

The State requested an effective date of July 1, 1994. Federal regulations at 42 CFR 447.256(c) and 430.20(b), however, preclude the Centers for Medicare & Medicaid Services (CMS) (formerly the Health Care Financing Administration) from approving a SPA that changes the method of payment prior to the first day of the calendar quarter in which the SPA was submitted. In addition, Federal regulations at 42 CFR 447.205(a) require a State to provide public notice of any significant proposed change in its methods and standards for setting payment rates for services. Federal regulations at 42 CFR 447.205(d) require that the notice be published before the proposed effective date of the change. Therefore, the earliest permissible effective date for this amendment based on the date of public notice (i.e., September 25, 1996) and on the calendar quarter in which the SPA was submitted (i.e., September 30, 1996), was September 26, 1996. After consulting with the Secretary as required by 42 CFR 430.15(c), CMS informed New York of its decision to disapprove this amendment.

The SPA 96-40a was originally submitted as SPA 96-40, which affected DSH payments from July 1, 1994, forward. CMS suggested the State split the original amendment into two separate amendments to allow payments beginning on September 26, 1996, to be approved. The State agreed to this suggestion.

The first amendment, 96-40a, affects Medicaid payments from July 1, 1994, through September 25, 1996, and based on the above, was disapproved on May 14, 2001. The second amendment, 96-40b, affecting Medicaid payments from September 26, 1996, forward, was approved.

I am scheduling a hearing on your request for reconsideration to be held on October 3, 2001, at 10:00 a.m. in Room 38-110a; Thirty-Eighth Floor; Jacob Javits Building; 26 Federal Plaza; New York, New York 10278. If this date is not acceptable, we will be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, Part 430.

I am designating Ms. Kathleen Scully-Hayes as the presiding officer. If these arrangements present any problems, please contact the presiding officer. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 786-2055.

Sincerely,  
Ruben J. King-Shaw, Jr.,  
*Deputy Administrator and Chief Operating Officer, Centers for Medicare & Medicaid Services.*

Section 1116 of the Social Security Act (42 U.S.C. section 1316); (42 CFR section 430.18) (Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: August 7, 2001.

**Ruben J. King-Shaw, Jr.,**

*Deputy Administrator and Chief Operating Officer, Centers for Medicare & Medicaid Services.*

[FR Doc. 01-20236 Filed 8-9-01; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Veterinary Medicine Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Veterinary Medicine Advisory Committee.

*General Function of the Committee:*

To provide advice and recommendations to the agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on September 13 and 14, 2001, from 8:30 a.m. to 5 p.m.

*Location:* The DoubleTree Hotel, Plaza Rooms I, II, and III, 1750 Rockville Pike, Rockville, MD.

*Contact:* Aleta Sindelar, Center for Veterinary Medicine (HFV-3), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301-827-4515, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572) in the Washington, DC area), code 12546. Please call the Information Line for up-to-date information on this meeting.

*Agenda:* On September 13 and 14, 2001, the committee will seek recommendations on the issue of import tolerances under the provisions of the Animal Drug Availability Act of 1996 (ADAA). The ADAA authorizes FDA to establish drug residue tolerances (import tolerances) for imported food products of animal origin for drugs that are used in exporting countries, but that are unapproved new animal drugs in the United States. Food products of animal origin that are in compliance with the import tolerance may be imported into the United States. Elsewhere in this issue of the **Federal Register**, FDA is publishing an advance notice of proposed rulemaking (ANPRM) that details the consideration of proposing a regulation for establishing import tolerances. The agency intends to consider the comments made at the

advisory committee meeting and the written comments received in response to the ANPRM in drafting the proposed regulation. The comments should be sent to Docket No. 01N-0284.

Background information including the legislative history for import tolerances, the domestic regulation of drug residues, and enforcement issues will be made available to the Veterinary Medicine Advisory Committee members and the public in advance of the meeting and posted on the Center for Veterinary Medicine home page (<http://www.fda.gov/cvm>). A limited number of paper copies of the background information will be available at the registration table on September 13, 2001.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on the import tolerance issue pending before the committee. Written submissions may be made to the contact person by August 31, 2001. Oral presentations from the public are tentatively scheduled for the afternoon of September 14, 2001. The time allotted for each presentation may be limited. Those desiring to make oral presentations should notify the contact person before August 31, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation. You will be notified of your allotted time prior to the meeting. Your entire statement should be submitted for the record.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 13, 2001.

**Bonnie H. Malkin,**

*Special Assistant to the Senior Associate Commissioner.*

[FR Doc. 01-20160 Filed 8-8-01; 11:44 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Minor Adjustment of Kodiak National Wildlife Refuge Boundary

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of boundary adjustment.

**SUMMARY:** The Secretary of the Interior, acting through the Regional Director, Region 7, of the Fish and Wildlife Service, has made a minor modification to the boundary of the Kodiak National

Wildlife Refuge in the State of Alaska. This boundary adjustment was made to incorporate within the Refuge a parcel of land, purchased by the United States, which is adjacent to the former Refuge boundary. This action added 2,793 acres to the Refuge.

**DATES:** Title to the land in question vested in the United States of America on November 23, 1998. Notification to Congress of the proposed boundary change was provided August 22, 2000.

**ADDRESSES:** Division of Realty, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503-6199.

**FOR FURTHER INFORMATION CONTACT:** Sharon N. Janis, 907-786-3490.

**SUPPLEMENTARY INFORMATION:** In 1998, approximately 3,159.29 acres of land were acquired from Afognak Joint Venture by the United States, for administration by the Fish and Wildlife Service. Of the 3,159.29 acres, approximately 2,793 acres lie outside, but adjacent to, the boundaries of the Kodiak National Wildlife Refuge as established by the Alaska National Interest Lands Conservation Act. These lands are located in Section 36, Township 19 South, Range 21 West; Sections 7, 18, 19, and 30, Township 20 South, Range 20 West; and Sections 1, 2, 11, 13, 14, 24, and 25, Township 20 South, Range 21 West, Seward Meridian, Alaska.

Section 103(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3103(b)) establishes authority for the Secretary of the Interior to make minor boundary adjustments to the Wildlife Refuges created by the Act. Under this authority, and following due notice to Congress, the Secretary, acting through the Regional Director, Region 7, of the Fish and Wildlife Service, has used this authority to adjust the boundaries of the Kodiak Refuge to include the 2,793 acres of land referenced above. This adjustment modifies the boundary previously described in the **Federal Register** (48 FR 7966, Feb. 24, 1983).

**David. B. Allen,**  
*Regional Director.*

[FR Doc. 01-20096 Filed 8-9-01; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[CA-670-01-1610-JP-064B, C00-0927  
WHA-ADR]

#### Temporary Closure of Federal Land

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Pursuant to Title 43 Code of Federal Regulations 8364.1, the Bureau of Land Management proposes to temporarily close parts of Federal land in Imperial County to camping to protect the resources, desert tortoise habitat and its associated plants and wildlife. The public land areas described below are approximately 40 square miles of public lands east of Glamis, Imperial County, California.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to temporarily close an area of public land to camping in Imperial County. The area lies east of the Imperial Sand Dunes Recreation Management Area and is specifically described below. This proposed closure is to provide interim protection for a threatened species, the desert tortoise (*Gopherus agassizii*). By taking this interim action, BLM contributes to the conservation of a threatened species in accordance with Section 7(a)(1) of the Endangered Species Act (ESA), 16 U.S.C 1536(a)(1). BLM also avoids making any irreversible commitment of resources which would foreclose any reasonable and prudent alternatives which might be required as a result of the consultation on the amendment to the CDCA Plan in accordance with Section 7(d) of ESA, 16 U.S.C 1536(d). The proposed closure would remain in effect until a Record of Decision is signed on the North Eastern Colorado Desert Bioregional Plan which is anticipated in September 2002.

While the area would be closed to camping, driving on existing routes of travel would still be authorized. In addition, the proposed closure does not apply to private lands within the described area.

The area of the camping closure is a contiguous area described in two parts. Part 1: To the north of State Highway 78 (78), an area bounded on the south by 78, on the west by Ted Kipf Road, on the east by the Union Pacific Railroad tracks (UPRR), and on the north by a connecting line between Ted Kipf Road and the UPRR at a point 12 miles northwest of 78. Part 2: An area north and south of 78, bounded in part to the southwest by the UPRR, to the extreme southeast by Olgilby Road, and to the northeast by the private property of the Mesquite Mine; and further bounded outboard to the north and east to a point of one (1) mile and parallel to the pattern and connections of the following three roads—78, Vista Mine Road, and Ted Kipf.

The Order for closure will be posted in the appropriate BLM Offices and at places near and/or within the area to

which the closure or restriction applies (see El Centro Field Office at end of this Notice).

**DATES:** No sooner than 30-days after publication of this notice, a **Federal Register** Notice of final decision will be published.

**SUPPLEMENTARY INFORMATION:** On March 16, 2000, the Center for Biological Diversity, and others (Center) filed for injunctive relief in U.S. District Court, Northern District of California (Court) against BLM alleging that BLM was in violation of Section 7 of ESA, 16 U.S.C 1536, by failing to enter into formal consultation with the FWS on the effects of adoption of the California Desert Conservation Area Plan (CDCA Plan), as amended, upon threatened and endangered species. On August 25, 2000, BLM acknowledged through a Court stipulation that activities authorized, permitted, or allowed under the CDCA Plan may adversely affect threatened and endangered species, and that BLM is required to consult with the U.S. Fish and Wildlife Service (USFWS) to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of all the activities authorized by the CDCA Plan. Consultation on the overall Plan is complex and the completion date is uncertain. Absent consultation on the entire Plan, the impacts of individual activities, when added together with the impacts of other activities in the desert, are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the planning area during the lengthy consultation process while providing appropriate protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR Subpart 8364, BLM contributes to the conservation of endangered and threatened species in accordance with