount of funding support for particular awards or awards in aggregate. It is anticipated that individual award amounts, based upon demonstrated needs, will likely range from $50,000 to $200,000, though BTS has not established minimum or maximum funding levels.

Given the amount of funds available, applicants are strongly encouraged to seek other funding opportunities to supplement the federal funds. Preference will be given to applicants with cost sharing proposals from within or outside their organizations.

The period of time of awards will vary with the complexity of the project and it is possible that grants will be awarded for periods greater than one year.

VI. BTS Involvement

BTS involvement, if any, will vary by award. If you anticipate BTS involvement, you must note this in your project narrative and any support BTS provides will be specified in the award agreement. BTS will assign a liaison to serve as the primary contact regarding the grant.

VII. Terms and Conditions of Award

(1) Prior to award, each grantee will be required to complete additional government application forms, such as OMB SF–424B (Assurances—Nonconstruction Programs) and with the certification requirements of 49 CFR Part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR Part 29, Department of Transportation Government-Wide Debarment and Suspension (Non-Procurement) and Government-Wide Requirements for Drug Free Workplace (Grants).

(2) Each grantee shall submit a program implementation plan no more than one month after award. The BTS liaison will review and comment, if necessary.

(3) Each grantee shall submit quarterly progress reports, a draft final report, and a final report that reflects the BTS liaison's comments.

Dated: July 1, 2001.

Ashish Sen,

Director, Bureau of Transportation Statistics.

[FR Doc. 01–16967 Filed 7–5–01; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Customs Service

Announcement of Changes to the Eligibility Requirements for Participation in Remote Location Filing Prototype Two

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces a new eligibility requirement for participation in the second prototype of Customs Remote Location Filing program (RLF). Specifically, customs brokers who are RLF applicants or current RLF participants must hold a national broker permit to participate in RLF. This notice also announces that the provisions of part 111 of the Customs Regulations now apply to the prototype.

DATES: The changes to Customs second prototype of the Remote Location Filing program will go into effect July 6, 2001. Customs brokers who are current participants in RLF must submit their national permit numbers to Customs on or before November 6, 2001. Comments concerning these changes, or any other aspect of RLF, may be submitted to Customs at any time.

ADDRESSES: Written comments (preferably in triplicate) regarding this notice, and submissions of national permit numbers, should be addressed to the Remote Filing Team, Office of Field Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Room 5.2–B, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: For systems or automation issues: Steve Linnemann (202) 927–0436, Jackie Jegels (301) 893–6717, or Patricia Welter (305) 869–2782. For operational or policy issues: Vikki Lazaro (202) 927–4342 or via email at Vikki.Lazaro@customs.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

RLF Authorized by the National Customs Automation Program (NCAP)

Title VI of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057 (December 8, 1993), contains provisions pertaining to Customs Modernization (107 Stat. 2170). Subpart B of title VI of the Act concerns the National Customs Automation Program (NCAP), an electronic system for the processing of commercial imports. Within subpart B, section 631 of the Act adds section 414 (19 U.S.C. 1414), which provides for Remote Location Filing (RLF), to the Tariff Act of 1930, as amended. RLF permits an eligible NCAP participant to elect to electronically file a formal or informal consumption entry with Customs from a remote location within the Customs territory of the United States other than the port of arrival, or from within the port of arrival with a requested designated examination site outside the port of arrival.

RLF Test Prototypes

In accordance with section 101.9(b) of the Customs Regulations (19 CFR 101.9(b)), Customs has developed and tested two RLF prototypes.

RLF Prototype Two commenced on January 1, 1997. See document published in the **Federal Register** (61 FR 60749) on November 29, 1996. On December 7, 1998, Customs announced in the **Federal Register** (63 FR 67511) that Prototype Two would remain in effect until Customs concluded the prototype by notice in the **Federal Register**. Accordingly, the RLF Prototype Two terms and conditions set forth in the December 7, 1998, document remain in effect, except for those explicitly changed by this notice and described below.

Change to RLF Prototype Two Eligibility Criteria

This notice adds a new eligibility requirement for participation in RLF. The new requirement is in addition to those eligibility criteria applicable to RLF Prototype Two, as described in the December 7, 1998, **Federal Register** document, which remain in effect. The new eligibility requirement mandates that a licensed customs broker who applies to participate in RLF must hold a national permit. The procedures for obtaining a national permit are set forth in § 111.19(f) of the Customs Regulations (19 CFR 111.19(f)). Licensed customs brokers who are current participants in RLF may continue to participate in the prototype without reapplying; however, they must submit proof to Customs that they hold a national permit (*i.e.,* submission of the broker's national permit number) within 120 days from the date of this notice to retain eligibility to participate in RLF. National permit numbers must be submitted to the Remote Filing Team, Office of Field Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Room 5.2–B, Washington, DC 20229. Failure to timely submit such proof to Customs will result in the automatic suspension of the broker's eligibility to participate in RLF, effective 121 days from the date of this notice. The suspension will remain in effect, during which time the broker will be precluded from electronically filing new entries from a remote location, until Customs receives and verifies the broker's national permit number. Upon receipt and verification, Customs will notify the broker of the reinstatement date of the broker's right to participate in RLF, and the broker will not need to reapply to participate in RLF. It should be noted that individuals who are otherwise eligible to participate in RLF, who are not customs brokers, are not required to hold a national broker permit.

This change to the RLF eligibility criteria reflects the terms of part 111 of the Customs Regulations, which sets forth the regulations providing for the licensing of and granting of permits to customs brokers. Section 111.2 of the Customs Regulations (19 CFR 111.2) provides for the license and district permit requirements applicable to customs brokers. Section 111.2(b)(2)(i)(C) provides that a national permit issued to a broker under § 111.19(f) constitutes sufficient permit authority for a broker who is a NCAP participant. As RLF is a component of the NCAP, this notice amends the RLF eligibility criteria to conform to the terms of § 111.2.

Part 111 of the Customs Regulations Applies to RLF Prototype Two

In the December 7, 1998, **Federal Register** document, in the section entitled ''Regulatory Provisions Suspended'', Customs stated that certain provisions in part 111 of the Customs Regulations were suspended for the duration of the second prototype test. This notice announces that the provisions of part 111 are now applicable to customs brokers participating in the RLF prototype.

Dated: June 29, 2001.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–16920 Filed 7–5–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–48]

Cancellation of Customs Broker Licenses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Cancellation of licenses.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 111.51(a), the following Customs broker licenses have been cancelled due to death of the broker. Because previous publication of some records cannot be readily verified, the records are now being published to ensure Customs compliance with administrative requirements.

Last name	First name	License	Port name
Acosta	Joseph	05054	New Orleans
Alvarez	Leopold	05642	New York
Ambrosino	Louis	02384	New York
Angel	Roland	04325	New York
Aniades	Kathie	06024	New York
Arnold	Edward	02231	New York
Auger	Willard C.	01161	San Francisco
Baco	George	03920	New York
Balog	Ranko	04223	Los Angeles
Barnhart	James A.	03605	Los Angeles
Barreca	Frank Guy	02271	New York
Barry	Francis J.	01689	New York
Barton	Russell A.	05548	New York
Bauer	Frederick M.	00798	New York
Bellingall	R.R.	00015	San Francisco
Bernstein	Mortimer B.	02133	New York
Bonelli	John C.	03853	New York
Brady	Bernard F.	02030	New York
Braeuner	Curt A. H.	01277	New York
Brandt	Charles P.	02372	New York
Brickmeier	Charles Arthur	02806	New York
Brisco	Willem D.	06074	New York
Brtka	Paul B.	06100	Los Angeles
Burghart	Anton	02953	New York
Burin	Alfred	[1]	New York
Campbell	Vincent J.	02226	New York
Capaldo	Pasqual Francis	01615	New York
Carr	Harold J.	02068	New York
Cary	William S.	[2]	New York
Chierchio	Vincent J.	03741	New York
Chin	Edward Q.	12351	New York
Christophides	George D.	00828	New York
Cohen	Seymour J.	03561	New York
Colligan	John Thomas	02526	New York
Comer	Edward D.	02118	New York
Conroy, Jr.	Patrick J.	02530	New York
Conte	Vincent Anthony	03438	New York
Conte	Adrian N.	02417	New York
Coogan	Joseph Herbert	03488	New York
Coscette	Thomas G.	06489	New York
Cox	Henry R.	01284	New York
Crowley	Thomas J.	03331	San Francisco
Dalldorf	Charles H.	01121	New York
Dante	Emil J.	01648	New York
Davis	Walter S.	02203	New York
DiSalvio	William	01693	New York
Dworkin	Hyman	01164	New York
Farrell	James J.	01537	New York
Farrell	Francis J.	02190	New York
Farrell	James F.	01465	New York
Fazio	Virginia	10722	New York
Feig	Frederick Jack	03528	New York
Ferlazzo	Chester	03428	New York
Ferraioli	Antonio	02194	New York
Fettkether	Michael Kenneth	09391	Los Angeles
Figueira	Anna V.	02509	New York
Fischer	Alvin L.	04370	New York
Fleisig	Jacob P.	01673	New York
Floyd	Raymond H.	01619	New York
Ford	Robert E.	02746	San Francisco
Frater	George Z.	00903	New York
Galaviz	Armando	02427	San Francisco
Gamburg	Joseph	02089	New York
Ganley	Bernard J.	02917	New York
Garcia	Joseph M.	03393	New York
Gelb	Morris	02186	New York
Gelber	Paul E.	05911	New York
Gladish	Stephen	03533	Seattle
Gloss	Frederick W.	01649	New York
Grieve	David E.	02910	New York
Grose	John N. D.	01769	New York
Guerringue	Milton C.	01598	New York
Haag	Harlan Nelson	02904	New York
Halperin	Louis	01061	New York

Last name	First name	License	Port name
Hand	Dolores	06320	Los Angeles
Hauser	William	02208	New York
Hauser	David	01155	New York
Hayes	John J.	01521	New York
Hechtman	Harry E.	01458	New York
Heidl	Francis X.	01157	New York
Helstrom	George	03783	New York
Henry	Joseph M.	02290	New York
Hinchey	Linda M.	09075	Seattle
Hoban	James A.	02111	New York
Hornkohl	William H.	02058	New York
Hult	Frank A.	01631	New York
Ippolito	Gary F.	06807	New York
James	John S.	05260	Tampa
Jasper	John R.	02166	New York
Jensen	A.C.	07619	New York
Johnson	Rudolph E.	04567	Minneapolis
Jordan	Salvatore	01705	New York
Juede	Herbert A.	01523	New York
Juliano	Nicholas R.	02507	New York
Kaplan	Stanley	02551	New York
Kenny	William A.	00717	New York
Kerner	Richard M.	12301	New York
Kerner	Martin A.	01638	New York
Kerner	Martin E.	02493	New York
Kilbane	Sherry A.	10963	Charleston
Klingman	John	04255	New York
Klopsis	Nicholas	03240	New York
Knight	Frank J.	03663	Tampa
Krieger	Norman	02606	New York
Kunz	Francis L.	04115	New York
Lam	Michael T.S.	05691	Honolulu
Lam	Sun Jing	02088	Honolulu
Lawler	Daniel A.	05357	New York
Lee	Thomas J.	01219	New York
Leitch	John G.	10757	Los Angeles
Lingen	Fred W.	01853	New York
Lisa	Thomas G.	02164	New York
Lockwood	Harold R.	04738	El Paso
LoCurto	Melchior	04477	New York
Lombardi	Joseph F.	04252	New York
Manly	Winslow	01334	New York
Marshall	Louis	01551	New York
Marzolf	Alfred H.	00179	Seattle
Mauriello	Louis	03702	New York
May	Donald	02311	Seattle
McCarty	John	01506	New York
McClary	Donald	02708	Seattle
McCormack	Frank J.	04184	New York
McGiffin, III	John Girvin	04104	Tampa
McGill, Jr.	William M.	02549	New York
McGrath	Gerald L.	02440	New York
McGuire	Peter T.	02506	New York
McTernan	James B.	04700	New York
Merrill	Coralie S	06542	Seattle
Moran	Harry M.	02143	New York
Murray	Edward S.	01715	New York
Natiello	Nicholas J.	03482	New York
Nelson	Arthur B.	05217	New York
Niethamer	Robert O.	04381	New York
Noens	Louis Jean	12662	New York
Orihuela	Hope	03552	Tampa
Palmer	Drew Ivan	05183	New York
Pancaldo	Jack F.	01283	New York
Parker	Darienne	12755	Charlotte
Parker	Arthur Blasdell	04327	Chicago
Penson	Jack A.	01525	New York
Perroncino	John S.	05504	New York
Phelps	William Arthur	03626	New York
Phillips	Arthur L.	07330	San Francisco
Pitre	Joseph A.	00847	New York
Poll	Otto P.	03499	New York
Potts	William T.	14681	Houston
Pullis	Alexander F.	02362	New York

Last name	First name	License	Port name
Randazzo	Michael	03093	New York
Rex	Charles L.	[3]	New York
Ricci	Mario	00788	New York
Riviello	Dominic	01934	New York
Rizzo	Joseph	02532	New York
Roberts	Harry Owen	03372	Los Angeles
Roche	Mary	10769	New York
Rose	Philip B.	03115	New York
Royals	Percy S.	01371	New York
Salomone	Salvatore	02545	New York
Scatamacchia	Ralph	03236	New York
Scher	Isador	02334	New York
Schneider	Richard H	05952	Los Angeles
Sergi	Nicholas	03247	New York
Serra	John	04107	New York
Setariano	Joseph	02462	New York
Sheil	Joseph F.	05040	New York
Shenk	David Wesley	04045	Los Angeles
Sherriff	Charles H.	00190	Seattle
Shimabukuro	Sam T	06776	Seattle
Silvey	Max	02852	New York
Slavin	Myron B.	03367	New York
Smith	Albert W.	04812	Charlotte
Smith	Robert W.	03356	New Orleans
Snedeker	Lloyd	02942	New York
Sobel	Hyman	02179	New York
Spring	Gerald	03146	New York
Steiker	Lloyd S.	02691	New York
Stern	Harry	01459	New York
Swenson	John A.	02280	New York
Syage	George J.	03879	New York
Tabino	Robert	03406	New York
Thomas	Barbara	07997	New York
Tolonen	Clarence E.	03593	Seattle
VanSant	Richard M	02671	Seattle
Virgilio	Pasquale	04404	New York
Wahlstrom	Dale S.	11121	New York
Wegner	Donald F.	02895	New York
Wehman	Anthony G.	02531	New York
Werfelman	George H.	00723	New York
Wesnofske	Theodore P.	09248	New York
Wiltshire	Richard C.	04385	New York
Wohlrab	George Adam	02421	New York
Wood	Joseph B.	01198	New York
Wunner	John J.	02385	New York
Zimmer, III	Walter	11727	New York

[1] 00242A
[2] 00233A
[3] 00191A

Dated: July 2, 2001.

John H. Heinrich,

Acting for Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–16963 Filed 7–5–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–47]

Retraction of Revocation Notice

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: The following Customs broker license numbers were erroneously included in a list of revoked Customs broker licenses.

Last name	First name	License	Port name
Apke	Kristina B	16557	Cleveland
Badias	Joaquin Felipe	10894	Great Falls
Castilla	Judy	06912	New York
Connor, Sr	Paul F	02856	Baltimore
Grady	Kathleen M	10368	Philadelphia
Kala	Gulshan	10188	Houston
Malone	Helen	10404	Baltimore
Mayer	Susan Lee	11108	Miami

Last name	First name	License	Port name
Stanley	James A	10193	Laredo

Customs broker licenses numbered 16557, 10894, 06912, 02856, 10368, 10188, 10404, 11108, and 10193 remain valid.

Dated: July 2, 2001.

John H. Heinrich,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–16962 Filed 7–5–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to file a claim for increased VA disability compensation based on unemployability.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0404'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veteran's Application for Increased Compensation Based on Individual Unemployability, VA Form 21–8940.

OMB Control Number: 2900–0404.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–8940 is used by veterans to file a claim for increased VA disability compensation based unemployability. VA uses the information to determine a veteran's entitlement to unemployability benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 18,000 hours.

Estimated Average Burden Per Respondent: 45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 24,000.

Dated: June 20, 2001.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16890 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0138]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine the amounts of any deductible expenses paid by a claimant and/or commercial life insurance received to calculate the appropriate rate of pension benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0138'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed

collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Details of Expenses, VA Form 21–8049.

OMB Control Number: 2900–0138.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–8049 is used to gather the necessary information to determine the amounts of any deductible expenses paid by the claimant and /or commercial life insurance received to adjust the annual income, which determines the payable rate of pension.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,700 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 22,800.

Dated: June 20, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16891 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0249]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0249.''

SUPPLEMENTARY INFORMATION:

Title: Loan Service Report, VA Form 26–6808.

OMB Control Number: 2900–0249.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA Form 26–6808 is completed by Loan Service Representatives during the course of personal contacts with delinquent obligors. The information documented on the form is necessary for VA to determine whether loan default is insoluble or whether the obligor has reasonable prospects for curing the default and maintaining the mortgage obligation in the future.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on April 20, 2001, at pages 20351—20352.

Affected Public: Individuals or households.

Estimated Annual Burden: 27,083 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 65,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0249'' in any correspondence.

Dated: June 27, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–16900 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0038]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a child's pension eligibility and benefit rates.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0038'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the

information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Information From Remarried Widow/er, VA Form 21–4103.

OMB Control Number: 2900–0038.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to determine if a child's income and net worth are within the limits imposed by law. This information is necessary to determine a child's pension eligibility and benefit rates once a surviving spouse remarries.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 9,000.

Dated: June 21, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16901 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0094]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's eligibility for VA benefits based on service in the Commonwealth Army of the Philippines or in recognized guerrilla organizations.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0094'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the propose for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Supplement to VA Forms 21–526, 21–534, and 21–535 (For Philippine Claims), VA Form 21–4169.

OMB Control Number: 2900–0094.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38, U.S.C., sections 101 and 6104 require VA to ascertain from certain applicants service information, place of residence, evidence held by the applicant to prove service, and whether the applicant was a member of pro-Japanese, pro-German, or anti-American Filipino organizations. The information collected is used in determining eligibility for benefits based on Commonwealth Army or recognized guerrilla service.

Affected Public: Individuals or households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

Dated: June 20, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16902 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0103]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether a child under or over 18 is entitled to dependency and indemnity compensation benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0103'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is

being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Dependency and Indemnity Compensation by Child, VA Form 21–4183.

OMB Control Number: 2900–0103.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–4183 is used by a child under age 18 to apply for dependency and indemnity compensation where the surviving spouse was not entitled or is no longer entitled to receive benefits or by a child age 18 or over regardless of the surviving spouse's entitlement. The form is used in lieu of VA Form 21–534, Application for Dependency and Indemnity Compensation or Death Pension by Widow(er) or Child, in order to help reduce the reporting burden of a child under 18 when information about the deceased veteran's spouse is not required.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,975 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,900.

Dated: June 21, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16903 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0252]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to authorize nonsupervised lenders to close loans on an automatic basis.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 4, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0252'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Authority to Close Loans on an Automatic Basis—Nonsupervised Lenders, VA Form 26–8736.

OMB Control Number: 2900–0252.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8736 is used by nonsupervised lenders requesting approval to close loans on an automatic basis. Automatic lending privileges eliminate the requirement for submission of loans to VA for prior approval. Lending institutions with automatic loan privileges may process and disburse such loans and subsequently report the loan to VA for issuance of guaranty. The form requests information considered crucial for VA to make acceptability determinations as to lenders who shall be approved for this privilege.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 120.

Dated: June 21, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16904 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0342]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the

nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0342.''

SUPPLEMENTARY INFORMATION:

Titles

a. Other On-the-Job Training and Apprenticeship Training Agreement and Standards, VA Form 22–8864 (Training Programs Offered Under Title 38 U.S. Code Section 3677 and 3678).

b. Employer's Application to Provide Training, VA Form 22–8865 (Under Title 38 U.S. Code Section 3677 or 3678).

OMB Control Number: 2900–0342.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses the information on VA Form 22–8864 to ensure that a trainee is entering an approved training program. VA Form 22–8865 is used to ensure training programs and agreements meet statutory requirements for approval of an employer's job training program.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 8, 2001, at pages 14000 and 14001.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, and State, Local or Tribal Government.

Estimated Annual Burden: 450 hours.

a. VA Form 22–8864—225 hours.

b. VA Form 22–8865—225 hours.

Estimated Average Burden Per Respondent: 120 minutes.

a. VA Form 22–8864—30 minutes.

b. VA Form 22–8865—90 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 600.

a. VA Form 22–8864—450.

b. VA Form 22–8865—150.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0342'' in any correspondence.

Dated: June 20, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16888 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW–IRIS]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before August 6, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981 or e-mail to: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–NEW–IRIS'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Inquiry Routing and Information System (IRIS).

OMB Control Number: 2900–NEW–IRIS.

Type of Review: New collection.

Abstract: The World Wide Web is a powerful medium for the delivery of information and services to veterans, dependents, and active duty personnel worldwide. The proposed Inquiry Routing and Information System (IRIS) would allow a VA customer to be able to submit his or her questions at any time and receive answers more quickly than through standard mail. Because the system is automated, inquires would be directed to the appropriate individual/office automatically. The contact information being solicited will be used to identify the particular veteran. VA personnel will use the contact information to determine the location of a specific veteran's file, and to accomplish the action requested by the correspondent such as processing a benefit claim or filing material in the individual's claims folder.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 15, 2001, at page 10564.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 12,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–NEW–IRIS'' in any correspondence.

Dated: June 20, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–16889 Filed 7–5–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Illnesses Not Associated With Service in the Gulf During the Gulf War

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by law, the Department of Veterans Affairs (VA) hereby gives notice that the Secretary of Veterans Affairs, under the authority granted by the Persian Gulf War Veterans Act of 1998, Pub. L. 105–277, 112 Stat. 2681–742 through 2681–749 (codified at 38 U.S.C. 1118), and the Veterans Programs Enhancement Act of 1998, Pub. L. 105–368, 112 Stat. 3315, has determined that there is no basis to establish a presumption of service connection for any disease based on service in the Persian Gulf during the Persian Gulf War.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant or Bill Russo, Attorney-Advisor, Compensation and

Pension Service, Regulations Staff, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7213 and (202) 273–7211, respectively.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements

Title 16 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, entitled the Persian Gulf War Veterans Act of 1998, Pub. L. 105–277, 112 Stat. 2681–742 through 2681–749 (codified at 38 U.S.C. 1118), and the Veterans Programs Enhancement Act of 1998, Pub. L. 105–368, 112 Stat. 3315, directed the Secretary to seek to enter into an agreement with the National Academy of Sciences (NAS) to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service. Congress mandated that NAS determine, to the extent possible: (1) Whether there is a statistical association between exposure to the agent, hazard, or medicine or vaccine and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association; (2) the increased risk of illness among individuals exposed to the agent, hazard, or medicine or vaccine; and (3) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness. These laws also required that NAS submit reports on its activities every two years (as measured from the date of the first report) for a ten-year period.

Section 1602 of Pub. L. 105–277 provides that whenever the Secretary determines, based on sound medical and scientific evidence, that a positive association (i.e., the credible evidence for the association is equal to or outweighs the credible evidence against the association) exists between exposure of humans or animals to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War and the occurrence of a diagnosed or undiagnosed illness in humans or animals, the Secretary will publish regulations establishing presumptive service connection for that illness. If the Secretary determines that a presumption of service connection is not warranted, he is to publish a notice of that determination, including an explanation of the scientific basis for that determination. The Secretary's determination must be based on consideration of the NAS reports and all other sound medical and scientific information and analysis available to the Secretary.

Although Pub. L. 105–277 does not define ''credible evidence,'' it does instruct the Secretary to ''take into consideration whether the results (of any study) are statistically significant, are capable of replication, and withstand peer review.'' Simply comparing the number of studies which report a significantly increased relative risk to the number of studies which report a relative risk that is not significantly increased is not a valid method for determining whether the weight of evidence overall supports a finding that there is or is not a positive association between exposure to an agent, hazard, or medicine or vaccine and the subsequent development of the particular illness. Because of differences in statistical significance, confidence levels, control for confounding factors, and other pertinent characteristics, some studies are clearly more credible than others, and the Secretary has given the more credible studies more weight in evaluating the overall weight of the evidence concerning specific illnesses.

II. The National Academy of Sciences Report

Public Law 105–277 and 105–368 directed the Secretary of Veterans Affairs to obtain from the NAS an independent scientific review of the evidence regarding associations between diseases and exposure in military service to selected risk factors encountered or experienced during the Gulf War. Following acceptance of a contract with the Department for this purpose, the Institute of Medicine of the NAS made a determination to limit its initial review to an analysis of the health effects of depleted uranium (DU), the chemical warfare agent sarin, vaccinations against botulinum toxin and anthrax, and pyridostigmine bromide (PB), which was used in the Gulf War as a pretreatment for possible exposure to nerve agents. NAS issued its initial report, entitled ''Gulf War and Health, Volume 1. Depleted Uranium, Sarin, Pyridostigmine Bromide, Vaccines,'' on September 7, 2000.

In reporting its findings, NAS included one exposure in the category ''Sufficient Evidence of a Causal Relationship': Exposure to sarin and dose-dependent acute cholinergic syndrome that is evident promptly (seconds to hours) after sarin exposure and resolves in days to months. This category means:

> Evidence is sufficient to conclude that a causal relationship exists between the exposure to a specific agent and a health outcome in humans. The evidence fulfills the criteria for sufficient evidence of an association (below) and satisfies several of the criteria used to assess causality: strength of association, dose-dependent relationship, consistency of association, temporal relationship, specificity of association, and biological plausibility.

The NAS included three entries in the category ''Sufficient Evidence of an Association'': (1) PB and transient acute (that is, short-lasting, and immediately after exposure) cholinergic effects in doses normally used in treatment and for diagnostic purposes; (2) Anthrax vaccination and transient acute local and systemic effects; and (3) Botulinum toxoid vaccination and transient acute local and systemic effects. This category means:

> Evidence is sufficient to conclude that there is a positive association. That is, a positive association has been observed between an exposure to a specific agent and a health outcome in human studies in which chance, bias, and confounding could be ruled out with reasonable confidence.

The NAS placed one item in the category ''Limited/Suggestive Evidence of an Association'': exposure to sarin at doses sufficient to cause acute cholinergic signs and symptoms and subsequent long-term effects. This category means:

> Evidence is suggestive of an association between an exposure to a specific agent and a health outcome in humans, but is limited because chance, bias, and confounding could not be ruled out with confidence.

Roughly half of the NAS conclusions were in the category ''Inadequate/Insufficient Evidence to Determine Whether an Association Does or Does Not Exist.'' This category means:

> The available studies are of insufficient quality, consistency, or statistical power to permit a conclusion regarding the presence or absence of an association between an exposure to a specific agent and a health outcome in humans.

The health effects in this category included: (1) Exposure to uranium and lung cancer at higher levels of cumulative exposure (greater than 200 mSv or 25 cGy); (2) Exposure to uranium and lymphatic cancer; bone cancer; nervous system disease; nonmalignant respiratory disease; or other health outcomes (gastrointestinal disease, immune-mediated disease, effects on hematological parameters,

reproductive or development dysfunction, genotoxic effects, cardiovascular effects, hepatic disease, dermal effects, ocular effects, or musculoskeletal effects); (3) PB and long-term adverse health effects; (4) Exposure to sarin at low doses insufficient to cause acute cholinergic signs and symptoms and subsequent long-term adverse health effects; (5) Anthrax vaccination and long-term adverse health effects; (6) Botulinum toxoid vaccination and long-term adverse health effects; and (7) Multiple vaccinations and long-term adverse health effects.

The NAS included two items in the final category ''Limited/Suggestive Evidence of *No* Association'': (1) Exposure to uranium and lung cancer at cumulative internal dose levels lower than 200 mSv or 25 cGy; and (2) Exposure to uranium and clinically significant renal dysfunction. This category means:

> There are several adequate studies, covering the full range of levels of exposure that humans are known to encounter, that are mutually consistent in not showing a positive association between exposure to a specific agent and a health outcome at any level of exposure. A conclusion of no association is inevitably limited to the conditions, levels of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small elevation in risk at the levels of exposure studied can never be excluded.

NAS noted that detecting adverse health effects as the result of a specific vaccination is a complex task due to a number of factors, including lack of long-term follow-up, small sample sizes, multiple vaccinations, multiple end points, lack of symptoms specific to that vaccination, passive reporting systems, high vaccination rates, restricted population, and progress in vaccine technology.

III. VA Response to the National Academy of Sciences Report

Following receipt of the NAS report, the VA formed a task force to review the report and pertinent studies and make recommendations to the Secretary to assist him in determining whether a positive association exists between exposure to an agent, hazard, or medicine or vaccine and any illness. This review involved a collaborative effort between representatives from the Veterans Health Administration, the Veterans Benefits Administration, the Office of General Counsel, and the Office of Policy and Planning. Reviewers included VA scientists, attorneys, medical care providers, and policy planners. That review was completed, and the task force's recommendations were submitted to the Secretary. The review provided the scientific and medical basis for the Secretary's determination regarding medical consequences of service in the Gulf War.

This notice, pursuant to Pub. L. 105–277, conveys the Secretary's determination that there is no positive association between: Lung cancer and exposure to uranium at higher levels of cumulative exposure (greater than 200 mSv or 25 cGy); lymphatic cancer, bone cancer, nervous system disease, nonmalignant respiratory disease, gastrointestinal disease, immune-mediated disease, effects on hematological parameters, reproductive or development dysfunction, genotoxic effects, cardiovascular effects, hepatic disease, dermal effects, ocular effects, or musculoskeletal effects and uranium exposure; long-term adverse health effects and pyridostigmine bromide (PB) treatment; long-term adverse health effects and exposure to sarin at doses insufficient to cause cholinergic signs and symptoms; long-term adverse health effects and anthrax vaccination; long-term adverse health effects and botulinum toxoid vaccination; long-term adverse health effects and multiple vaccinations; lung cancer and exposure to uranium at cumulative internal dose levels lower than 200 mSv or 25 cGy; and clinically significant renal dysfunction and uranium exposure. The Secretary's determination on these health outcomes is based on NAS' findings that there is inadequate/insufficient evidence to determine whether an association does or does not exist, regarding all but the last two of these health outcomes, and limited/suggestive evidence of no association as to the last two. Accordingly, regarding all the health outcomes listed above, the Secretary found that the credible evidence for association is not equal to or greater than the credible evidence against the association or that there is insufficient credible evidence of a positive association, and he determined that a positive association does not exist.

IV. Depleted Uranium

Although depleted uranium is the form of uranium that was present in the Gulf War, there are few studies of the health effects of this form of uranium. Consequently, NAS studied the health effects of natural and processed uranium in workers at plants that processed uranium for use in weapons and nuclear reactors. The NAS noted that the chemical toxicity of DU is virtually identical to that of natural uranium. NAS also noted that natural uranium is a low-level radioactive element, and DU emits radioactivity that is 40% lower than natural uranium. Lung cancer mortality has been the focus of many studies of workers employed in the uranium processing industry. In a large study of employees at Oak Ridge, Tennessee uranium processing and research facilities NAS found that the employees experienced a small increase in lung cancer mortality. NAS stated that analysis showed that uranium exposure was not associated with lung cancer mortality, and that other factors related to socioeconomic status could account for the lung cancer deaths. (Frome EL, Cragle DL, McLain RW. 1990. Poisson regression analysis of the mortality among a cohort of World War II nuclear industry workers. Radiat Res 123(2):138–152).

Another study combined data from four separate studies. (Dupree EA, Watkins JP, Ingle JN, Wallace PW, West CM, Tankersley WG. 1995. Uranium dust exposure and lung cancer risk in four uranium processing operations, Epidemiology 6(4):370–375). NAS stated that this study found that the dose-response did not suggest any lung cancer risk up to 25 cGy exposure. Above that level, there were too few cases to draw any conclusions. A dose-response relationship refers to the finding of a greater health effect (response) with higher exposure to an agent. The gray (Gy), formerly the rad, is the unit that describes the amount or exposure to absorbed radiation in terms of energy deposited on a tissue.

NAS found that a significant association with lung cancer appeared in a recent study in which significant increases in lung cancer mortality occurred in the small group of workers with a cumulative internal dose of 200 mSv or more. (Ritz B. 1999. Radiation exposure and cancer mortality in uranium processing workers. Epidemiology 10(5):531–538). The sievert (Sv) is the International System unit of radiation absorbed equivalent, defined as that producing the same biologic effect in a specific tissue as 1Gy of high-energy x-rays. NAS viewed this finding with caution, however, because the subgroup with the elevated risk had only three cases of lung cancer and because the study did not consider the confounding factor of cigarette smoking. NAS also noted that after controlling for external dose in this study, internal doses up to 200 mSv are not associated with excess risk of lung cancer. Accordingly, the Secretary has determined that the credible evidence against an association between lung cancer and uranium exposure outweighs

the credible evidence for such an association, and he determined that a positive association does not exist.

NAS found that the number of cases was too small and the confidence intervals for standardized mortality ratios (SMRs) too wide to draw any conclusions about an association between uranium and lymphatic cancer. NAS noted that the largest study included the period early in the nuclear industry in which workers were exposed to relatively high amounts of inhaled uranium. (Polednak AP, Frome EL. 1981. Mortality among men employed between 1943 and 1947 at a uranium processing plant. J Occup Med 23(3):169–178). In that study, NAS stated that there were fewer deaths (37) from lymphatic cancer than the expected (SMR=61). Accordingly, the Secretary has determined that the credible evidence against an association between lymphatic cancer and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS noted that bone cancer is rare; thus, the number of cases in all studies is small. NAS concluded that studies to date have not found an increase in bone cancers due to uranium exposure. As one example, NAS noted that the large size of the Oak Ridge cohort provides some evidence that exposure to uranium is not associated with a large excess risk of bone cancer (i.e., a relative risk of 3.0 or greater) (Polednak and Frome, 1981). Accordingly, the Secretary has determined that the credible evidence against an association between bone cancer and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS noted that the preponderance of evidence indicates little or no clinically important renal effects from exposure to uranium. The strongest evidence is the absence of kidney damage in workers exposed to high levels of soluble uranium compounds (Kathren RL, Moore RH. 1986. Acute accidental inhalation of U: A 28 year follow-up. Health Phys 51(5):609–619) and in veterans exposed to depleted uranium from embedded shrapnel. Kidney function was normal in Gulf War veterans with embedded depleted uranium fragments years after exposure, despite high urinary uranium concentrations in some of the subjects (McDiarmid MA, Keogh JP, Hooper FJ, McPhaul K, Squibb K, Kane R, DiPino R, Kabat M, Kaup B, Anderson L, Hoover D, Brown L, Hamilton M, Jacobson-Kram D, Burrows B, Walsh M. 2000. Health effects of depleted uranium on exposed Gulf War veterans. Environ Res 82(2):168–180). Accordingly, the Secretary has determined that the credible evidence against an association between clinically significant renal dysfunction and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS found that the evidence regarding exposure to uranium and diseases of the nervous system is not strong enough to form a firm conclusion. In a study of Gulf War veterans, results from a battery of computer-based neurocognitive tests suggest a statistical relationship between elevated urinary uranium levels and ''problematic performance on automated tests assessing performance efficiency and accuracy'' (McDiarmid et al., 2000). NAS found that the authors of this study did not adequately define their testing methods or the method for deciding the expected level of performance. Traditional tests of neurocognitive function did not show any statistical differences in performance between the veteran cohort and a control group. Accordingly, the Secretary has determined that the credible evidence against an association between diseases of the nervous system and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

Several studies found a significant excess risk of nonmalignant respiratory disease. (Dupre EA, Cragle DL, McLain RW, Crawford-Brown DJ, Teta MJ. 1987. Mortality among workers at a uranium processing facility, the Linde Air Products Company Ceramics Plant, 1943–1949. Scand J Work Environ Health 13(2):100–107; Frome et al., 1990). NAS noted, however, other, larger studies which showed SMRs insufficient credible evidence to conclude that there is a positive association of less than or close to 100 (unity), do not confirm those findings. (Checkoway H, Pearce N, Crawford-Brown DJ, Cragle DL. 1988. Radiation doses and cause-specific mortality among workers at a nuclear materials fabrication plant. Am J Epidemiol 127(2):255–266; Polednak and Frome, 1981; Ritz, 1999). NAS noted that none of the above studies was able to control for smoking. Accordingly, the Secretary has determined that the credible evidence against an association between nonmalignant respiratory disease and uranium exposure outweighs the credible evidence for an association, and he has determined that a positive association does not exist.

In one study, after the accidental inhalation exposure to high levels of uranium, one individual experienced transient gastrointestinal distress. (Lu S, Zhao F–Y. 1990. Nephrotoxic limit and annual limit of intake for natural uranium. Health Phys 58(5):619–623). In that same study, however, NAS found that a case of accidental dermal exposure to uranium produced no reported gastrointestinal effects. Accordingly, the Secretary has determined that the credible evidence against an association between gastrointestinal disease and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS noted that the available scientific literature lacks documentation on adverse immunological effects of uranium. Two studies found that quartz dust-exposed uranium miners had a higher risk for the development of systemic autoimmune disease (Conrad K, Mehlhorn J, Luthke K, Dorner T, Frank K–H. 1996. Systemic lupus erythematosus after heavy exposure to quartz dust in uranium mines: Clinical and serological characteristics. Lupus 5(1):62–69; Conrad K, Levy Y, Blank M, Mehlhorn J, Frank K–H, Roch B, Shoenfeld Y. 1998. The pathogenic 16/6 idiotype in patients with silica associated systemic lupus erythematosus (SLE) and uranium miners with increased risk for development of SLE. JRheumatol 25(4):660–666). Another study reported that uranium miners were more likely to develop scleroderma. NAS stated that it is important to note that exposure to silica in quartz dust may be associated with both SLE and scleroderma. (Baur X, Rihs HP, Altmeyer P, Degens P, Conrad K, Mehlhorn J, Weber K, Wiebe V. 1996. Systemic sclerosis in German uranium miners under special consideration of autoantibody subsets and HLA class II alleles. Respiration 63:368–375). Accordingly, the Secretary has determined that there is insufficient credible evidence to conclude that there is a positive association between adverse immunological effects and uranium exposure.

NAS found that only a few studies have examined the effects of uranium on human reproduction and development. In a subgroup of Gulf War veterans with embedded depleted uranium fragments in soft tissues and muscles, semen contained uranium (McDiarmid et al., 2000). However, the semen characteristics were the same in Gulf War veterans with high urinary uranium excretion as in veterans with low excretion. Accordingly, the

Secretary has determined that the credible evidence against an association between human reproduction abnormalities and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS found that, in the study of Gulf War veterans with retained fragments of depleted uranium, changes in peripheral blood lymphocytes were identical to those of nonexposed Gulf War veterans (McDiarmid et al., 2000). Accordingly, the Secretary has determined that the credible evidence against an association between changes in peripheral blood lymphocytes and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS noted that there was no elevated risk for cardiovascular disease in a study of uranium workers (Lu and Zhao, 1990). Accordingly, the Secretary has determined that the credible evidence against an association between cardiovascular disease and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS found that, in a three-year follow up of an individual accidentally exposed to uranium tetrafluoride (Lu and Zhao, 1990), serum hepatic enzyme levels and liver function tests were within normal limits. Accordingly, the Secretary has determined that the credible evidence against an association between hepatic disease and uranium exposure outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

NAS found that dermal, ocular, and musculoskeletal effects of uranium have not been reported in the literature. Accordingly, the Secretary has determined that there is insufficient credible evidence to conclude that there is a positive association between adverse effects on these body systems and uranium exposure.

V. Sarin

Sarin is a highly toxic nerve agent produced for chemical warfare. In its report, NAS noted that exposure to sarin can be fatal within minutes to hours. In vapor or liquid form, sarin can be inhaled or absorbed, respectively, through the skin, eyes, or mucous membranes.

Possible Sarin Exposure During the Gulf War

According to Department of Defense (DoD) investigators, during the Gulf War no U.S. service members were exposed to chemical warfare nerve agents, including sarin, at levels sufficient to cause acute cholinergic poisoning signs and symptoms. In November 1996 DoD established the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses (OSAGWI) to coordinate DoD's investigations into incidents that may have involved exposure to chemical warfare agents. OSAGWI's activities have been overseen by external independent groups, initially by the Presidential Advisory Committee on Gulf War Veterans Illnesses, and since February 1998 by the Presidential Special Oversight Board.

Khamisiyah was the site of a large ammunition storage area located in southern Iraq. In March 1991, shortly after the cease-fire, U.S. forces used explosives to destroy unmarked chemical warfare munitions at this site. The September 4, 1997, OSAGWI report ''Modeling the Chemical Warfare Agent Release at the Khamisiyah Pit,'' describes joint efforts by DoD and the Central Intelligence Agency to model the release of chemical warfare nerve agents, including sarin, from demolition of chemical warfare munitions at Khamisiyah. This effort involved interviews with U.S. servicemembers present at the demolitions, investigations of amounts and purity of chemical munitions and the agent they contained, meteorological reconstruction studies to evaluate wind directions and atmospheric movement of chemical agents following release, and experimental demolitions of similar chemical warfare munitions.

These results were put together to model an exposure plume showing a geographical area in which any U.S. servicemember present would be exposed to chemical warfare nerve agents, including sarin, at a level sufficient to cause first noticeable effects, i.e., minimum acute cholinergic signs and symptoms. DoD also mailed nearly 20,000 surveys to U.S. servicemembers who had been within 50 km of Khamisiyah at the time of the demolition. Of 7,400 responses received, ''* * * over 99 percent show[ed] no physical effects that could be correlated with exposure to the chemical warfare agent sarin.'' The report concluded, ''No military units were located under the first-effects portion of the plume, which is consistent with the lack of reported effects and with DoD's survey results, which had over 99 percent of the respondents showing no signs of physical effects that could be correlated with exposure to sarin. The troops that performed the demolition had evacuated the area.''

On December 5, 2000, OSAGWI announced the results of its revised modeling of possible sarin exposure from the Khamisiyah demolition. Based on this modeling, OSAGWI revised its estimate of the numbers of U.S. troops who may have been exposed to very low levels of chemical agent for a brief period of time (less than 3 days) after the demolition. As part of that announcement, OSAGWI stated that medical personnel and others who were near Khamisiyah in March 1991 have been interviewed and reported no evidence of health problems related to chemical agent exposure at the time of the demolitions. In addition, OSAGWI stated that its analysis continued to show that the exposure levels would have been too low to activate chemical alarms or to cause any acute or long-term health effects among U.S. troops.

In summary, OSAGWI's investigations of possible exposure or injury of U.S. servicemembers by chemical warfare nerve agents during the Gulf War have found only a single incident—demolition activities at Khamisiyah, Iraq—where exposure was found to be likely. In all other incidents investigated, OSAGWI found that exposure was unlikely, indeterminate or had definitely not occurred. OSAGWI includes a notice in all reports that additional information could change their conclusions. OSAGWI found no other instance where exposure to sarin or other chemical warfare agents was likely.

Acute Effects of Sarin

NAS reported that, in humans, exposure to high doses of sarin produces a well-characterized acute (i.e., immediate) cholinergic syndrome featuring a variety of signs and symptoms affecting the peripheral and central nervous systems (Gunderson CH, Lehmann CR, Sidell FR, Jabbari B. 1992. Nerve agents: A review. Neurology 42(5):946–950). This syndrome, as well as cholinergic signs and symptoms, is evident seconds to hours after exposure and usually resolves in days to months. At high doses, convulsions and death can occur. The peripheral effects are categorized as either muscarinic or nicotinic, in reference to the type of receptor stimulated by acetylcholine. The muscarinic signs and symptoms usually appear first (Lotti M. 2000. Organophosphorous compounds. In:

Spencer P, Schaumburg H, Ludolph A, eds. Experimental and Clinical Neurotoxicology. 2nd edition. New York: Oxford University Press. Pp. 897–925), although the sequence of effects may vary according to the route of sarin's absorption (Stewart CE, Sullivan J Jr. 1992. Military munitions and antipersonnel agents. In: Sullivan JB Jr, Krieger G, eds. Hazardous Materials Toxicology: Clinical Principles of Environmental Health. Baltimore: Williams & Wilkins. Pp. 986–1014). If the dose of sarin is sufficiently high, death results after convulsions and respiratory failure (Lotti, 2000).

NAS reported that the acute health effects of sarin are highly dependent on dose. Because the actual doses to humans under battlefield or terrorist circumstances cannot be measured, and may be difficult to reconstruct, they can be inferred on the basis of their acute clinical effects. A high level of sarin exposure of humans (after single or multiple exposures) is presumed to have occurred when the acute cholinergic syndrome is manifest. An intermediate-level exposure is presumed to have occurred when the acute cholinergic effect is limited to miosis (contraction of the pupil), rhinorrhea (an extreme type of runny nose), and depressed cholinesterase levels in the blood. Finally, low-level exposure may have occurred even though there are no immediately detectable cholinergic signs and symptoms (Brown MA, Brix KA. 1998. Review of health consequences from high-, intermediate- and low-level exposure to organophosphorous nerve agents. J Appl Toxicol 18(6): 393–408). NAS reported that U.S. troops did not report acute cholinergic symptoms at the time, but the possibility of low-level, asymptomatic exposures cannot be discounted. In a series of studies on members of a naval battalion (n = 249) called to active duty for the Gulf War, Haley and Kurt (1997) found that veterans who believed themselves to have been exposed to chemical weapons [1] were more likely to be classified as having one of six postulated syndromes (Haley RW, Kurt TL. 1997. Self-reported exposure to neurotoxic chemical combinations in the Gulf War. A cross-sectional epidemiologic study. JAMA 277(3):231–237). Specifically, this syndrome—labeled by the investigators as ''confusion—ataxia'' or ''syndrome 2'' features problems with thinking, disorientation, balance disturbances, vertigo, and impotence. This was the only syndrome of the six to have been associated with self-reported chemical weapons exposure. There is no evidence of sarin exposure among the veterans in the two studies summarized above.

A follow-up study of vestibular function (sense of balance) was performed on a subset of those veterans (n = 23) who had the highest factor scores on three of the syndromes postulated in 1997 by Haley and Kurt (Roland et al., 2000). The study was designed to probe the nature of veterans' vestibular symptoms, rather than to examine the relationship between vestibular performance and exposure in the Gulf War. Of the 23 veterans in this study, 13 exhibited syndrome 2, whereas the others exhibited syndromes 1 (impaired cognition) and 3 (arthromyoneuropathy). Based on a new questionnaire, veterans with syndrome 2 reported dizzy spells with greater frequency and longer duration than veterans with the other two syndromes. Veterans with syndrome 3, but not syndrome 2, performed significantly differently from controls on dynamic platform posturography (a test similar to that used by Japanese researchers to identify impairment in sarin-exposed females). (Yokoyama K, Araki S, Murata K, Nishikitani M, Okumura T, Ishimatsu S, Takasu N. 1998a. A preliminary study on vestibulo-cerebellar effects of Tokyo subway sarin poisoning in relation to gender difference: Frequency analysis of postural sway. J Occup Med 40(1):17–21). Veterans with other syndromes also had performance decrements on some of the measures of vestibular function. The study concluded that there was both subjective and objective evidence of injury to the vestibular system in this group of Gulf War veterans with newly postulated syndromes. Haley and Kurt (1997) hypothesized that these newfound chronic syndromes represent variants of organophosphorous induced delayed neuropathy (OPIDN) caused by exposure to various combinations of organophosphates (pesticides and nerve agents) and carbamate pesticides that inhibit certain enzymes.

According to NAS, four human populations have been studied following exposure to sarin: military volunteers who were exposed several decades ago to nonlethal doses of sarin and other chemical warfare agents (National Research Council. 1982. Possible Long-Term Health Effects of Short-Term Exposure to Chemical Agents, Vol. 1: Anticholinesterases and Anticholinergics. Washington, DC: National Academy Press. National Research Council. 1985; Possible Long-Term Health Effects of Short-Term Exposure to Chemical Agents, Vol. 3. Final Report. Current Health Status of Test Subjects. Washington, DC: National Academy Press); industrial workers with documented accidental acute exposure to sarin (Duffy FH, Burchfiel JL, Bartels PH, Gaon M, Sim VM. 1979. Long-term effects of an organophosphate upon the human electroencephalogram. Toxicol Appl Pharmacol 47(1):161–176); and victims of the sarin terrorist attacks in Matsumoto City in 1994 and Tokyo in 1995 (Morita H, Yanagisawa N, Nakajima T, Shimizu M, Hirabayashi H, Okudera H, Nohara M, Midorikawa Y, Mimura S. 1995. Sarin poisoning in Matsumoto, Japan. Lancet 346(8970):290–293).

NAS noted that major limitation of most human studies of either long- or short-term health effects is the inability to document actual exposure levels. Most studies of sarin were undertaken in the aftermath of occupational accidents or terrorist attacks. In such cases, the exposure levels were inferred from clinical effects. NAS further noted that high-level exposure is inferred from the acute cholinergic syndrome with outcomes including miosis, rhinorrhea, apnea, convulsions, and possibly death. NAS noted that high-level exposure requires hospitalization or emergency treatment. Intermediate-level exposure is inferred from minimal or threshold cholinergic effects such as miosis or rhinorrhea and limited decline in cholinesterase activity measured in the blood (<20 percent). Low-level exposure can be inferred from proximity to a documented exposure with no clinically detectable cholinergic signs or symptoms or detectable change in blood cholinesterase activity (Brown and Brix, 1998).

Long-Term Health Effects of Sarin

According to NAS, there have been relatively few human studies of sarin's long-term health effects. NAS noted that, in the literature on the survivors of the Japanese terrorist attacks, many health effects were reported to persist after sarin exposure: Fatigue, headache, visual disturbances (asthenopia, blurred vision, and narrowing of the visual field), asthenia, shoulder stiffness, and symptoms of post-traumatic stress disorder; fear of subways; and abnormal test results of unknown clinical significance on the digit symbol test of psychomotor performance, EEG records of sleep, event-related potential, visual evoked potential, and computerized posturography. However, given the mixed exposure not only to sarin, but

[1] Based on self-reports about their perceptions of CW exposure, rather than any evidence of symptomatology. Their geographical and temporal location in relation to the Khamisiyah demolition site was not reported. The questionnaire was sent to participants in 1994, before DoD reported that chemical weapons exposure could have occurred.

also to the trauma of the terrorist attack, it is unclear which of these effects are specifically associated with sarin exposure.

NAS' conclusions were based on retrospective studies of three different exposed populations in which the acute cholinergic signs and symptoms were documented as an acute effect of exposure. The findings from those studies are based on comparisons with control populations. One population consisted of industrial workers accidentally exposed to sarin in the United States; the other two populations were civilians exposed during terrorism episodes in Japan. The health effects listed above were documented at least 6 months after sarin exposure, and some persisted up to a maximum of 3 years, depending on the study. Whether the health effects noted above persist beyond the 3 years has not been studied. There are no well-controlled human studies expressly of sarin's long-term health effects at doses that do not produce acute signs and symptoms.

VA Determination on Sarin

The NAS report concluded that there is ''sufficient evidence of a causal relationship between exposure to sarin and a dose-dependent acute cholinergic syndrome that is evident seconds to hours subsequent to sarin exposure and resolves in days to months.'' The NAS report also found ''limited/suggestive evidence of an association'' between ''exposure to sarin at doses sufficient to cause acute cholinergic signs and symptoms and subsequent long-term health effects.'' Finally, the NAS found ''inadequate/insufficient evidence to determine whether an association does or does not exist'' between ''exposure to sarin at low doses insufficient to cause acute cholinergic signs and symptoms and subsequent long-term adverse health effects.''

The Secretary determined that the decision whether to establish presumptions of service-connection based on sarin exposure properly should be based on certain factual determinations and policy considerations. The Secretary determined, as a factual matter, that (1) no U.S. Armed Forces personnel were exposed to sarin in the Gulf War theatre in amounts sufficient to cause severe, acute effects; and, (2) even if personnel were so exposed, their symptoms would have been such that VA would undoubtedly compensate them anyway for chronic effects under existing law. Given the high level of confidence of the DoD, as evinced by its reports and studies, that no service-members were exposed to sarin at a level producing any acute symptoms or signs of exposure, the Secretary has concluded that it is extremely unlikely that any United States military personnel were exposed to sarin to a degree that would trigger such a presumption during the Gulf War. Based on these factual findings, the Secretary has concluded that such presumptions would be very unlikely to benefit any veterans. Under these circumstances, creation of presumptions of service connection could lead to confusion among potential claimants and have a negative impact on the claims adjudication process. In addition, the Secretary has concluded that the law does not require creation of a presumption in this situation.

Furthermore, the Secretary has concluded that if any veteran had experienced severe, acute sarin-exposure symptoms (such as the cholinergic reactions discussed in the NAS report), those symptoms would have been observed and reported and any disability resulting therefrom could be compensated on a direct-service-connection basis, without the need of a presumption. Also, it is very likely that the existing presumption of service-connection codified at 38 CFR 3.317 regarding undiagnosed illnesses suffered by Gulf War veterans would provide a basis for service connection in the case of veterans suffering from long-term effects suspected of being residuals of sarin exposure. Under section 3.317, if a veteran suffers from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest during service or that becomes manifest to a degree of 10 percent or more before December 31, 2001, the disability shall be presumed to be service connected.

For the foregoing reasons, the Secretary has concluded that neither the acute and transient symptoms resulting from possible sarin exposure, nor any long-term health consequences associated with possible sarin exposure, warrant a presumption of service-connection.

VI. Pyridostigmine Bromide

Pyridostigmine bromide (PB) is a drug used during the Gulf War as a pretreatment to protect troops from the harmful effects of chemical warfare nerve agents. NAS noted that a large number of clinical studies have reported that PB causes acute transient cholinergic effects in normal volunteers, patients given PB as a diagnostic test of hypothalamic pituitary function, and myasthenia gravis patients treated with the drug for extended periods.

NAS found that the epidemiologic data do not provide evidence of a link between PB and chronic illness in Gulf War veterans, noting that there is a paucity of epidemiologic studies on PB and long-term adverse health effects in the peer-reviewed literature. Only two epidemiologic studies investigated the possible association of PB and chronic symptoms among Gulf War veterans. (Haley RW, Kurt TL. 1997. Self-reported exposure to neurotoxic chemical combinations in the Gulf War. A cross-sectional epidemiologic study. JAMA 277(3):231–237; Unwin C, Blatchley N, Coker W, Ferry S, Hotopf M, Hull L, Ismail K, Palmer I, David A, Wessely S. 1999. Health of UK servicemen who served in Persian Gulf War. Lancet 353(9148):169–178). NAS noted that the study by Haley and Kurt, 1997, is limited by the small, selected population studied. NAS also found that this study suffers from reporting bias for adverse health syndromes, and provides an inadequate basis for concluding that an association exists. NAS noted that the other epidemiologic study (Unwin et al., 1999) showed a similar association with adverse symptoms; however, NAS felt that recall and reporting bias may also explain this finding. NAS concluded that neither of these studies provides a basis for holding that a specific association between PB and chronic adverse health effects exists.

VA Determination on PB

Although the NAS report provided evidence of an association between PB and transient, acute cholinergic effects, the report indicated that such effects resolved in a matter of hours following exposure. For this reason, the Secretary has concluded that these acute effects were not in the nature of an illness within the contemplation of the governing statute. Accordingly, the Secretary has concluded that such effects failed to meet the standards for establishment of presumptive service connection based on exposure to PB.

NAS indicated that there are no reliable reports of chronic toxicity related to human PB exposure in clinical or military populations. NAS concluded that there was inadequate/insufficient evidence to determine whether an association does or does not exist between PB and long-term adverse health effects. We are not aware of any other reports of chronic toxicity related to human pyridostigmine bromide exposure in clinical or military populations. For these reasons, the Secretary has determined that the credible evidence against an association between long-term adverse health effects and PB outweighs the credible evidence for such an association, and he

has determined that a positive association does not exist.

VII. Vaccinations

Anthrax Vaccination

Concerns prior to the Gulf War regarding Iraq's offensive biological warfare capabilities led to decisions that available vaccines should be utilized as preventive measures against biological warfare agents. NAS used only the peer-reviewed literature to form its conclusions on the weight of the evidence for associations of the anthrax vaccine with adverse health effects. Only a few published peer-reviewed studies have examined potential adverse effects of the anthrax vaccine when administered to humans.

NAS located only one peer-reviewed study of the type of anthrax vaccine used in the United States (Brachman PS, Gold H, Plotkin S, Fekety FR, Werrin M, Ingraham NR. 1962. Field evaluation of a human anthrax vaccine. Am J Public Health 52:632–645). The Brachman study (and other early experimental studies) found transient local and systemic effects (primarily erythema, edema, induration) from the anthrax vaccine. However, this study did not assess adverse effects beyond 48 hours after vaccination. (NAS found that other published studies (limited to a few short-term studies) reported no significant long-term adverse effects of the vaccine.)

During the development of the anthrax vaccine, several early studies examined adverse reactions in humans but did not provide detailed information on the nature of the monitoring for adverse effects. These studies used early versions of the culture filtrate (protective antigen) vaccine. Wright and colleagues (Wright GG, Green TW, Kanode RG Jr. 1954. Studies on Immunity in Anthrax. V. Immunizing activity of alum-precipitated protective antigen. J. Immunol 73:387–391) described the reactions of 660 persons at Camp Detrick who received a total of 1,936 injections. They found that 0.7 percent of vaccinated subjects reported systemic reactions—typically consisting of mild muscle aches, headaches, and mild-to-moderate malaise lasting 1 to 2 days. Significant local reactions—typically swelling (5–10 cm in diameter) and local pruritus (itching)—occurred in 2.4 percent of the subjects. The incidence of local reactions increased with the number of injections.

In another study at Fort Detrick (Puziss M, Wright GC, 1963. Studies on immunity in anthrax. X. Gel absorbed protective antigen for immunization of man. J Bacteriology 85:230–236), 0.5-ml injections of protective antigen led to similar results. The study reported low rates of erythema, edema, or pruritus at the site of injection (no details were provided) and no systemic reactions. Darlow and colleagues (Darlow, HM, Belton FC, Camb BA. 1956. The use of anthrax antigen to immunize man and monkey. Lancet. 2:476–479) reported on the administration of 1,057 injections of the anthrax vaccine to 373 individuals (369 persons received two or more injections) over a period of 4 years. Most of the reactions were mild and brief (local tenderness and swelling). There was an increase in the number of persons experiencing pain after the second dose, and local reactions increased with successive booster injections. The study reported that three people had brief and mild fever.

Botulinum Toxoid Vaccination

NAS found only a few published peer-reviewed studies that examined the potential adverse health effects of the botulinum toxoid vaccine when administered to humans. One study (Fiock MA, Devine LF, Gearinger NF, Duff JT, Wright GG, Kadull PJ. 1962. Studies on immunity to toxins of Clostridium botulinum. VIII. Immunological response of man to purified bivalent AB botulinum toxoid. J Immunol 88:277–283) reported on tests of bivalent toxoid preparations by Parke, Davis, and Company. NAS noted that the study reported that after 800 injections, no systemic or severe local reactions occurred. NAS also noted that the report did not discuss the surveillance methods for monitoring adverse health effects. A subsequent study (Fiock MA, Cardella MA, Gearinger NF. 1963. Studies on immunity to toxins of Clostridium botulinum. X. Immunologic response of man to purified pentavalent ABCDE botulinum toxoid. J Immunol 90:697–702) examined four different pentavalent toxoid lots prepared by Parke, Davis, and Company. NAS noted that the only statement about adverse reactions made by the investigators in their report was that 400 individuals received the pentavalent toxoid with ''no marked local or marked systemic reactions.'' NAS stated that the studies have noted transient local and systemic effects of the botulinum toxoid vaccine; however, these studies have not used active surveillance to systematically evaluate long-term health outcomes.

Multiple Vaccinations

Military personnel often receive several vaccinations as they prepare for service in an environment with many endemic diseases. Several studies of Gulf War veterans have tried to discover an association between health outcomes and exposure to vaccinations. Unwin et al., 1999, reported the results of a large cross-sectional postal survey on a random sample of U.K. Gulf War, Gulf War era, and Bosnia conflict veterans. The Gulf War and Bosnia troops were vaccinated against hepatitis A and B, yellow fever, typhoid, poliomyelitis, cholera, and tetanus, as well as against biological warfare agents. NAS found that this study provided some limited evidence of an association between multiple vaccinations and long-term multisymptom outcomes. NAS also noted that this study was conducted through questionnaire and relied primarily on self-reports.

A recently released study (Hotopf M, David A, Hull L, Ismail K, Unwin C, Wessely S. 2000. Role of vaccinations as risk factors for ill health in veterans of the Gulf War: Cross sectional study. BMJ 320:1363–1367) reported on a further analysis of the United Kingdom data. This study focused on U.K. Gulf War veterans who reported that they had copies of their vaccine records. The study examined the vaccines received, the timing of vaccinations, and six health outcomes (multisymptom outcome, psychological distress, post-traumatic stress reaction, fatigue, health perception, and physical functioning). NAS found that this study is consistent with the hypothesis that receiving multiple vaccinations within a narrow window of time, during a period of presumed stress, could be associated with the development of multiple symptoms and impaired functional status. NAS noted, however, that this study was limited by its cross-sectional nature and the fact that it relied on vaccine records that had been retained by only 28 percent of the study respondents. NAS noted that there were limiting and confounding factors in both studies (Unwin et al., 1999; Hotopf et al., 2000) and NAS pointed out the need for further research. NAS found that certain multiple vaccination programs can lead to antibody responses, but there is little evidence of other adverse consequences beyond transient local and systemic effects seen frequently with any vaccination.

VA Determinations on Anthrax Vaccination, Botulinum Toxoid Vaccination and Multiple Vaccination

Although the NAS report provided evidence of an association between anthrax vaccination, botulinum toxoid vaccination and multiple vaccinations and transient acute local and systemic effects as are typically associated with vaccinations, these effects represent the

body's normal, short-term reaction to introduction of the beneficial vaccines. For this reason, the Secretary has concluded that these acute effects were not in the nature of an illness within the contemplation of the governing statute. Accordingly, the Secretary has concluded that such effects failed to meet the standards for establishment of presumptive service-connection based on anthrax vaccination, botulinum toxoid vaccination or multiple vaccinations.

NAS indicated that there are no reliable reports of chronic toxicity related to anthrax vaccination, botulinum toxoid vaccination or multiple vaccinations in clinical or military populations. NAS concluded that there was inadequate/insufficient evidence to determine whether an association does or does not exist between these vaccinations and long-term adverse health effects. We are not aware of any other reports of chronic toxicity related to these vaccinations in clinical or military populations. For these reasons, the Secretary has determined that the credible evidence against an association between long-term adverse health effects and these vaccinations outweighs the credible evidence for such an association, and he has determined that a positive association does not exist.

VIII. Conclusion

NAS reviewed published scientific and medical articles published, and issued the report entitled ''Gulf War and Health, Volume 1. Depleted Uranium, Sarin, Pyridostigmine Bromide, Vaccines.'' In the judgment of the Secretary, the comprehensive review and evaluation of the available literature which NAS conducted in conjunction with its report permitted VA to determine whether a presumption of service connection should be established for any illness suffered by Gulf War veterans based on exposure to depleted uranium, sarin, PB, and certain vaccines. For the foregoing reasons, the Secretary has concluded that the establishment of a presumption of service connection is not warranted.

Approved: June 12, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

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Federal Register

Friday,
July 6, 2001

Part II

Department of Education

National Institute on Disability and Rehabilitation Research

Final Funding Priorities for Fiscal Years (FY) 2001–2002 for Two Rehabilitation Research Training Centers; Grant Application Invitation and Pre-Application Meeting; Notices

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of Final Funding Priorities for Fiscal Years (FY) 2001–2002 for two Rehabilitation Research Training Centers.

SUMMARY: We announce final funding priorities for FY 2001–2002 for two Rehabilitation Research Training Centers (RRTC) under the National Institute on Disability and Rehabilitation Research (NIDRR): Improving Vocational Rehabilitation (VR) Services for Individuals Who Are Blind or Have Severe Visual Impairments and Improving Vocational Rehabilitation (VR) Services for Individuals Who Are Deaf or Hard of Hearing. We take this action to focus research attention on areas of national need. We intend these priorities to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: These priorities take effect on August 6, 2001.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna.Nangle@ed.gov.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The final priorities refer to NIDRR's Long-Range Plan (the Plan). The Plan can be accessed on the World Wide Web at: *http://www.ed.gov/offices/OSERS/NIDRR/#LRP*.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Authority

The authority for the program to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(g) and 764(b)). Regulations governing this program are found in 34 CFR part 350.

Note: This notice does not solicit applications. A notice inviting applications is published in this issue of the **Federal Register**.

Analysis of Comments and Changes

On April 25, 2001, we published a notice of proposed priorities in the **Federal Register** (66 FR 20866). The Department of Education received nine letters commenting on the notice of proposed priorities by the deadline date. Technical and other minor changes—and suggested changes that we are not legally authorized to make under statutory authority—are not addressed.

RRTC on Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments

Comment: One commenter suggested that language in the priority requiring the development of a national information and resource referral base be expanded to include a comprehensive on-line information and resource referral data base with a special emphasis on the training needs of State Business Enterprise program facilities.

Discussion: NIDRR believes that an applicant should be allowed discretion in its development of the required database. The current language allows for such discretion, and does not preclude an applicant from developing a national information and resource referral database whose scope of activities extends beyond but is not limited to the training needs of State Business Enterprise program facilities. An applicant could propose a more comprehensive information and resource referral database as part of its specified project plan. The merits of an expanded plan would be subject to evaluation through the application panel review process.

Changes: None.

Comment: One commenter suggested that the title of the priority be changed from the ''RRTC on Rehabilitation of Persons Who Are Blind or Visually Impaired'' to ''Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments'' to reflect better the stated emphasis of the RRTC on the conduct of vocational rehabilitation focused research and training activities.

Discussion: NIDRR agrees with the commenter that the priority emphasizes the conduct of activities that have a clear focus on improving vocational rehabilitation services for individuals who are blind or have severe visual impairments.

Change: The title of the priority has been changed to ''Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments''.

Comment: A commenter recommended that an applicant be encouraged to work with the current NIDRR-funded RRTCs that have an employment focus in its conduct of the related research required in the priority.

Discussion: The priority requires the RRTC, in consultation with the NIDRR project officer, to coordinate with appropriate Federally funded projects and to identify other relevant NIDRR-funded projects for collaborative activities.

Change: None.

RRTC on Improving Vocational Rehabilitation (VR) Services for Individuals Who Are Deaf or Hard of Hearing

Comment: One commenter noted that there is a continuing need for research on tinnitus, which frequently accompanies hearing loss, and expressed an interest in seeing an RRTC program specific to the needs of this population.

Discussion: NIDRR is sensitive to the research needs of this population and will consider the research needs of persons with tinnitus in future NIDRR planning.

Changes: None.

Comment: One commenter felt that the population parameters proposed for this RRTC are too broad and include, actually, two different populations. The commenter also suggested focusing the proposed RRTC on the substantial needs of persons who are prelingually or culturally deaf or both, including those who are referred to as low-functioning. The respondent further noted that the employment and personal adjustment issues of persons who are hard of hearing or late deafened has been and should continue to be the focus of a different NIDRR–RRTC with that specific focus. Finally, the commenter suggested that the overlap in the two distinctly different target populations is unnecessary, and helps to ''muddy the waters'' on the very different characteristics and needs of and services to the two different populations. Two other respondents also felt that the needs of the hard of hearing differ significantly from those of persons who are deaf and that the service needs of the two populations should not be mingled.

Discussion: NIDRR appreciates the range of different needs within the diverse population referred to as ''deaf or hard of hearing.'' It is noted, however, that this priority deals primarily with the Vocational Rehabilitation (VR) and employment aspects of rehabilitation for these populations and, while other aspects are expected to be weighted in determining the client's VR needs, the primary issue addressed is entry or reentry into the labor market.

Changes: None.

Comment: Internal Department of Education review noted that the title of the other RRTC in this notice has been changed to read ''Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments'' and raised the question if this RRTC title should also be changed.

Discussion: NIDRR agrees with the commenter that the priority emphasizes the conduct of activities that have a clear focus on improving vocational rehabilitation services for individuals who are deaf or hard of hearing.

Change: The title of the priority has been changed to ''Improving Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing''.

Authority for Rehabilitation Research and Training Centers

The authority for the RRTC program is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(b)(2)). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations, for coordinated research and training activities. These entities must be of sufficient size, scope, and quality to effectively carry out the activities of the Center in an efficient manner consistent with appropriate State and Federal laws. They must demonstrate the ability to carry out the training activities either directly or through another entity that can provide that training. The Secretary may make awards for up to 60 months through grants or cooperative agreements. The purpose of the awards is to support planning and conducting research, training, demonstrations, and related activities leading to the development of methods, procedures, and devices that will benefit individuals with disabilities, especially those with the most severe disabilities.

Description of Rehabilitation Research and Training Centers

RRTCs are operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services. RRTCs serve as centers of national excellence and as national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

RRTCs conduct coordinated, integrated, and advanced programs of research in rehabilitation targeted toward the production of new knowledge to improve rehabilitation methodology and service delivery systems, to alleviate or stabilize disabling conditions, and to promote maximum social and economic independence of individuals with disabilities.

RRTCs provide training, including graduate, pre-service, and in-service training, to assist individuals to more effectively provide rehabilitation services. They also provide training including graduate, pre-service, and in-service training, for rehabilitation research personnel and other rehabilitation personnel.

RRTCs serve as informational and technical assistance resources to providers, individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of these individuals through conferences, workshops, public education programs, in-service training programs and similar activities.

RRTCs disseminate materials in alternative formats to ensure that they are accessible to individuals with a range of disabling conditions.

NIDRR encourages all Centers to involve individuals with disabilities and individuals from minority backgrounds as recipients of research training, as well as clinical training.

The Department is particularly interested in ensuring accountability for the expenditure of public funds, will monitor the execution of intended activities and the advancement of knowledge and, has built this accountability into the selection criteria. To assist in program compliance with the Government Performance Results Act (GPRA), not later than three years after the establishment of any RRTC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Priority 1: Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments

Background

Based on 1996 worldwide population estimates, approximately 45 million persons are blind and 135 million have low vision (World Health Organization Programs for the Prevention of Blindness and Deafness, 1997). One in six Americans (17 percent) age 45 years or older, or 13.5 million middle-aged and older adults, reports some form of vision impairment even when wearing glasses or contact lenses (The Lighthouse Inc., 1995). Nationally, only 43.7 percent of persons age 21 to 64 who are visually impaired, defined as difficulty or inability to see words and letters, are employed. Among individuals unable to see words and letters, the figure decreases to 30.6 percent. This proportion is significantly lower than the estimated 80 percent of persons without disabilities in this age group who are employed (based on 1994–1995 estimates: McNeil, 1997; personal communication, November 16, 1996).

NIDRR published a Long-Range Plan (The Plan) which is based on a paradigm for rehabilitation that identifies disability in terms of its relationship between the individual and the natural, built, cultural, and social environment (63 FR 57189–57219). The Plan focuses on both individual and systemic factors that have an impact on the ability of individuals with disabilities to function.

In accord with this Plan, the Department will establish an RRTC whose mission is to conduct research and training activities designed to improve employment and career outcomes for individuals who are blind or have visual impairments through vocational rehabilitation, community rehabilitation, post-secondary education, and independent living services. Research and training activities under this RRTC must clearly focus on the vocational rehabilitation needs of adults, who, by definition, are the primary recipients of vocational rehabilitation services. Likewise, the RRTC should focus on individuals who are blind or have severe visual impairment, as opposed to those who have minimal vision loss.

With the passage of the Workforce Investment Act of 1998 (WIA) and the Work Incentive Improvement Act of 1998, vocational rehabilitation agencies were ensured a role in developing community partnerships and establishing vocational rehabilitation as

a major part of the workforce development system and one-stop centers. As a result, vocational rehabilitation agencies are now collaborating with welfare to work programs, independent living centers, and colleges and technical schools. The influence of such collaboration upon vocational outcomes for individuals who are blind or have visual impairments remains unknown. Thus, there is a need to investigate and document the impact of changes in disability and employment legislation on the extent to which the vocational rehabilitation agencies address the unique employment needs of individuals who are blind and have visual impairments. Research should identify barriers that hinder the participation of individuals who are blind or have visual impairments in these evolving systems and develop and document effective strategies to eliminate such barriers.

Understanding the ongoing employment problems of individuals who are blind or have visual impairments has been hampered by the virtual absence of salient data such as work history, use of assistive techniques, transportation, and other environmental features. A subtle constraint is the tendency to ''over attribute'' problems to individuals' vision status without seriously examining the dynamics of vision loss in relation to other characteristics of the work they do or seek to do, and characteristics of their work settings. Thus, there is a serious need to identify and document salient demographic and employment-related characteristics associated with working-age adults who are blind or have visual impairments, including but not limited to highlighting differences among this group, as well as general differences between working-age adults with disabilities and working-age adults without disabilities. Research that results in contemporary and accurate data on employment status and an improved understanding of employment issues is critically important to the development of a national agenda and strategies to achieve full employment for individuals who are blind or have visual impairments.

New computer technologies and the growing trend toward home-based work appear to enhance the employment outcomes and earning potential of individuals with disabilities. New computer and information technologies place a premium on intellectual and interpersonal skills and offer solid employment opportunities for individuals with disabilities who remain current with the changing work environment. Efforts to support individuals who are blind or have visual impairments can be enhanced by using emerging technologies to improve access to services (particularly for individuals in remote areas), reduce information dissemination barriers, improve employment training and job opportunities, and facilitate improved training options for service providers. Research should be focused on determining how computer technology can be effectively used to improve the independence of individuals who are blind or visually impaired, identifying barriers that prevent access and expanded use of technology, and, increasing service provider knowledge of and experience with using technology to support rehabilitation service efforts.

Computer and information technology is changing rapidly. Rehabilitation professionals must have state-of-the-art knowledge of accessible computer and information technology for individuals who are blind or visually impaired. To address such a need, this RRTC will facilitate collaboration between the Rehabilitation Services Administration (RSA) and NIDRR to support the training of State vocational rehabilitation agency staff through use of a train the trainer model.

Since 1936 the Randolph-Sheppard Act has been a source of employment for individuals who are blind. This program enables individuals who are blind to become licensed facility managers and operate vending facilities on Federal and State property. According to RSA, in fiscal year 1999, 2,809 blind vendors operated 3,352 vending facilities under the Randolph-Sheppard Act Program. The program generated $448.1 million in gross earnings, with individual vendors averaging an annual income of $32,544. The RRTC should undertake an assessment to identify areas of the program that may be improved by training Business Enterprise Program counselors and licensed managers. The training is intended to foster the acquisition of improved skills by counselors and licensed managers and increase the capacity of the Business Enterprise Program to be competitive with other vending facilities.

Priority

We will establish a RRTC on improving vocational services for individuals who are blind or have visual impairments that will conduct research and training activities and develop and evaluate model approaches to improve the employment outcomes for such individuals. In carrying out this purpose, the center must:

(a) Investigate and document the impact of changes in disability and employment legislation on the ability to address the unique employment-related needs of individuals who are blind or have visual impairments (e.g., Workforce Investment Act of 1998, Rehabilitation Act Amendments of 1998) and service delivery options and policy (e.g., State and Federal VR, Community Rehabilitation Programs, One-Stop Centers, presumptive eligibility, order of selection, informed choice, CSPD) using formal research protocols on workforce participation and employment outcomes achieved by persons who are blind or have visual impairments and considering such factors as age, gender, race or ethnic background, education, severity of impairment, and secondary disability;

(b) Investigate, document, and analyze existent State and Federal data sets (e.g., RSA 911 data, NCHS data sets on population health conditions, the national Independent Living Center survey and the annual State-by-State VR agency data sets detailing performance outcomes), to determine different employment outcomes for persons who are blind or have visual impairments and the relationship of the outcomes to client and service provider characteristics (e.g., age of onset of blindness or visual impairment relative to successful employment outcomes);

(c) Investigate and document how State vocational rehabilitation agencies, other public agencies, and private service providers overcome environmental barriers (e.g., using assistive technology and jobsite modifications) in order to improve employment outcomes for individuals who are blind or have visual impairments; and

(d) Develop a national information and resource referral data base for the training needs of State business enterprise program facilities; develop and deliver training programs to meet the identified training needs; and develop measures that can be used to evaluate the efficacy of the training.

The RRTC must conduct at least three conferences to train vocational rehabilitation staff on state-of-the-art information and computer technology for individuals who are blind or have visual impairments.

In addition, the RRTC must:

- Involve individuals who are blind or have visual impairments and, if appropriate, their representatives, in planning, developing, and implementing the research, training,

dissemination and evaluation activities of the RRTC;

• Coordinate with appropriate Federally funded projects; and

• Identify coordination responsibilities through consultation with the assigned NIDRR Project Officer. These responsibilities may include outreach to specific NIDRR Disability and Rehabilitation Research Projects, Rehabilitation Engineering and Research Centers, RRTCs, Disability Business and Technical Assistance Centers, Assistive Technology projects, Office of Special Education programs, and RSA projects.

Priority 2: Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing

Background

According to the National Center for Health Statistics (NCHS), approximately 8.6 percent of the national population experience hearing loss (Ries, 1994, *Vital and Health Statistics, 10*(188)). Using population projections for the year 2000 (U.S. Bureau of the Census, 1999, *Statistical Abstract of the United States*) and adjusting for the increase in prevalence of hearing loss due to aging, NCHS estimates that approximately 26.5 million persons experience hearing loss. Of these persons, 80 percent experience permanent, irreversible hearing damage (National Strategic Research Plan for Hearing and Hearing Impairment and Voice and Voice Disorders, National Institute on Deafness and Communicative Disorders, 1992). Furthermore, this population is quite heterogeneous, varying with respect to degree and type of hearing loss, age at onset, individual communication mode, level of personal or employment functionality and race or ethnic background. As a result, the population needs diverse vocational rehabilitation (VR) services.

Degree of hearing loss functionally distinguishes persons who are hard of hearing and persons who are deaf. Persons identified as hard of hearing may understand conversational speech with or without amplification and are not primarily dependent on visual communication (Rehabilitation Services Administration, 1995). Estimates indicate there are more than 10.5 million hard of hearing individuals of working age. Persons who are deaf are primarily dependent upon visual communication such as writing, text reading (also known as CART or computer-aided real-time translation), speech reading, sign language, and sign language interpreting. This population includes persons who are born deaf as well as those who become deaf later in life.

The age at which one becomes deaf strongly influences their language, academic and vocational development, and therefore figures prominently in that person's VR needs. Persons born deaf or who become deaf during early childhood are likely to need specialized services such as access to service providers who can communicate using American Sign Language or other visual-gesture languages and vocational assistance to enhance their employment prospects (Easterbrooks & Baker-Hawkins, Deaf and Hard of Hearing Students Educational Service Guidelines, National Association of State Directors of Special Education). Estimates indicate that there are approximately 479,000 deaf individuals of working age (18–64) who became deaf during early childhood.

Yet another category of individuals is those persons who become deaf after having experienced hearing as well as speech and language development. Members of this group may include people who have already completed substantial formal education, maintained a career, and generally functioned as a hearing person before being deafened. While these individuals already possess speech and language, they will be dependent primarily on visual receptive communication. Estimates indicate that there are approximately 2.8 million such individuals in the United States.

The population of persons who are deaf also includes a subgroup identified largely on the basis of functional needs in addition to hearing loss. This group of deaf persons has been described as ''low functioning.'' (Serving Individuals Who Are Low Functioning Deaf, 25th Institute on Rehabilitation Issues, Rehabilitation Services Administration, 1999). Persons who are deaf and low functioning vary with respect to rehabilitation needs due to a diagnosed secondary disability or related academic, language, or behavioral factors. Those individuals may require rehabilitation assistance in areas such as communication, education, independent living skills, and a full continuum of employment preparation, entry, and ongoing supports. Estimates of the population indicate that there are approximately 144,000 individuals of working age who are deaf and low functioning (25th Institute on Rehabilitation Issues, 1999).

When provided appropriate and effective VR services, deaf individuals whose level of social and vocational function is severely limited can obtain and maintain employment (Conway, Work Place Issues, Career Opportunities, Advancement and Deafness, Volta Review, 1995). Often, however, a broad range of services are needed, and these services must be provided in an accessible manner that recognizes individual communication needs and preferences (Conway, 1995). Among the cases closed by State VR agencies were 17,863, or 72.9 percent, closed as rehabilitated and 6,627, or 27.1 percent, closed as non-rehabilitated. Of the ''rehabilitated'' group closures, 77.4 percent were in competitive employment, 1.9 percent in extended employment, 2.6 percent in self-employment, and the balance in other employment sectors (RSA, Caseload Services data, 1996). Interestingly, close examination of closure rates for specific target groups indicate that deaf persons achieve employment at significantly lower percentages than their hard of hearing counterparts. Research is needed to address different services in order to obtain optimal outcomes. Despite this disparity in outcome, these data clearly document the role and contributions of the State and Federal VR system in providing services that lead to employment outcomes for significant numbers of individuals who are deaf.

Currently, the State and Federal VR system is undergoing significant change in response to conditions occurring in the labor market and the resulting need for workers. The labor force is characterized by economic growth, a low rate of unemployment, technological advances, and demand for jobs that require higher education and training. Plans to meet the State and local workforce needs of persons with disabilities, including persons who are deaf or hard of hearing, must be responsive to current thrusts in service delivery policy such as presumptive eligibility, continuing emphasis on order of selection, informed choice, one-stop service delivery, and increased demands for new approaches in training and personnel preparation (25th Institute on Rehabilitation Issues, 1999). It is clear that agencies will require significant technical assistance and resources in developing service models and approaches for serving special populations such as deaf and hard of hearing persons in response to these changes (Hopkins & Walter, 1999; PEPNet Needs Assessment: Summary of Findings, In Kolvitz, (Ed.), Empowerment through partnerships: PEPNet 1998; Boone & Watson, Identifying the Technical Assistance Needs of Community Based Rehabilitation Centers Serving Persons

who are Deaf or Hard of Hearing, 1999). Research is needed to identify service delivery needs of persons who are deaf or hard of hearing and to develop interventions that result in satisfactory employment outcomes.

There is a clear need for ongoing research to maintain and improve successful employment and career outcomes resulting from VR, community rehabilitation, postsecondary education, and independent living services for persons who are deaf (NIDRR Long-Range Plan, 63 FR 57189–57219). Research under this competition must clearly focus on the VR needs of deaf individuals, including subgroups within this population with prevocational and post-vocational hearing loss, and those individuals identified as low functioning. There is need to examine decisionmaking processes as they impact upon deaf individuals and relevant others such as service providers, advocates, advisors, and family members, in relation to issues of access and participation by deaf and hard of hearing individuals in appropriate VR, postsecondary training, and independent living services. When such research analysis or mapping of decision processes and information sharing reveals problems, then appropriate resource development activities must be pursued, such as development of curriculum materials, training, evaluation, and technical assistance. In particular, strategies will be needed to involve new partners such as ''one-stops'' and centers for independent living, and underserved subgroups within the deaf and hard of hearing populations, such as those individuals described as low functioning and others with special needs. Research must investigate variables related to specific deafness and hard of hearing subgroups, services settings, measures of program participation, and measures of success within the changing policy, labor market, and service delivery environments.

Priority

We will establish an RRTC on VR services for individuals who are deaf or hard of hearing that will conduct research and training activities and develop and evaluate model approaches to improve the employment outcomes for such individuals. In carrying out this purpose, the center must:

(a) Investigate and document the impact of changes in disability and employment legislation (e.g., Workforce Investment Act of 1998, Rehabilitation Act Amendments of 1998) and service delivery options and policy (e.g., State and Federal VR, Community Rehabilitation Programs, One-Stop Centers, presumptive eligibility, order of selection, informed choice, CSPD) using formal research protocols on workforce participation and employment outcomes achieved by persons who are deaf or hard of hearing (including those identified as low functioning) and considering such factors as age, gender, race or ethnic background, education, severity of impairment, and secondary disability;

(b) Identify, evaluate, and document contemporary business policies and practices that contribute to accessible work, workplace supports, and environments to enhance the employment of persons who are deaf or hard of hearing;

(c) Identify, develop, and measure the impact of innovative rehabilitation practices, resource materials, post-secondary training, and technology (for State and Federal VR, Independent Living, and Community-based Rehabilitation Programs) that will enhance the workforce participation, employment, and community living outcomes achieved by persons who are deaf or hard of hearing; and

(d) Develop and disseminate resources through a national technical assistance, information, and referral network for consumers who are deaf or hard of hearing (including those referred to as low functioning deaf), their employers, advocates, family members, and rehabilitation service providers.

The RRTC must conduct at least three conferences to train vocational rehabilitation staff on state-of-the-art information and computer technology for individuals who are deaf or hard of hearing.

In addition, the RRTC must:

- Coordinate the activities of this Center with the efforts of other grantees from NIDRR, the Office of Special Education (OSEP), or RSA who are involved in postsecondary training, transition, job-related or vocational and career studies, independent living needs, and aspects of rehabilitation technology addressing the needs of persons who are deaf, particularly those referred to as low functioning deaf.
- Solicit and incorporate direct input from persons who are deaf, their service providers, and their employers as part of the ongoing planning, development, and implementation of the Center's research activities.
- Construct scientific and measurable techniques for each research project.
- Provide dissemination to rehabilitation professionals, through training and technical assistance of new and effective rehabilitation techniques and practices that may enhance service delivery, quality employment, and community integration findings.
- Develop sources for supplementary funding that will permit the Center more latitude in exploring additional related studies, in addition to the Federal monies available from this RRTC grant.

Applicable Program Regulations: 34 CFR part 350.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: www.ed.gov/legislation/FedRegister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of the document is published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

(Catalog of Federal Domestic Assistance Number 84.133B, Rehabilitation Research Training Center)

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–16984 Filed 7–5–01; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133B]

Notice Inviting Applications and Announcing a Pre-Application Meeting for New Rehabilitation Research and Training Centers for Fiscal Years (FY) 2001–2002

AGENCY: Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research; Department of Education.

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the programs and applicable regulations governing the programs including the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant under these competitions.

The notice of final funding priorities for Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Have Severe Visual Impairments and Improving Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing are published elsewhere in this issue of the **Federal Register**.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants

Parties eligible to apply for grants under this program are States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education; and Indian tribes and tribal organizations.

Application Available: July 6, 2001.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86, and 97, and the program regulations 34 CFR part 350.

Pre-Application Meeting

Interested parties are invited to participate in a pre-application meeting to discuss the funding priorities. In the meeting you will receive technical assistance and information about the funding priority. The meeting will be held on July 26, 2001. You may attend the meeting either in person or by conference call at the Department of Education, Office of Special Education and Rehabilitative Services, Switzer Building, Room 3065, 330 C St. SW., Washington, DC between 10:00 a.m. and 12 noon. NIDRR staff will also be available at this location from 1:30 p.m. to 4:00 p.m. on that same day to provide technical assistance through individual consultation about the funding priority. For further information or to make arrangements to participate in the July 26, 2001, meeting contact Donna Nangle, Switzer Building, room 3414, 400 Maryland Avenue, SW., Washington, DC 20202. Internet: Donna.Nangle@ed.gov Telephone (202) 205–5880. If you use a telecommunication device for the deaf (TDD), you may call (202) 205–4475.

Assistance to Individuals With Disabilities at the Public Meetings

The meeting site is accessible to individuals with disabilities, and a sign language interpreter will be available. If you need an auxiliary aid or service other than a sign language interpreter in order to participate in the meeting (e.g., other interpreting service such as oral, cued speech, or tactile interpreter; assistive listening device; or materials in alternative format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request we receive after this date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

APPLICATION NOTICE FOR FISCAL YEAR 2001—REHABILITATION RESEARCH TRAINING CENTERS, CFDA NO. 84–133B

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
84.133B–1 Improving Vocational Rehabilitation Services for Individuals Who Are Blind or Visually Impaired.	August 17, 2001	1	$600,000	60
84.133B–5 Improving Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing.	August 17, 2001	1	600,000	60

*The Secretary will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount in any year (See 34 CFR 75.104(b)).

Note: The estimates of funding level and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3414, Switzer Building, Washington, DC 20202–2645. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. *Internet:* Donna.Nangle@ed.gov

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

For Applications Contact: The Grants and Contracts Service Team (GCST), Department of Education, 400 Maryland Avenue SW., Switzer Building, 3317, Washington, DC 20202, or call (202) 205–8207. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9860. The preferred method for requesting information is to FAX your request to (202) 205–8717.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the GCST. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Selection Criteria

Criteria

The Secretary uses the following selection criteria to evaluate applications for the priorities. The total maximum score for the criteria is 100 points.

(a) Importance of the Problem (9 Points Total)

(1) The Secretary considers the importance of the problem.

(2) In determining the importance of the problem, the Secretary considers the following factors:

(i) The extent to which the applicant clearly describes the need and target population (3 points).

(ii) The extent to which the proposed activities address a significant need of those who provide services to individuals with disabilities (3 points).

(iii) The extent to which the proposed project will have beneficial impact on the target population (3 points).

Responsiveness to an Absolute or Competitive Priority (4 Points Total)

(1) The Secretary considers the responsiveness of the application to an absolute or competitive priority published in the **Federal Register**.

(2) In determining the application's responsiveness to the absolute or competitive priority, the Secretary considers the extent to which the applicant's proposed activities are likely to achieve the purposes of the absolute or competitive priority (4 points).

(c) Design of Research Activities (35 Points Total)

(1) The Secretary considers the extent to which the design of research activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the research activities constitute a coherent, sustained approach to research in the field, including a substantial addition to the state-of-the-art (5 points).

(ii) The extent to which the methodology of each proposed research activity is meritorious, including consideration of the extent to which—

(A) The proposed design includes a comprehensive and informed review of the current literature, demonstrating knowledge of the state-of-the-art (5 points);

(B) Each research hypothesis is theoretically sound and based on current knowledge (5 points);

(C) Each sample population is appropriate and of sufficient size (5 points);

(D) The data collection and measurement techniques are appropriate and likely to be effective (5 points); and

(E) The data analysis methods are appropriate (5 points).

(iii) The extent to which anticipated research results are likely to satisfy the original hypotheses and could be used for planning additional research, including generation of new hypotheses where applicable (5 points).

(d) Design of Training Activities (11 Points Total)

(1) The Secretary considers the extent to which the design of training activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the proposed training materials are likely to be effective, including consideration of their quality, clarity, and variety (2 points).

(ii) The extent to which the proposed training methods are of sufficient quality, intensity, and duration (2 points).

(iii) The extent to which the proposed training content—

(A) Covers all of the relevant aspects of the subject matter (2 points); and

(B) If relevant, is based on new knowledge derived from research activities of the proposed project (2 points).

(iv) The extent to which the proposed training materials and methods are accessible to individuals with disabilities (1 point).

(v) The extent to which the applicant is able to carry out the training activities, either directly or through another entity (2 points).

(e) Design of Dissemination Activities (8 Points Total)

(1) The Secretary considers the extent to which the design of dissemination activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the content of the information to be disseminated—

(A) Covers all of the relevant aspects of the subject matter (1 point); and

(B) If appropriate, is based on new knowledge derived from research activities of the project (1 point).

(ii) The extent to which the materials to be disseminated are likely to be effective and usable, including consideration of their quality, clarity, variety, and format (2 points).

(iii) The extent to which the methods for dissemination are of sufficient quality, intensity, and duration (2 points).

(iv) The extent to which the materials and information to be disseminated and the methods for dissemination are appropriate to the target population, including consideration of the familiarity of the target population with the subject matter, format of the information, and subject matter (1 point).

(v) The extent to which the information to be disseminated will be accessible to individuals with disabilities (1 point).

(f) Design of Technical Assistance Activities (5 Points Total)

(1) The Secretary considers the extent to which the design of technical assistance activities is likely to be effective in accomplishing the objectives of the project.

(2) In determining the extent to which the design is likely to be effective in accomplishing the objectives of the project, the Secretary considers the following factors:

(i) The extent to which the methods for providing technical assistance are of sufficient quality, intensity, and duration (1 point).

(ii) The extent to which the information to be provided through technical assistance covers all of the relevant aspects of the subject matter (2 points).

(iii) The extent to which the technical assistance is appropriate to the target population, including consideration of the knowledge level of the target population, needs of the target population, and format for providing information (1 point).

(iv) The extent to which the technical assistance is accessible to individuals with disabilities (1 point).

(g) Plan of Operation (5 Points Total)

(1) The Secretary considers the quality of the plan of operation.

(2) In determining the quality of the plan of operation, the Secretary considers the following factors:

(i) The adequacy of the plan of operation to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, and timelines for accomplishing project tasks (3 points).

(ii) The adequacy of the plan of operation to provide for using resources, equipment, and personnel to achieve each objective (2 points).

(h) Collaboration (3 Points Total).

(1) The Secretary considers the quality of collaboration.

(2) In determining the quality of collaboration, the Secretary considers the following factors:

(i) The extent to which the applicant's proposed collaboration with one or more agencies, organizations, or institutions is likely to be effective in achieving the relevant proposed activities of the project (1 point).

(ii) The extent to which agencies, organizations, or institutions demonstrate a commitment to collaborate with the applicant (2 points).

(i) Adequacy and Reasonableness of the Budget (3 Points Total)

(1) The Secretary considers the adequacy and the reasonableness of the proposed budget.

(2) In determining the adequacy and the reasonableness of the proposed budget, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the proposed project activities (1 point).

(ii) The extent to which the budget for the project, including any subcontracts, is adequately justified to support the proposed project activities (2 points).

(j) Plan of Evaluation (7 Points Total)

(1) The Secretary considers the quality of the plan of evaluation.

(2) In determining the quality of the plan of evaluation, the Secretary considers the following factors:

(i) The extent to which the plan of evaluation provides for periodic assessment of progress toward—

(A) Implementing the plan of operation (1 point); and

(B) Achieving the project's intended outcomes and expected impacts (1 point).

(ii) The extent to which the plan of evaluation will be used to improve the performance of the project through the feedback generated by its periodic assessments (1 point).

(iii) The extent to which the plan of evaluation provides for periodic assessment of a project's progress that is based on identified performance measures that—

(A) Are clearly related to the intended outcomes of the project and expected impacts on the target population (2 points); and

(B) Are objective, and quantifiable or qualitative, as appropriate (2 points).

(k) Project Staff (7 Points Total)

(1) The Secretary considers the quality of the project staff.

(2) In determining the quality of the project staff, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (1 point).

(3) In addition, the Secretary considers the following factors: (i) The extent to which the key personnel and other key staff have appropriate training and experience in disciplines required to conduct all proposed activities (2 points).

(ii) The extent to which the commitment of staff time is adequate to accomplish all the proposed activities of the project (2 points).

(iii) The extent to which the key personnel are knowledgeable about the methodology and literature of pertinent subject areas (2 points).

(l) Adequacy and Accessibility of Resources (3 Points Total)

(1) The Secretary considers the adequacy and accessibility of the applicant's resources to implement the proposed project.

(2) In determining the adequacy and accessibility of resources, the Secretary considers the following factors:

(i) The extent to which the applicant is committed to provide adequate facilities, equipment, other resources, including administrative support, and laboratories, if appropriate (2 points).

(ii) The extent to which the facilities, equipment, and other resources are appropriately accessible to individuals with disabilities who may use the facilities, equipment, and other resources of the project (1 point).

Additional Selection Criterion

The maximum score for all the selection criteria is 100 points; however, we will also use the following criterion so that up to an additional 10 points may be earned by an applicant for a total possible score of 110 points.

Up to 10 points are awarded based on the extent to which an application includes effective strategies for employing and advancing in employment qualified individuals with disabilities in projects awarded under these absolute priorities. In determining the effectiveness of those strategies, we will consider the applicant's prior success, as described in the application, in employing and advancing in employment qualified individuals with disabilities. Thus, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for these priorities. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Instructions for Application Narrative

We will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount for any year (See 34 CFR 75.104(b)).

We strongly recommend the following:

(1) a one-page abstract;

(2) an Application Narrative (i.e., Part III that addresses the selection criteria that will be used by reviewers in evaluating individual proposals) of no more *125 pages for Project applications,* double-spaced (no more than 3 lines per vertical inch) 8′ x 11″ pages (on one side only) with one inch margins (top, bottom, and sides). The application narrative page limit recommendation does not apply to: Part I—the electronically scannable form; Part II—the budget section (including the narrative budget justification); and Part IV—the assurances and certifications; and

(3) a font no smaller than a 12-point font and an average character density no greater than 14 characters per inch.

Instructions for Transmittal of Applications

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

(a) If You Send Your Application by Mail

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.133B [Applicant must insert priority name], Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(b) If You Deliver Your Application by Hand

You or your courier must hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA #84.133B [Applicant must insert priority name], Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal

holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

Notes:

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) If you send your application by mail or if you or your courier deliver it by hand, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt with 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (ED Form 424; revised November 12, 1999) the CFDA number—and letter, if any—of the competition under which you are submitting your application.

Application Forms and Instructions

The appendix to this application is divided into four parts. These parts are organized in the same manner that the submitted application should be organized. These parts are as follows:

Part I: Application for Federal Assistance (ED 424 (Rev. 11/12/99)) and instructions.

Part II: Budget Form—Non-Construction Programs (ED 524) and instructions.

Part III: Application Narrative.

Additional Materials

- Assurances—Non-Construction Programs (Standard Form 424B).
- Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters: and Drug-Free Work-Place Requirements (ED Form 80–0013).
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014) and instructions. (NOTE: ED Form GCS–014 is intended for the use of primary participants and should not be transmitted to the Department.)
- Disclosure of Lobbying Activities (Standard Form LLL (if applicable) and instructions; and Disclosure Lobbying Activities Continuation Sheet (Standard Form LLL–A).
- Estimated Public Reporting Burden.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an *original signature*. No grant may be awarded unless a completed application form has been received.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: www.ed.gov/legislation/FedRegister.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

(Catalog of Federal Domestic Assistance Numbers: 84.133B, Rehabilitation Research Training Centers)

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

Appendix

Application Forms and Instructions

Applicants are advised to reproduce and complete the application forms in this Section. Applicants are required to submit an original and two copies of each application as provided in this Section. However, applicants are encouraged to submit an original and seven copies of each application in order to facilitate the peer review process and minimize copying errors.

Frequent Questions

1. Can I Get an Extension of the Due Date?

No. On rare occasions the Department of Education may extend a closing date for all applicants. If that occurs, a notice of the revised due date is published in the **Federal Register**. However, there are no extensions or exceptions to the due date made for individual applicants.

2. What Should Be Included in the Application?

The application should include a project narrative, vitae of key personnel, and a budget, as well as the Assurances forms included in this package. Vitae of staff or consultants should include the individual's title and role in the proposed project, and other information that is specifically pertinent to this proposed project. The budgets for both the first year and all subsequent project years should be included.

If collaboration with another organization is involved in the proposed activity, the application should include assurances of participation by the other parties, including written agreements or assurances of cooperation. It is not useful to include general letters of support or endorsement in the application.

If the applicant proposes to use unique tests or other measurement instruments that are not widely known in the field, it would be helpful to include the instrument in the application.

Many applications contain voluminous appendices that are not helpful and in many cases cannot even be mailed to the reviewers. It is generally not helpful to include such things as brochures, general capability statements of collaborating organizations, maps, copies of publications, or descriptions of other projects completed by the applicant.

3. What Format Should Be Used for the Application?

NIDRR generally advises applicants that they may organize the application to follow the selection criteria that will be used. The specific review criteria vary according to the specific program, and are contained in this Consolidated Application Package.

4. May I Submit Applications To More Than One NIDRR Program Competition or More Than One Application to a Program?

Yes, you may submit applications to any program for which they are responsive to the program requirements. You may submit the same application to as many competitions as you believe appropriate. You may also submit more than one application in any given competition.

5. What is the Allowable Indirect Cost Rate?

The limits on indirect costs vary according to the program and the type of application. An applicant for an RRTC is limited to an indirect rate of 15%. An applicant for a Disability and Rehabilitation Research Project should limit indirect charges to the organization's approved indirect cost rate. If the organization does not have an approved indirect cost rate, the application should include an estimated actual rate.

6. Can Profitmaking Businesses Apply for Grants?

Yes. However, for-profit organizations will not be able to collect a fee or profit on the grant, and in some programs will be required to share in the costs of the project.

7. Can Individuals Apply for Grants?

No. Only organizations are eligible to apply for grants under NIDRR programs. However, individuals are the only entities eligible to apply for fellowships.

8. Can NIDRR Staff Advise Me Whether My Project Is of Interest To NIDRR or Likely To Be Funded?

No. NIDRR staff can advise you of the requirements of the program in which you propose to submit your application. However, staff cannot advise you of whether your subject area or proposed approach is likely to receive approval.

9. How Do I Assure That My Application Will Be Referred To the Most Appropriate Panel for Review?

Applicants should be sure that their applications are referred to the correct

competition by clearly including the competition title and CFDA number, including alphabetical code, on the Standard Form 424, and including a project title that describes the project.

10. How Soon After Submitting My Application Can I Find Out if it Will Be Funded?

The time from closing date to grant award date varies from program to program. Generally speaking, NIDRR endeavors to have awards made within five to six months of the closing date. Unsuccessful applicants generally will be notified within that time frame as well. For the purpose of estimating a project start date, the applicant should estimate approximately six months from the closing date, but no later than the following September 30.

11. Can I Call NIDRR To Find Out if My Application is Being Funded?

No. When NIDRR is able to release information on the status of grant applications, it will notify applicants by letter. The results of the peer review cannot be released except through this formal notification.

12. If My Application Is Successful, Can I Assume I Will Get the Requested Budget Amount in Subsequent Years?

No. Funding in subsequent years is subject to availability of funds and project performance.

13. Will All Approved Applications Be Funded?

No. It often happens that the peer review panels approve for funding more applications than NIDRR can fund within available resources. Applicants who are approved but not funded are encouraged to consider submitting similar applications in future competitions.

BILLING CODE 4000–01–U

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address

Legal Name:_____

Address:_____

City _____ State _____ County _____ ZIP Code + 4 _____ - _____

Organizational Unit

2. Applicant's D-U-N-S Number

3. Applicant's T-I-N

4. Catalog of Federal Domestic Assistance #: 8 4 ➡ Title:_____

5. Project Director:_____

Address:_____

City _____ State _____ ZIP Code + 4 _____ - _____

Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

E-Mail Address:_____

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No

(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:_____

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?

☐ Yes *(Date made available to the Executive Order 12372 process for review):* ____/____/____

☐ No *(If "No," check appropriate box below.)*

☐ Program is not covered by E.O. 12372.

☐ Program has not been selected by State for review.

11. Proposed Project Dates:

Start Date:	End Date:
____/____/____	____/____/____

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No

a. If "Yes," Exemption(s) #: b. Assurance of Compliance #:

OR

c. IRB approval date: _____ ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$_____	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application 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. Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

d. E-Mail Address:

e. Signature of Authorized Representative Date:____/____/____

REV. 11/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH
(Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public Reporting Burden

Public reporting burden for these collections of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing this burden, to: the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1820–0027, Washington, DC 20503.

Rehabilitation Research Training Centers (CFDA No. 84.133B) 34 CFR part 350, subpart B.

BILLING CODE 4000–01–U

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check **[ ]** if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

[FR Doc. 01–16985 Filed 7–5–01; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Friday,
July 6, 2001

Part III

Department of Education

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of Final Funding Priorities for Fiscal Years (FY) 2001–2003 for three Disability and Rehabilitation Research Projects.

SUMMARY: We are announcing three final funding priorities under the Disability and Rehabilitation Research Projects and Centers Program (DRRP) of the National Institute on Disability and Rehabilitation Research (NIDRR) for FY 2001–2003. Strategies for Promoting Information Technology (IT)-based Educational Opportunities for Individuals with Disabilities, Strategies for Promoting Information Technology (IT)-based Employment and Training Opportunities for Individuals with Disabilities, and Wayfinding Technologies for Individuals Who Are Blind. We take this action to focus research attention on areas of national need. We intend these priorities to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: These priorities take effect on August 6, 2001.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna.Nangle@ed.gov.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice contains final priorities under the National Institute on Disability and Rehabilitation Research (NIDRR) Disability and Rehabilitation Research Projects and Centers Program (DRRP) for Strategies for Promoting Information Technology (IT)-based Educational Opportunities for Individuals with Disabilities, Strategies for Promoting Information Technology (IT)-based Employment and Training Opportunities for Individuals with Disabilities, and Wayfinding Technologies for Individuals Who Are Blind.

The final priorities refer to NIDRR's Long-Range Plan (the Plan). The Plan can be accessed on the World Wide Web at: *http://www.ed.gov/offices/OSERS/NIDRR/#LRP.*

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Authority

The authority for the program to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(g) and 764(b)). Regulations governing this program are found in 34 CFR part 350.

Note: This notice does *not* solicit applications. A notice inviting applications is published in this issue of the **Federal Register**.

Analysis of Comments and Changes

On April 27, 2001, we published a notice of proposed priorities in the **Federal Register** (66 FR 21125). The Department of Education received three letters commenting on the notice of proposed priorities by the deadline date. Most of the comments concerned all three priorities, had multiple issues and suggestions, and overlapped with other comments. NIDRR is responding to the comments on priority one and priority two jointly. Technical and other minor changes—and suggested changes that we are not legally authorized to make under statutory authority—are not addressed.

Priority 1: Strategies for Promoting Information Technology (IT)-Based Educational Opportunities for Individuals With Disabilities

Priority 2: Strategies for Promoting Information Technology (IT)-Based Employment and Training Opportunities for Individuals With Disabilities

General

Comment: The priorities should require applicants to disseminate research results to State vocational rehabilitation agencies.

Discussion: NIDRR agrees that vocational rehabilitation agencies would benefit from the research results disseminated by the projects.

Changes: The dissemination activities for both IT-based priorities have been expanded to include public vocational rehabilitation agencies as appropriate audiences for disseminating each project's research results.

Priority 3: Wayfinding Technologies for Individuals Who Are Blind

Comment: One commenter suggested that the Rehabilitation Engineering Research Center (RERC) be required to conduct a comparative study looking at successful and less successful travel techniques used by both sighted and blind travelers.

Discussion: An applicant may propose a comparative study under the first activity and the peer review process will evaluate the merits of the proposal.

Changes: None.

Comment: One commenter stated that including the word ''safely'' in the first activity implies a level of assurance that can never exist in any public travel environment and should therefore be eliminated from the activity.

Discussion: NIDRR believes that including the word ''safely'' within the general purpose statement and subsequent activities of this priority is appropriate even though it may never be 100 percent achieved.

Changes: None.

Comment: One commenter feels that evidence gathered for this priority does not support the requirement that applicants must investigate ''electronic travel aids'' in the second activity and suggested the word ''electronic'' be eliminated altogether and the words ''and techniques'' be added after ''travel aids.''

Discussion: NIDRR believes that the background statement adequately supports each activity, including the need to investigate, evaluate, and develop electronic travel aids. However, NIDRR does agree with the commenter's suggestion to add ''and techniques'' after ''travel aids.''

Changes: The second activity has been revised by adding the words ''and techniques'' after the word ''aids.''

Comment: One commenter suggested that the third activity would be strengthened by adding ''and State and local government agencies concerned with traffic control, design of public transit and transit information and vending systems' after ''industry.''

Discussion: NIDRR agrees that State and local government agencies play an important role in the design, development, and maintenance of systems concerned with traffic control and public transportation. An applicant could propose to explore strategies for strengthening partnerships with State and local government agencies regarding these issues and the peer

review process will evaluate the merits of the proposal.

Changes: None.

Comment: One commenter suggested that the word ''project'' in the general purpose statement implies a transitional nature to the funded entity and recommended replacing it with ''program.''

Discussion: The use of the word ''project'' in this priority is correct and is not meant to imply anything beyond what is published in the **Federal Register**.

Changes: None.

Comment: One commenter emphasized the importance of including experienced and novice blind and partially sighted travelers that are representative of a demographically older and geographically diverse population in all facets of this project and recommended that NIDRR reorder the bulleted section of the priority to put consumers first on the list of required collaborators. The commenter went on to recommend rewording the last bulleted item in the proposed priority so that it reads ''Projects must demonstrate success in recruiting and employing qualified individuals who are blind and partially sighted at every level of the program.''

Discussion: NIDRR does not rank activities identified in its priorities. All applicants are expected to address every activity, including those that are bulleted, and have the discretion to propose the amount of resources they expect to allocate for each activity. The peer review process will determine the merits of each proposal. NIDRR does not agree with the proposed rewording of the last bulleted item. The commenter's concerns about recruiting and employing qualified individuals who are blind and partially sighted at every level of the program are addressed in the selection criteria used to evaluate applications.

Changes: None.

Disability and Rehabilitation Research Projects and Centers Program

The authority for Disability and Rehabilitation Research Projects (DRRP) is contained in section 204 of the Rehabilitation of 1973, as amended (29 U.S.C. 762(g) and 764(b)). The purpose of the DRRP program is to plan and conduct research, demonstration projects, training and related activities to—

(a) Develop methods, procedures, and rehabilitation technology that maximizes the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities; and

(b) Improve the effectiveness of services authorized under the Act.

Priorities for IT-Based Employment and Education Initiatives Background

The mission of NIDRR is to ''generate, disseminate, and promote the full use of new knowledge that improves substantially the options for disabled individuals to perform regular activities in the community, and the capacity of society to provide full opportunities and appropriate supports for its disabled citizens'' (NIDRR Long-Range Plan, 64 FR 68575–68614, *http://www.ed.gov/offices/OSERS/NIDRR*). Consistent with NIDRR's mission, the NIDRR long-range plan introduced an expanded research agenda focused on elucidating the ''New Paradigm of Disability.'' The new paradigm of disability presents a framework for conceptualizing and understanding the interaction between individuals and the environment and how it impacts the lives of persons with disabilities. The dynamic person-environment relationship is complex, encompassing both influences and consequences in a variety of domains at the individual, institutional, and community levels. These complex person-environment relationships are not clearly understood although they have the potential to either facilitate community integration and independence for individuals with disabilities or, conversely, to serve as barriers to full participation in society, including education and employment.

Employment is a critical factor in providing individuals with disabilities opportunities to function independently in society. Employment frequently engenders empowerment, inclusion, and independence to the fullest extent possible. The National Organization on Disability Harris Survey of Americans with Disabilities (2000) found that only 32% of working age (18–64) individuals with disabilities work full or part time compared to 81% of the non-disabled population, a difference of 49 percent. In addition, more than two-thirds of those individuals with disabilities who are not employed say they would prefer to be working.

The Bureau of Labor Statistics has projected that four of the top ten fastest growing occupations over the next eight years will be in the information technology industry (''The 10 fastest growing occupations, 1998–2008'', Bureau of Labor Statistics, U.S. Department of Labor, 2000, *http://stats.bls.gov/news.release/ecopro.t06.htm*). Information technology (IT) is also projected to be the number one industry with the fastest wage and salary employment growth through 2008 (''Career Guide to Industries 2001–01 Edition, Bureau of Labor Statistics'', U.S. Department of Labor, pg. 4, 2000, *http://stats.bls.gov/cghome.htm*). Given the increase in IT employment opportunities along with the flexibility these careers provide, the IT field offers tremendous opportunities for individuals with disabilities. One needs only to scan the daily newspapers to see the abundance of openings for skilled IT professionals. Therefore, research examining opportunities and barriers for individuals with disabilities in IT-based employment is crucial in this IT driven society.

For purposes of this discussion, IT-based education and training may occur in secondary, post-secondary, and vocational environments. IT-based employment careers encompass the use of, but are not limited to, high speed computers, modems, sophisticated telecommunications networks, cable networks, intranets, the Internet, the World Wide Web, and satellites.

In general, people with disabilities are less likely to have access to technology. For example, 11 percent of people with disabilities aged 15 and above have access to the Internet at home, compared to 31 percent of individuals without disabilities (Kay, S.H. (2000), *Computer and Internet use among people with disabilities,* Disability Statistics Report (13, pg. 5), Washington DC: U.S. Department of Education, National Institute on Disability and Rehabilitation Research. *http://dsc.ucsf.edu/UCSF/pdf/REPORT13.pdf*).

Consequently, many individuals with disabilities have not experienced the benefits of using information technology to advance their education or employment careers. Students of all ages with disabilities encounter barriers that limit their participation in IT-based education and training.

Environmental, attitudinal, technical, social, and financial barriers that limit access to IT-based education and training in IT are often referred to as the ''digital divide'' (U.S. Department of Commerce Report, ''Falling through the Net II: New Data on the Digital Divide'', pg. 2, 1998, *http://www.ntia.doc.gov/ntiahome/net2/falling.html*). Studies have found that students with disabilities in grades K–12 receive the poorest exposure to science and math of any category of students. Data compiled by the National Center for Education Statistics compared college students with and without disabilities and indicates that students with disabilities are underrepresented in life sciences, physical sciences, and math (National

Center for Education Statistics, ''Students with disabilities in post-secondary education: A profile of preparation, participation, and outcomes'', NCES 1999–187, Washington, DC: U.S. Department of Education, 1999, *http://nces.ed.gov/spider/webspider/1999187.shtml*). Therefore, an under-exposure to the disciplines of science, engineering and technology increases the likelihood that students with disabilities who seek higher education will arrive poorly prepared to pursue educational opportunities in these disciplines, further limiting their chances to compete for employment in these and related areas.

Strategies to expand access to IT careers vary immensely. Private and public partnerships may provide one mechanism for promoting skill and knowledge acquisition and employment in the field of information and communication technology. For instance, the DO-IT Scholars program at the University of Washington is an example of collaboration between educational and business partners to help students with disabilities explore technology careers and encourage the acquisition of knowledge and skills necessary to pursue technology careers. The National High School and High Tech Program allows students with disabilities to participate in ''hands on'' enrichment activities including site visits to laboratories and manufacturing plants, mentoring with professionals in high tech fields, and paid summer employment and internship opportunities in high tech environments (U.S. Department of Labor, ''High School and High Tech—Chapter I—Introduction,'' Office of Disability Employment Policy—U.S. Department of Labor, 2001, pg. 1, *http://www.dol.gov/dol/odep/public/media/reports/hsht00/toc.htm*).

Increased knowledge and understanding of different disabilities as well as reasonable accommodations, including assistive technologies and access to IT, are critical to the recruitment and ongoing support of individuals with disabilities in IT-based employment. In addition, expanded knowledge of employee rights and responsibilities, cost factors, legal issues, healthcare liabilities, and disability culture will have an impact on the development of strategies used by employers to successfully train and employ individuals with disabilities.

While individuals with disabilities are faced with barriers that limit access to technology and related education and training, the Internet and other information and communications technologies are changing the way our society operates. For example, these technologies have increased entrepreneurial and self-employment opportunities for individuals with and without disabilities (''Career Guide to Industries 2001–01 Edition'', Bureau of Labor Statistics, U.S. Department of Labor, pg. 42, 1999, *http://stats.bls.gov/cghome.htm*). To encourage growth in this sector, an examination of the factors involved in IT-related self-employment is needed to ensure that individuals with disabilities have access to a full-range of employment options. It is vital that more individuals with disabilities possess the skills necessary for employment in IT-related fields as this will greatly facilitate their full participation in America's economic, political, and social life.

Priority 1: Strategies for Promoting IT-Based Educational Opportunities for Individuals With Disabilities

We will establish multiple research projects to develop and evaluate IT-based education and training strategies that increase the employment of individuals with disabilities in IT related jobs. These projects must:

(1) Identify, develop, and evaluate strategies that assist with overcoming barriers that limit or preclude access to IT education and training in secondary, postsecondary, and vocational education programs;

(2) Identify and evaluate private and public partnerships between educational entities and businesses to provide education or skill-based training that assist individuals with disabilities in preparing for and securing employment in the IT industry or employment in jobs requiring expertise and training in IT; and

(3) Develop and implement in the first year of the grant, in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the project's research results to the appropriate audiences including, but not limited to, educators, employers, manufacturers, persons with disabilities, disability organizations, technology service providers, businesses, public vocational rehabilitation agencies, and journals.

In addition to activities proposed by the applicants to carry out these purposes, the projects must:

- Coordinate with appropriate private and federally funded programs, such as the NIDRR-funded Community Based Rehabilitation Research Projects on Technology for Independence and the National Center on Accessible Education-Based Information Technology, as identified through consultation with the NIDRR project officer; and
- Involve individuals with disabilities and underserved populations in all aspects of this project.

Priority 2: Strategies for Promoting IT-Based Employment and Training Opportunities for Individuals With Disabilities

We will establish multiple research projects that will conduct research on IT-based employment and training strategies to identify barriers at the systems and individual level and to identify and evaluate effective strategies for promoting increased employment opportunities for individuals with disabilities. These projects must:

(1) Identify and evaluate IT-based training and employment recruitment, hiring, and placement strategies, including entrepreneurial opportunities, that promote successful employment for persons with disabilities in the IT industry;

(2) Identify, develop, and evaluate strategies to assist with overcoming barriers that limit opportunities for advanced skill development and promotions in jobs requiring significant IT knowledge and skills (including training for individuals currently working in IT industry and those in jobs requiring significant expertise with IT);

(3) Develop and evaluate training programs to inform employers, educators, and individuals with disabilities about effective strategies that will assist with overcoming barriers for IT-based training and improve IT-based employment opportunities; and

(4) Develop and implement in the first year of the grant, in consultation with the NIDRR-funded National Center for the Dissemination of Disability Research (NCDDR), a plan to disseminate the project's research results to the appropriate audiences including, but not limited to, educators, employers, manufacturers, persons with disabilities, disability organizations, technology service providers, businesses, public vocational rehabilitation agencies, and journals.

In addition to activities proposed by the applicant to carry out these purposes, the project must:

- Coordinate with appropriate private and federally funded programs, such as the NIDRR-funded Community Based Rehabilitation Research Projects on Technology for Independence and Projects with Industry (PWI), as identified through consultation with the NIDRR project officer; and

• Involve individuals with disabilities and underserved populations in all aspects of this project.

Priority 3: Wayfinding Technologies for Individuals Who Are Blind

Background

Traveling independently without the use of sight presents certain challenges for some individuals and significant limitations for others. Typical approaches used to reduce problems associated with independent travel include environmental features that provide audible or tactile equivalents of information available visually to sighted pedestrians, training for individuals who are blind or visually impaired, and the provision of devices to aid in wayfinding.

Wayfinding refers to techniques used by people who are blind or visually impaired as they move from place to place independently and safely. Wayfinding is typically divided into two categories: orientation and mobility. Orientation concerns the ability for one to monitor his or her position in relationship to the environment; and mobility refers to one's ability to travel safely, detecting and avoiding obstacles and other potential hazards. In general terms, wayfinding is the ability to: know where you are, where you are headed, and how best to get there; recognize when you have reached your destination; and find your way out—all accomplished in a safe and independent manner.

On September 28, 1999, the Interagency Committee on Disability Research (ICDR), Subcommittee on Technology, sponsored a workshop to explore the state-of-the-art of wayfinding technology and to identify research and development activities that could improve the wayfinding capabilities of individuals who are blind or visually impaired. A panel of researchers, supported by the National Institute on Disability and Rehabilitation Research, the Department of Veterans Affairs, the National Science Foundation, and the Architectural and Transportation Barriers Compliance Board, described the state of current technology as well as ongoing research in the field. A panel of individuals who are blind or visually impaired provided consumer perspectives. A common theme expressed by the consumer panel was that newly developed wayfinding technologies should supplement, and not supplant, already accepted mobility aids such as white canes and guide dogs. Some expressed concern that individuals could become too dependent on electronic travel aids and lose their ability (or readiness) to travel elsewhere. However, the panel also expressed the need for better technical and environmental solutions that provide location and mobility orientation for blind individuals at critical points in their daily activities. (http://www.ncddr.org/icdr/icdr_wayfinding.html).

People who are blind or visually impaired rely heavily on their senses to gather information about their surroundings, then use their cognitive abilities, especially reasoning and memory, to determine what the sensory information ''means'' for spatial orientation. Typically individuals use auditory, tactile, olfactory and kinesthetic feedback as they move about and associate certain sensory and perceptual experiences with locations along a route. The quality and usefulness of sensory information depends in part on how the individual who is blind or visually impaired perceives the information and the specificity of the information provided (Blasch, B., ''An Overview of Wayfinding Issues and Technology,'' presented at the Interagency Committee on Disability Research, Subcommittee on Technology Wayfinding Technology Workshop, September 28, 1999).

Blind pedestrians often experience difficulty navigating where there is free flowing traffic such as in parking lots, malls and office complexes, campuses, and roads constructed to keep traffic flowing. They frequently find it difficult and dangerous to obtain information needed to cross at traffic intersections because of noise, intermittent traffic flow, veering due to little or no acoustic guidelines or the street being too wide, and intersections that offset from one another. Conventional traffic signals often complicate the situation. In contrast, intersections equipped with accessible pedestrian signal (APS) technologies (e.g., audible or vibrotactile information sources) have been shown to be helpful to blind and visually impaired pedestrians.

Another problem stems from a growing trend of using free-flowing roundabout intersections to move traffic quickly and safely. Roundabouts, also referred to as traffic circles, are defined as circular intersections typically with a center island and no traffic signals. Many traffic engineers feel that roundabouts increase safety because vehicles: (1) Must yield on entry to a roundabout; (2) rarely travel perpendicular to one another; and (3) travel at relatively low rates of speed while in roundabouts (Guth, D., ''Wayfinding at Modern Roundabouts,'' presented at the Interagency Committee on Disability Research, Subcommittee on Technology Wayfinding Technology Workshop, September 28, 1999). However, much of the planning efforts for roundabouts have neglected the wayfinding requirements and, as a result, blind or visually impaired pedestrians have reported difficulty with perceiving gaps in traffic that are sufficient to cross safely at high-volume roundabouts (National Safety Council, ''Pedestrian Accidents,'' National Safety Council Accident Facts (Injury Statistics), 1998). (See http://www.nsc.org/Irs/stainfo/af80.htm1)

Due to tremendous advances in electronic and computer technologies, there is great potential for development of new electronic travel aids (ETAs). Ubiquitous computing, Global Positioning Systems, wearable computers, wireless connectivity, microelectronic mechanical systems, and new interface technologies are all examples of technological advances that could be incorporated into a new generation of ETAs and ultimately improve the wayfinding skills of individuals who are blind or visually impaired. For example: traffic control buttons could be programmed to be interactive with a wearable device; digital compasses could aid users with alignment and veering; accessible digital maps could provide blind pedestrians with information regarding street names, addresses, and businesses; and sensor technology could help blind pedestrians navigate hallways in large buildings and correct veering in open spaces (i.e., malls, parks, transit plazas, etc.) (Ross, D., ''Integrating Current Wayfinding Technology,'' presented at the Interagency Committee on Disability Research, Subcommittee on Technology Wayfinding Technology Workshop, September 28, 1999). However, there is little evidence that advances in electronic and computer technologies have been incorporated into new ETAs.

Priority 3

We will establish a project to investigate wayfinding strategies, designs, environmental features, and electronic information and travel aids that will enable blind and visually impaired pedestrians to safely and independently navigate their surroundings, including traffic intersections and roundabouts. The project must:

(a) Identify, assess, and evaluate current and emerging needs, and barriers to meeting those needs, that affect the wayfinding abilities of blind and visually impaired pedestrians to safely and independently navigate their

surroundings, including traffic intersections and roundabouts;

(b) Based upon the activities described in paragraph (a), investigate, evaluate, and develop new planning strategies, environmental features, and electronic travel aids and techniques that can be used by blind and visually impaired pedestrians to safely and independently navigate their surroundings, including traffic intersections and roundabouts; and

(c) Develop and explore various strategies for strengthening partnerships with industry to facilitate the development and implementation of new designs, technologies, and applications that are appropriate for blind and visually impaired pedestrians to use for wayfinding.

In addition to activities proposed by the applicant to carry out these purposes, the project must:

• Collaborate on research projects of mutual interest with relevant projects such as the NIDRR-funded RERCs on Low Vision and Blindness and Information Technology Access as identified through consultation with the NIDRR project officer;

• Collaborate with relevant Federal agencies responsible for the administration of public laws that address access to and usability of traffic intersections for individuals with disabilities such as the Architectural and Transportation Barriers Compliance Board, the U.S. Department of Transportation's Federal Highway Administration, Federal Transit Administration and National Highway Traffic Safety Administration, and other relevant Federal agencies identified by NIDRR; and

• Involve individuals who are blind and visually impaired in all aspects of this project.

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(Catalog of Federal Domestic Assistance Numbers 84.133A, Disability Rehabilitation Research Project)

Program Authority: 29 U.S.C. 762(g) and 764(b).

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–16982 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133A]

Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research

ACTION: Notice inviting applications for fiscal year (FY) 2001 for new awards and announcing pre-application meetings.

SUMMARY: We invite applications for new grant awards for FY 2001 for three Disability and Rehabilitation Research Projects and Centers Program (DRRP) funding priorities on Strategies for Promoting Information Technology (IT)-based Educational Opportunities for Individuals with Disabilities, Strategies for Promoting Information Technology (IT)-based Employment and Training Opportunities for Individuals with Disabilities, and Wayfinding Technologies for Individuals Who Are Blind.

Purpose of the Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973. We take this action to focus research attention on areas of national need. The priorities are intended to improve rehabilitation services and outcomes for individuals with disabilities.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This notice addresses the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 81, 82, 85, 86 and 97; and the following program regulations: Disability Rehabilitation Research Projects and Centers—34 CFR part 350, and the Notice of Final Priority published elsewhere in this issue of the **Federal Register**.

Pre-Application Meeting: Interested parties are invited to participate in pre-application meetings to discuss the funding priorities. In each meeting you will receive technical assistance and information about the funding priority. You may attend the meetings either in person or by conference call at the Department of Education, Office of Special Education and Rehabilitative Services, Switzer Building, Room 3065, 330 C St. SW., Washington, DC between 10:00 a.m. and 12 noon. NIDRR staff will also be available at this location from 1:30 p.m. to 4:00 p.m. on that same day to provide technical assistance through individual consultation about the funding priority.

Pre-Application Meeting Dates: The pre-application meeting for both the Resource Center for Strategies for Promoting IT-based Educational Opportunities for Individuals with Disabilities and the Strategies for Promoting IT-based Employment and Training Opportunities for Individuals with Disabilities will be held on July 24, 2001. For further information or to make arrangements to participate in the July 24, 2001, meeting contact Richard Wilson, Switzer Building, room 3033C, 400 Maryland Avenue, SW., Washington, DC 20202. Internet: Richard.Wilson@ed.gov Telephone (202) 205–9088.

The pre-application meeting for the Wayfinding Technologies for Individuals Who Are Blind will be held on July 25, 2001. For further information or to make arrangements to participate in the July 25, 2001, meeting contact William Peterson, Switzer Building, room 3425, 400 Maryland Avenue, SW., Washington, DC 20202. Internet: William.Peterson@ed.gov Telephone (202) 205–9192. If you use a telecommunication device for the deaf (TDD), you may call (202) 205–4475.

Assistance to Individuals With Disabilities at the Public Meetings

The meeting site is accessible to individuals with disabilities, and a sign language interpreter will be available. If you need an auxiliary aid or service other than a sign language interpreter in order to participate in the meeting (e.g. other interpreting service such as oral, cued speech, or tactile interpreter; assistive listening device; or materials in alternative format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet

a request we receive after this date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

APPLICATION NOTICE FOR FISCAL YEAR 2001—DISABILITY AND REHABILITATION RESEARCH PROJECTS, CFDA NO. 84–133A

Funding priority	Deadline for transmittal of applications	Estimated number of awards	Maximum award amount (per year)*	Project period (months)
84.133A–1 Strategies for Promoting IT-based Educational Opportunities for Individuals with Disabilities.	August 17, 2001	2	$300,000	60
84.133A–18 Strategies for Promoting IT-based Employment and Training Opportunities for Individuals with Disabilities.	August 17, 2001	2	300,000	60
84.133A–19 Wayfinding Technologies for Individuals Who are Blind.	August 17, 2001	1	450,000	60

*We will reject without consideration or evaluation any application that proposes a project funding level that exceeds the stated maximum award amount in any year (See 34 CFR 75.104(b)).

Note: The estimate of funding level and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

Eligible Applicants: Parties eligible to apply for grants under this program are States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education; and Indian tribes and tribal organizations.

Selection Criteria: The selection criteria to be used for these competitions will be provided in the application package for each competition.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs via its Web site: http://www.ed.gov/pubs/edpubs.html or its E-mail address (edpubs@inet.ed.gov). If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.133A.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, S.W., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8351. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Services (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, S.W., room 3414, Switzer Building, Washington, DC 20202–2645. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475. Internet: Donna.Nangle@ed.gov

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Program Authority: 29 U.S.C. 762(g) and 764(b).

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–16983 Filed 7–5–01; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday,
July 6, 2001

Part IV

Department of Education

Office of Special Education and Rehabilitative Services; Special Education—Research and Innovation to Improve Services and Results for Children with Disabilities Program; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Special Education—Research and Innovation to Improve Services and Results for Children with Disabilities Program.

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001.

SUMMARY: This notice provides closing dates and other information regarding the transmittal of applications for two FY 2001 competitions under one program authorized by the Individuals with Disabilities Education Act (IDEA), as amended: Special Education—Research and Innovation to Improve Services and Results for Children with Disabilities.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This priority addresses the National Education Goals by helping to improve results for children with disabilities.

Waiver of Rulemaking

It is generally our practice to offer interested parties the opportunity to comment on proposed priorities. However, section 661(e)(2) of IDEA makes the Administrative Procedure Act (5 U.S.C. 553) inapplicable to the priorities in this notice.

General Requirements

(a) The projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 661(f)(1)(A) of IDEA).

(c) The projects funded under these priorities must budget for a two-day Project Directors' meeting in Washington, DC during each year of the project.

(d) In a single application, an applicant must address only one absolute priority in this notice.

(e) Part III of each application submitted under a priority in this notice, the application narrative, is where an applicant addresses the selection criteria that are used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than the number of pages listed in the table at the end of this notice for each applicable priority, using the following standards:

- A ''page'' is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides).
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs.
- If using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch. If using a nonproportional font or a typewriter, do not use more than 12 characters per inch.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography or references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject without consideration or evaluation any application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Research and Innovation to Improve Services and Results for Children With Disabilities [CFDA 84.324]

Purpose of Program: To produce, and advance the use of, knowledge to: (a) improve services provided under IDEA, including the practices of professionals and others involved in providing those services to children with disabilities; and (b) improve educational and early intervention results for infants, toddlers, and children with disabilities.

Eligible Applicants: For absolute priority 1, eligible applicants are: Institutions of higher education (IHEs), and private nonprofit organizations. For absolute priority 2, eligible applicants are: State and local educational agencies; institutions of higher education; other public agencies; private nonprofit organizations; outlying areas; freely associated States; and Indian tribes or tribal organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86, 97, 98, and 99; (b) The selection criteria for the priorities under this program are drawn from the EDGAR general selection criteria menu. The specific selection criteria for each priority are included in the funding application packet for the applicable competition.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priority

Under 34 CFR 75.105(c)(3), we consider only applications that meet one of the following priorities: *Absolute Priority 1—Center on Learning Disabilities* (CFDA 84.324U)

Background

OSEP has realized for some time that there is concern over the current identification and assessment procedures for children with learning disabilities. In the preamble to the final regulations for Part B of IDEA, OSEP stated; ''While there is merit to many of the proposed changes to definitions and terms, modifications to the substance of existing definitions should be subject to further review and discussion before changes are proposed. For example, as indicated in the preamble to the Notice of Proposed Rulemaking (NPRM) (10/22/97), the Department plans to carefully review research findings, expert opinion, and practical knowledge over the next several years to determine whether changes should be proposed to the procedures for evaluating children suspected of having a specific learning disability'' (Final Regulations for Assistance to States for the Education of Children with Disabilities (64 FR 12418—March 12, 1999)).

Early in 2000, OSEP began to discuss developing a process to open a discussion on the identification of children with learning disabilities. The disability category ''learning disabilities'' is heterogeneous and multifaceted and we needed to develop a process for discussing learning disabilities that reflected this diversity. Two important decisions were made early on in our discussions on how the process should be structured. First, our primary goal was to synthesize and organize the most current and reliable research that we have on key issues in learning disabilities and second, we wanted to make sure that this process fully involved a broad variety of perspectives from other research agencies, national organizations, and stakeholders.

In May of 2000, OSEP brought together a diverse workgroup of 21 stakeholders in the area of learning disabilities representing parents, State and local level practitioners, representatives from policy organizations, and researchers. This workgroup has worked with OSEP since the initial meeting to: (1) Commission a

set of papers on critical issues and organize formal responses to each of the papers; (2) hold an issues conference to present and facilitate discussion of the issues; (3) after the conference hold a round table discussion of the issues with key organizations and stakeholders: (4) disseminate the conference proceedings and results of the process; and (5) facilitate another round table with key stakeholders and organizations following the conference and prior to publication of proceedings.

Nine topics were identified for research review papers: Early identification, Classification Approach, Historical Perspective, Decision-Making, Discrepancy, Alternative Responses to Intervention, Processing Deficit, Clinical Judgement, and Is LD Real?. These papers will provide the substantive framework for the LD Issues conference in August of 2001. The workgroup will provide a report on the results of the initiative to OSEP following the conference.

Absolute Priority

The purpose of this priority is to fund a center to conduct follow up research, provide training, disseminate synthesized research validated information, and provide national technical assistance on issues in the area of identification and assessment of children with learning disabilities.

A project funded under this priority must:

(a) Review and identify gaps of current knowledge in learning disabilities looking across the areas addressed in the nine white papers mentioned in the Background Statement. Additional research will also be conducted exploring alternative approaches to identification of children with learning disabilities. In the initial meeting with OSEP, within the first month of award, OSEP will clarify with the project a priority list of these issues and the level of effort for each issue;

(b) In consultation with OSEP and the technical workgroup, design and conduct a strategic program of research to address identified gaps and additional research needs based on the LD initiative. The plan must be submitted within twelve (12) weeks of the award;

(c) Conduct a review of current State practices in identification and assessment of children with learning disabilities and analyze the variance in these State policies and practices;

(d) Conduct an analysis of the variation in identification and assessment of children with learning disabilities at the State and local level. Determine factors contributing to this variance and examine these factors across the 3 through 21 age range;

(e) Design, implement, and evaluate a dissemination and technical assistance approach that links research to practice and promotes the use of current knowledge and ongoing research findings. This approach must establish linkages with the Department of Education technical assistance providers to communicate research findings and distribute products; and prepare the research findings and products from the project in formats that are useful for specific audiences, including general education researchers, local, State, and national policymakers, as well as education practitioners;

(f) Fund as research assistants at least three graduate students per year who have concentrations in either policy or disability issues;

(g) Propose members for a project technical workgroup. (Do not obtain letters of agreement prior to award). The final selection of members will be determined in consultation with OSEP at the initial meeting. The Center will work with the technical workgroup throughout the length of the project to provide expertise throughout the project and on all project activities. The technical workgroup will meet within eight (8) weeks of award for an initial planning meeting. This workgroup will also meet at least once a year in Washington, DC each year of the project;

(h) Schedule three trips to Washington, DC the first year and two trips to Washington, DC each subsequent year: (1) one trip to meet with the Office of Special Education Programs (OSEP) project officer during this second month of the project award to clarify priority issues, review the program of research and technical assistance and dissemination approaches; (2) one trip annually (as specified in the ''General Requirements'' section of this notice); and (3) another annual meeting to meet and collaborate with the OSEP project officer.

Applicants for this priority are encouraged to attend the OSEP Learning Disabilities Summit August 27–28, 2001. For additional information please contact the competition manager.

In deciding whether to continue this project for the fourth and fifth years, we will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, DC. Projects must budget for the travel associated with this review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and (c) The degree to which the project's design and methodology demonstrate the potential for advancing significant new knowledge.

Competitive Preference

Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i), to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

Therefore, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Project Period: Under this priority, we will make one award for a cooperative agreement with a project period of 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards.

Maximum Award: The maximum award amount is $700,000 for any single budget period of 12 months. Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a budget funding level for any year that exceeds the stated maximum award amount for that year.

Page Limits: The maximum page limits for this focus are 70 double-spaced pages.

Note: Applications must meet the required page limit standards that are described in the ''General Requirements'' section of this notice.

Absolute Priority 2—Center for Evidence-Based Practice: Young Children With Challenging Behavior (84.324Z)

Increasing numbers of infants, toddlers, and preschool children experience, or are at risk for, behavioral problems that affect their participation, performance, and development in natural environments and inclusive educational and community settings. Families seek assistance from diverse,

and often multiple sources including child welfare, public health, and mental health services; pediatricians; preschools; and early care and intervention programs. There have been limited opportunities for these agencies and providers to collaborate across agencies and disciplines to identify effective practices for young children with, or at risk for, behavioral problems and their families. For purposes of this priority, young children are those under the age of six years.

Absolute Priority

The purpose of this priority is to support a Center to: (a) identify effective practices to meet the needs of young children with, or at risk for, behavioral problems and their families; (b) foster the exchange of information between parents, family members, and practitioners, as well as Federal, State, and community-based programs that provide services; and (c) conduct a program of research to improve services and interventions. In carrying out its activities, the Center must collaborate with education, early care and intervention, medical, and mental health providers, as well as others that identify and serve children with, or at risk for, behavioral problems and their families. The Center must use existing technical assistance agencies to assure that training and dissemination activities are carried out.

A project funded under this priority must:

(a) During the first six months of project year one, review and synthesize current knowledge base and gaps in knowledge related to the referral, diagnosis, intervention, transition, and outcomes of young children with, or at risk for, behavioral problems that affect their participation and performance in natural environments and inclusive educational and community settings. The synthesis must include:

(1) A review of the systems of services for young children and their families and ways in which the systems support or discourage access to effective interventions to address behavioral problems;

(2) A review of effective practices for the full range of challenging behavior in young children; and

(3) Data from educational, early care and intervention, mental health, medical, and other providers that identify and serve young children with, or at risk for, behavioral problems and their families.

(b) Use the knowledge synthesized to finalize the research agenda to evaluate the effects of the behavioral, environmental, and medical interventions provided to young children with, or at risk for, behavior problems and their families by the end of the sixth month of project year one. The research agenda will examine the relative and interactive effects of the interventions. The synthesis and research agenda must be submitted to the Department of Education for review at the end of the sixth month of project year one (with annual updates in subsequent years).

(c) In the first year of the project, establish working relationships with Federal, State, and local education, early care and intervention, mental health, medical, and other agencies, organizations, and providers to identify and foster the exchange of information between:

(1) Federal, State, and community-based programs, practitioners, and projects to assist them in their efforts; and

(2) Broader audiences of individuals and organizations including parents and family members of children with, or at risk for, behavioral problems.

(d) In the first year of the project, and in subsequent project years, convene an Advisory Group to support, guide, and define Center activities. The Advisory Group must meet at least once a year in Washington, DC and include members representing educational service agencies, early care and intervention agencies, mental health agencies, the medical community, and other agencies that identify and serve young children with, or at risk for, behavioral problems and their families. Applicants should provide evidence of agency support for their proposal, but refrain from securing commitments from specific individuals to serve on the Advisory Group until after the award has been made.

(e) Complete an externally reviewed document that provides authoritative guidance in the areas of referral, identification, intervention, transition, and outcomes for young children with, or at risk for, behavioral problems and their families. The document must provide guidance for recommended practices and standards of care that reflect the contributions of families, communities, educational agencies, early care and intervention agencies, mental health agencies, medical providers, and others providing services to young children with, or at risk for, behavioral problems and their families.

(f) Based on the synthesis and the findings from ongoing research and other Center activities: (1) Iidentify effective early intervention and prevention strategies across agencies and disciplines; and (2) identify the partners with whom the Department of Education might collaborate.

(g) Develop training materials that emphasize cross-agency and cross-discipline collaboration. Research findings and products must be in formats that are useful and accessible for specific audiences including trainers and other professional development personnel; parents and family members; local, State, and national policymakers; education, early care and intervention, medical, mental health, and other providers serving young children with, or at risk for, behavioral problems and their families.

(h) Design and implement a dissemination plan that links research to practice and promotes the exchange of information and use of current knowledge and research findings. This approach must develop linkages with OSEP and other Department of Education technical assistance providers to communicate research findings and distribute products.

(i) Collaborate with partners from Federal, State, and local agencies to assure that training and technical assistance reaches children and their families, as well as education, early care and intervention, mental health, medical providers, and other providers serving young children with, or at risk for, behavioral problems and their families.

(j) Budget three trips to Washington, DC the first year and two trips to Washington, DC each subsequent year: (1) One trip to meet with the Office of Special Education Programs (OSEP) project officer during the first month of the project award to review the design of the project; (2) one trip annually (as specified in the ''General Requirements'' section of this notice); and (3) another trip annually to meet and collaborate with the OSEP project officer.

In deciding whether to continue this project for the fourth and fifth years, we will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, D.C. Projects must budget for the travel associated with this review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The degree to which the project's design and methodology demonstrate the potential for advancing significant new knowledge.

Competitive Preference

Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i), to applications that are otherwise eligible for funding under this priority: Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

Therefore, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Project Period: Under this priority, we will make one award for a cooperative agreement with a project period of 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards.

Maximum Award: The maximum award amount is $750,000 during the first year of the project and up to $1.5 million for each of the four subsequent years of the project. Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a budget funding level for any year that exceeds the stated maximum award amount for that year.

Page Limits: The maximum page limit for this priority is 70 double-spaced pages.

Note: Applications must meet the required page limit standards that are described in the ''General Requirements'' section of this notice.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, Maryland 20794–1398. Telephone (toll free): 1–877–4ED–Pubs (1–877–433–7827). FAX: 301–470–1244. Individuals who use a telecommunications device for the deaf (TDD) may call (toll free) 1–877–576–7734.

You may also contact Ed Pubs via its Web site (*http://www.ed.gov/pubs/edpubs.html*) or its E-mail address (edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify these competitions as follows: CFDA 84.324U and CFDA 84.324Z.

FOR FURTHER INFORMATION CONTACT: Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, S.W., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 260–9182.

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Department as listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT APPLICATION NOTICE FOR FISCAL YEAR 2001

CFDA No. and name	Applications available	Application deadline date	Maximum award (per year) [1]	Project period	Page limit [2]	Estimated number of awards
84.324U Center on Learning Disabilities	07/13/01	08/24/01	$700,000	60 mos	70	1
84.324Z Center for Evidence-based Practice: Young Children with Challenging Behavior	07/13/01	08/24/01		60 mos	70	1
First Year of Project			$750,000			
Each of the Subsequent Four Years of Project			$1,500,000			

[1] Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a project funding level for any year that exceeds the stated maximum award amount for that year.

[2] Applicants must limit the Application Narrative, Part III of the Application, to the page limits noted. Please refer to the ''Page Limit'' requirements included under each priority description and the page limit standards described in the ''General Requirements'' section. We will reject and will not consider an application that does not adhere to this requirement.

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Program Authority: 20 U.S.C. 1472.

Dated: July 2, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

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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)

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