

Farm which will vary in width up to 173 feet. In the areas of the Farm adjacent to residences which are in mango production, Tropical Fruit will remove, and at its option, relocate, mango trees in a 173 foot buffer zone area, plant plantains, and will also ultimately completely cease spraying pesticides in this 173 foot buffer zone. In the areas of the Farm that are not adjacent to residences and which are in mango production, Tropical Fruit will ultimately completely cease spraying pesticides in a 50–75 foot buffer zone area closest to the border of the Farm and will apply pesticides only through hand spraying equipment in the remaining approximately 100–123 feet of this buffer zone. In the areas of the Farm which are in banana production, the Farm will create a 50–125 buffer zone in which it will ultimately completely cease spraying pesticides. Tropical Fruit has also agreed, among other things, to (i) plant a vegetative barrier comprised of neem trees (in some places two rows of neem trees and in other areas, one row) along nearly the entire perimeter of the buffer zone; (ii) observe wind speed restrictions when spraying pesticides; (iii) purchase and use an improved anemometer (to measure wind speed) that will allow for instant communication between the anemometer and the tractor spraying the pesticides; (iv) employ an individual to monitor pesticide hand-spraying operations for three years; and (v) utilize drift retardants when applying pesticides.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States v. Tropical Fruit, S.E., et al.*, D.J. Ref. 1–1700z.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building Room 452, Carlos Chardon Avenue, Hato Rey, PR 00918, and at two offices of the Environmental Protection Agency, Region II: EPA, 290 Broadway, 17th floor, New York, NY 10007–1866 or EPA, Caribbean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce De Leon, Stop 22, Santurce, Puerto Rico, 09907–4127. A copy of the proposed Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a

copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$11.75 payable to the “Consent Decree Library.”

**Walker Smith,**

*Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

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**BILLING CODE 4410–15–M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### ETA–9000 Report on Internal Fraud Activities: Comment Request

**ACTION:** Notice; request for comments.

**SUMMARY:** The Department of Labor, as a part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with a provision of the Paperwork Reduction Act of 1995 at 44 U.S.C. 3506 (c)(2)(A). This program helps to ensure that requested data can be provided in the desired format. Reporting burdens (time and financial resources) are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension for collection information for the ETA–9000 Report on Internal Fraud Activities. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below October 26, 2001.

**ADDRESSES:** Harry B. Minor, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number, (202) 693–3216 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The ETA–9000 is the only data source available on instances of internal fraud activities within the Unemployment

Insurance (UI) program and on the results of safeguards that have been implemented to deter and detect instances of internal fraud. The report categorizes the major areas susceptible to internal (employee) fraud and provides actual and “estimated” (predictability or cost avoidance measures) workload. The information from this report has been used and will be used to review Internal Security (IS) operations and obtain information on composite shifting patterns of nationwide activity, and effectiveness in the area of internal fraud identification and prevention. The Employment and Training Administration has used this report to assess the overall adequacy of IS procedures in State Employment Security Agency (SESA) UI program administration.

##### II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

##### III. Current Actions

Continued collection of the ETA–9000 data will provide for a comprehensive evaluation of the UI IS program. The data is collected annually, and an analysis of the data received is formulated into a report summarizing the internal fraud cases uncovered by the 53 SESAs.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Report on Internal Fraud Activities.

*OMB Number:* 1205–0187.

*Agency Number:* ETA 9000.

*Total Respondents:* 53.

*Average Time per Response:* 3 hours.  
*Estimated Total Burden Hours:* 159 hours.

Total Burden Cost (capital/startup): 0.  
Total Burden Cost (operating/  
maintaining): 0.

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

Dated: August 21, 2001.

**Grace A. Kilbane,**

Administrator, Office of Workforce Security.

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BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Federal-State Unemployment Compensation Program: Availability of Benefit Accuracy Measurement Program Results

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of availability of the Unemployment Insurance (UI) Benefit Accuracy Measurement (BAM) program data for calendar year (CY) 2000.

**SUMMARY:** UI BAM program data for CY 2000 are published as part of the UI PERFORMS Annual Report, which is available on the ETA Office of Workforce Security Internet site—[http://workforcsecurity.doleta.gov/unemploy/pdf/ar\\_00.pdf](http://workforcsecurity.doleta.gov/unemploy/pdf/ar_00.pdf). The report was also distributed on compact disk to state agency administrators and the Department of Labor's Regional Administrators.

The UI PERFORMS Annual Report also includes data from the Benefits Timeliness and Quality and Tax Performance System programs. UI PERFORMS is the Department of Labor's management system for promoting continuous improvement in UI performance. UI PERFORMS performance measures are designated either Tier I, for which minimum performance criteria have been established, or Tier II, for which no minimum performance standards have been established. The BAM paid claims accuracy rate is a Tier II measure.

States are not required to publish their BAM program data; however, persons wanting clarification or additional information concerning a specific state's report are encouraged to contact the individuals identified in the following list.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Spisak, Office of Workforce Security, Division of Performance

Management, 202-693-3196 (this is not a toll free number) or e-mail: [aspisak@doleta.gov](mailto:aspisak@doleta.gov).

**SUPPLEMENTARY INFORMATION:** Each state's agency selects weekly random samples of UI benefit payments. The BAM program staff collects information about these payments by contacting claimants, employers, and third parties to determine whether the correct amounts of UI benefits were paid in accordance with state law, policy, and procedure. The results of the payment audits are recorded in electronic databases in each state and in the Department of Labor's National Office in Washington, DC.

The Department of Labor publishes results from the BAM investigations for the 50 states, the District of Columbia, and Puerto Rico. Five items are reported for each of the 52 jurisdictions participating in the BAM program: (1) The amount of UI benefits paid to the population of claimants; (2) the size of the BAM samples (number of completed cases); (3) the percentage of proper payments; (4) the percentage of overpayments; and (5) the percentage of underpayments in the population estimated from the BAM investigations. Ninety-five percent confidence intervals, which measure the precision of the payment accuracy estimates, are reported for each of the three percentages.

The CY 2000 UI PERFORMS Annual Report also includes background information and the data collection methodology for the BAM program. Graphs that display the distribution of overpayment rates for all states, national overpayment rates by year since CY 1988, and national cause and responsibility data for overpayments for the last eight years are also provided.

Readers are strongly cautioned that it may be misleading to compare one state's BAM overpayment and underpayment rates with the rates of other states. No two states' laws, regulations, and policies specifying eligibility conditions are identical. Differences among states in these conditions influence the potential for error. States with complex or strict eligibility conditions will tend to have higher overpayment rates than states with simpler provisions, because there is a greater chance that these conditions will not be met.

Signed at Washington, D.C., on August 20, 2001.

**Grace A. Kilbane,**

Administrator, Office of Workforce Security.

#### Unemployment Insurance Benefit Accuracy Measurement State Contacts

##### Alabama

Debbie C. Richbourg, Alabama Department of Industrial Relations, Benefits Unit, 649 Monroe Street, Montgomery, AL 36131, (334) 242-8130, e-mail: [drichbourg@dir.state.al.us](mailto:drichbourg@dir.state.al.us)

##### Alaska

Karen Van Dusseldorp, Q.C. Data Analyst, Alaska Department of Labor, P.O. Box 21149, Juneau, AK 99802-1149, (907) 465-5946 e-mail: [karen\\_vandusseldorp@labor.state.ak.us](mailto:karen_vandusseldorp@labor.state.ak.us)

##### Arizona

Maria Perez, Department of Economic Security, Employment Security Administration, Suite Code 701B4, 1789 West Jefferson, Phoenix, AZ 85005, (602) 542-0936, E-mail: [mcperez@mail.de.state.az.us](mailto:mcperez@mail.de.state.az.us)

##### Arkansas

Fred D. Carter, Program Operations Manager, Employment Security Department, P.O. Box 2981, Little Rock, AR 72203-2981, (501) 682-2142, e-mail: [fred.carter.aesd@mail.state.ar.us](mailto:fred.carter.aesd@mail.state.ar.us)

##### California

Suzanne Schroeder, Office of Constituent Affairs, Employment Development Department, P.O. Box 826880, Sacramento, CA 94280-0001, (916) 654-9029

##### Colorado

Greg Carson, UI Integrity Branch, Colorado Division Employment & Training, 251 E. 12th Avenue, Denver, CO 80203, (303) 318-9000 ext. 3580, email: [greg.carson@state.co.us](mailto:greg.carson@state.co.us)

##### Connecticut

Nancy Steffens, Director of Communications, Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, CT 06109, (960) 263-6535, email: [nancy.steffens@po.state.ct.us](mailto:nancy.steffens@po.state.ct.us)

##### Delaware

W. Thomas MacPherson, Director, Division of Unemployment Insurance, P.O. Box 9950, Wilmington, DE 19809-0950, (302) 761-8350, email: [tmacpherson@state.de.us](mailto:tmacpherson@state.de.us)

##### District of Columbia

Roberta Bauer, Associate Director, Office of Compliance and Independent Monitoring, Department of Employment Services, 77 P Street, N.E., Washington, DC 20002, (202) 671-3076, email: [Roberta.Bauer@dc.gov](mailto:Roberta.Bauer@dc.gov)

##### Florida

Lucy D. Hadi, Deputy Director for Workforce Services, The Atkins Building, Suite 120, 1320 Executive Center Drive, Tallahassee, FL 32399-2250, (850) 488-7228, ext. 1119, e-mail: [lucy.hadi@awi.stste.fl.us](mailto:lucy.hadi@awi.stste.fl.us)