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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00–119–2]

Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products; Phytosanitary Certificates: Delay of Effective Date

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Policy statement; delay of effective date.

SUMMARY: We are delaying by 120 days the planned effective date for a policy to enforce an existing requirement that a phytosanitary certificate of inspection accompany restricted articles, other than certain greenhouse-grown plants from Canada, that are offered for importation into the United States under our foreign quarantine regulations for nursery stock, plants, roots, bulbs, seeds, and other plant products. This action will allow affected parties additional time in making necessary preparations to comply with this requirement.

DATES: The effective date of the Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products; Phytosanitary Certificates policy statement, published in the **Federal Register** on July 23, 2001 (66 FR 38137–38139, Docket No. 00–119–1) is delayed for 120 days, from September 21, 2001, to a new effective date of January 22, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. James Petit de Mange, CITES and Plant Inspection Station Coordinator, Port Operations, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1236; (301) 734–8295.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation into the United States of certain plants and plant products to prevent the introduction of plant pests into the United States. The regulations contained in ''Subpart Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' §§ 319.37 through 319.37–14 (referred to below as the regulations), prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. Paragraph (a) of § 319.37–4 of the regulations requires that any restricted article offered for importation into the United States, other than certain greenhouse-grown plants from Canada, be accompanied by a phytosanitary certificate of inspection (phytosanitary certificate).

On July 23, 2001, we published in the **Federal Register** (66 FR 38137–38139, Docket No. 00–119–1) a policy statement advising the public of our decision to begin enforcing on a consistent basis an existing requirement in § 319.37–4(a) of the regulations that a phytosanitary certificate of inspection accompany restricted articles, other than certain greenhouse-grown plants from Canada, that are offered for importation into the United States under our foreign quarantine regulations for nursery stock, plants, roots, bulbs, seeds, and other plant products. We notified the public that we intended to begin routinely enforcing this requirement effective September 21, 2001.

Several parties, including one official national plant protection organization, have requested that we delay the effective date to allow them and other parties affected by this change in policy additional time in making preparations to comply with this requirement. In response to these requests, we are delaying the effective date for an additional 120 days beyond the previously announced date of September 21, 2001.

Authority: 7 U.S.C. 166, 450, 7711–7714, 7718, 7731, 7732, and 7751–7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 27th day of August 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–22032 Filed 8–30–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–27–AD; Amendment 39–12423; AD 2001–17–31]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) AE 2100 Turboprop and AE 3007 Turbofan Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) AE 2100 turboprop and AE 3007 turbofan series engines. This amendment requires a one-time acid etch inspection of the 2nd stage high pressure turbine (HPT) wheel for evidence of damaged material indicating that a higher probability of cracking in future service exists. If the etch inspection reveals damage, this AD requires replacement of the turbine wheel with a serviceable part. This amendment is prompted by a report of a 2nd stage HPT wheel that was returned from the field with cracks in the aft bore face. The actions specified by this AD are intended to detect and prevent early development of cracks due to low cycle fatigue of the 2nd stage HPT wheel in the aft bore face that can lead to wheel failure, power loss, and possible damage to the airplane.

DATES: Effective date October 5, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 5, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Rolls-Royce Corporation, P.O. Box

420, Indianapolis, IN 46206–0420; telephone: (888) 255–4766. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael Downs, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 E. Devon Ave., Des Plaines, IL 60018; telephone (847) 294–7870, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) AE 2100 and AE 3007 series engines was published in the **Federal Register** on December 12, 2000 (65 FR 77528). That action proposed to require a one-time acid etch inspection of the 2nd stage HPT wheel for cracks. If the wheel is cracked, this AD would require replacement of the turbine wheel with a serviceable part in accordance with Rolls-Royce Alert Service Bulletins (ASB's): AE 2100A–A–72–234, Revision 2, dated October 13, 2000; or AE 2100C–A–72–183, Revision 2, dated October 13, 2000; AE 2100D3–A–72–179, Revision, 2, dated October 13, 2000; AE 3007A–A–72–179, Revision 2, dated October 17, 2000; and AE 3007C–A–72–153, Revision 2, dated October 17, 2000, that describe the procedures for examining the turbine wheel for damage using the one-time acid etch procedure. Since the NPRM was published, Rolls-Royce has issued Revision 3, dated June 19, 2001, to all five ASB's because they were revised from level 2 to level 3 to align them with changes agreed to by the FAA as a result of comments made to the NPRM. also included in this amendment are the different types of engines that were omitted from the NPRM.

Comments

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

Remove Part Number

The manufacturer requests that turbine wheel part number (P/N) 23069438 be removed from the AD. As a result of testing, it was discovered that the 1/10,000 minimum crack initiation life is greater than the Chapter 5 life limit for the AE 3007A1, A1/1, A1/2, A1/3, and A3 and within 100 cycles of the Chapter 5 life for the AE 3007A1P.

The FAA agrees. The manufacturer completed a comprehensive program to quantify the impact on fatigue capability of Udimet 720 material damaged by improper tool contact in the same manner as discussed for turbine wheel P/N 23050912 in the proposed rule. Program results demonstrated that shot peening during manufacturing greatly increases the crack initiation life of a wheel containing the damage, thus decreasing the likelihood of failure from a crack resulting from that damage. The analysis of damaged wheels discussed in the proposed AD did not take into consideration wheels that were shot peened during manufacture. Thus, the applicability of the AD has been changed to reflect that the AD does not apply to engines with turbine wheel P/N 23069438 installed.

Change Inspection Compliance Times

The manufacturer also states that Table 2. should be changed to reflect increased inspection times for the engines having turbine wheel P/N 23069592 with serial number up to (SN) MM183060. as follows:

1. AE 3007A prior to 12,800 cycles.
2. AE 3007C prior to 12,800 cycles.
3. AE 2100A prior to 16,800 cycles.
4. AE 2100C prior to 16,800 cycles.
5. AE 2100D3 prior to 14,100 cycles.

The FAA agrees that the change is justified because wheel P/N's 23069438 and 23069592 are both shot peened during manufacturing. The effects of shot peening were not considered in the writing of the proposed rule. However, P/N 23069592, unlike P/N 23069438, did not have a minimum crack initiation life greater than it's chapter 5 life limit. Table 2 has been changed accordingly.

Change Definition of Serviceable Part

The manufacturer also requests that the definition of a serviceable part in paragraph (e) be changed to reflect that an acid etch inspection does not reveal cracks, but reveals damage that may indicate a higher probability that a crack will initiate.

The FAA agrees and the definition has been changed. The FAA has also made a similar change to the discussion in the preamble to this final rule.

Table 2 Correction

Finally, the manufacturer asks that Table 2 be corrected as there is a typographical error in column (2); part number 233064473 should be 23064473.

The FAA agrees and the change has been made.

The FAA has also corrected the applicability to reflect that the AD applies to AE2100A and AE2100C engines that have turbine wheels with P/N's other than 23050912 installed, as indicated in Table 2 of the proposed rule. Also, P/N's 23070672 and 23070675 were inadvertently left out of the original service bulletins and have been added to Table 2, row 4.

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

Economic Impact

Since the issuance of the NPRM, engine models AE 3007A1 series and AE 3007A3 have been removed from this proposed amendment and this AD no loner applies to the EMB–135 aircraft. As a result, there are now approximately 833 engines of the affected design in the worldwide fleet. The FAA estimates that approximately 280 engines installed on airplanes of US registry would be affected by this proposed AD. The FAA estimates that disassembly to perform the acid etch inspection and reassembly will take approximately 130 work hours, which includes teardown to the HPT, inspection and reassembly, and that the average labor rate is $60 per work hour. Labor costs to perform the disassembly and reassembly are $7,800, and a test stand run will cost about $5,000, for a total cost of $12,800 per engine to conduct the acid etch inspection. Based on these figures, the FAA estimates that the total cost impact of performing the acid etch inspection on US operators will be $3,584,000. If a wheel must be replaced, the cost of a replacement wheel is $18,000, and it will take an additional 30 work hours to replace the wheel, at $60 per work hour. Therefore, the total cost of parts and labor for replacing the wheel will total $19,800 per wheel. If all wheels needed to be replaced, the total cost impact of the proposed AD on U.S. operators would be $5,544,000. The FAA estimates, however, that not all wheels will need replacement and that some labor costs required to accomplish the requirements of this proposed AD may be reimbursed by the manufacturer, thus reducing the total cost impact of the proposed AD on US operators.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–17–31 Rolls-Royce Corporation: Amendment 39–12423. Docket No. 2000–NE–27–AD.

Applicability

This airworthiness directive (AD) is applicable to Rolls-Royce Corporation (formerly Allison Engine Company) models AE 2100A and AE 2100C turboprop engines with high pressure turbine (HPT) wheel part number (P/N) 23050912 installed; AE 2100A turboprop engine with turbine wheel P/N 23063462 serial number (SN) MM14062 installed; AE 2100A, AE 2100C, AE 2100D3 turboprop and AE 3007A, and AE 3007C turbofan engines with 2nd stage HPT wheels with SN's before MM183060. These engines are installed on but not limited to Embraer EMB–145, Cessna 750, SAAB 2000, and Industi Pesawat Terbang Nusantara (IPTN) N–250 series airplanes.

Note 1: This AD applies to each engine 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 engines 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 (g) 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

Compliance with this AD is required as indicated, unless already done.

To detect and prevent early development of cracks due to low cycle fatigue of the 2nd stage HPT wheel in the aft bore face that can lead to wheel failure, power loss, and possible damage to the airplane, do the following:

One-time Inspection

(a) Perform a one-time acid etch inspection to the 2nd stage high pressure turbine wheel in accordance with the Accomplishment Instructions contained in the following Rolls-Royce Alert Service Bulletins:

TABLE 1.—APPLICABLE ALERT SERVICE BULLETINS

AE models	Rolls-Royce service bulletin
AE 2100A	AE 2100A–A–72–234, Revision 2, dated October 13, 2000 or Revision 3, dated June 19, 2001.
AE 2100C	AE 2100C–A–72–183, Revision 2, dated October 13, 2000 or Revision 3, dated June 19, 2001.
AE 2100D3	AE 2100D3–A–72–179, Revision 2, dated October 13, 2000 or Revision 3, dated June 19, 2001.
AE 3007A	AE 3007A–A–72–179, Revision 2, dated October 17, 2000 or Revision 3, dated June 19, 2001.
AE 3007C	AE 3007C–A–72–153, Revision 2, dated October 17, 2000 or Revision 3, dated June 19, 2001.

(b) Perform these inspections according to the following compliance times:

TABLE 2.—INSPECTION COMPLIANCE TIMES

Models	With turbine wheel	Mandatory
(1) AE 2100A, AE2100C	23050912	Before 4,800 cycles since new (CSN).
(2) AE 2100A	23063462–S/N MM14062	Before 4,800 CSN.
(3) AE2100D3	23050912	Before 3,200 CSN.
(4) All other AE 2100A, AE 2100C and AE2100D3.	23063462, 23064822, 23070673, 23065892, 23069116, 23064473, 23064474, 23068072, 23070672 and 23070675 with S/N's MM183060 and before.	At next shop visit.
(5) All AE 3007A, and AE 3007C	23063462, 23065892, 23069116 with S/N MM183060 and before.	At next shop visit.
(6) All AE 3007A and AE 3007C	23069592 with S/N MM183060 and before	At next exposure but not to exceed 12,800 CSN.
(7) All AE 2100A and 23069592 AE 2100C	23069592 with S/N MM183060 and before	Next exposure but not to exceed 16,800 CSN.
(8) All 2100D3	23069592 with S/N MM183060 and before	At next exposure but not to exceed 14,100 CSN.

(c) If damage is discovered, replace the turbine wheel with a serviceable part.

Definitions

(d) The next shop visit is defined as whenever the engine is removed and sent to a maintenance center for inspection or repair.

(e) A serviceable part is defined as any applicable turbine wheel with a serial number greater than MM183060, or a wheel with a serial number MM183060 or lower that has undergone an acid etch inspection with no indication of damage.

(f) After the effective date of this AD, do not install any 2nd-stage gas-generator turbine wheel listed in Table 2 of this AD, unless it has been inspected as specified in paragraph (a).

Alternative Methods of Compliance

(g) 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, Chicago Aircraft Certification Office. Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office.

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

Special Flight Permits

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

Documents That Have Been Incorporated by Reference

(i) The inspection must be done in accordance with the following Rolls-Royce Corporation Alert Service Bulletins:

Document No.	Pages	Revision	Date
ASB AE 2100A–A–72–234	All	2	October 13, 2000.
ASBAE 2100C–A–72–183	All	2	October 13, 2000.
ASB AE 2100D3–A–72–179	All	2	October 13, 2000.
Total Pages: 13			
ASB AE 2100A–A–72–234	All	3	June 19, 2001.
ASBAE 2100C–A–72–183	All	3	June 19, 2001.
ASB AE 2100D3–A–72–179	All	3	June 19, 2001.
Total Pages: 13			
ASB AE 3007A–A–72–179	All	2	October 17, 2000.
ASB AE 3007C–A–72–153	All	2	October 17, 2000.
Total Pages: 12			
ASB AE 3007A–A–72–179	All	3	June 19, 2001.
ASB AE 3007C–A–72–153	All	3	June 19, 2001.
Total Pages: 12			

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 Rolls-Royce Corporation, P.O. Box 420, Indianapolis, IN 46206–0420; telephone: (888) 255–4766 . Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date of This AD

(j) This amendment becomes effective on October 5, 2001.

Issued in Burlington, Massachusetts, on August 21, 2001.

Donald Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–21894 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–145]

RIN 2115–AA97

Safety Zone; Old Lyme Fireworks Display, Old Lyme, CT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display located in Long Island Sound off Old Lyme, CT. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Long Island Sound.

DATES: This rule is effective from 8:45 p.m. on September 1, 2001, until 10 p.m. on September 2, 2001.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket (CGD01–01–145) and are available for inspection or copying at Coast Guard Group/Marine Safety Office, 120 Woodward Ave., New Haven, CT 06512, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MSTC C. D. Stubblefield, Office Supervisor, Coast Guard Group/MSO Long Island Sound (203) 468–4428.

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. An NPRM was considered unnecessary because the fireworks display is a local event which will have minimal impact on the waterway. The zone is only in effect for 1 hour 15 minutes and vessels can be given permission to transit the zone during all but about 30 minutes of this time. Vessels may transit around the zone at all times. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. We did not receive sufficient advance notice of the fireworks display to allow an NPRM. The fireworks

display is a local event; for the reasons previously stated, it has minimal impact on the waterway. Any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public for the hazards associated with this fireworks display.

Background and Purpose

The Coast Guard received an application to hold a fireworks program on the waters of Long Island Sound off Old Lyme, CT. This regulation establishes a safety zone in all waters of Long Island Sound within a 600 foot radius of the fireworks barge in approximate position 41°42′00″ N, 072°39′52″ W (NAD 1983). The safety zone will be enforced from 8:45 p.m. until 10 p.m. on September 1, 2001. In the event of inclement weather, this rule will be enforced during the same time period on September 2, 2001 instead.

The safety zone prevents vessels from transiting a portion of Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit around the zone during this event. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone. Public notifications will be made prior to the event via the Local Notice to Mariners and Marine Information Broadcasts.

Regulatory Evaluation

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

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may still transit around the zone during the event, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone, and advance notifications which will be made.

The size of this safety zone was determined using National Fire Protection Association and the Captain of the Port Long Island Sound Standing Orders for 6-inch mortars fired from a barge combined with the Coast Guard's knowledge of tide and current conditions in the area.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Long Island Sound during the times this zone is activated.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. It is a local event with minimal impact on the waterway, vessels may still transit around the zone during the event, the zone is only in effect for 1 hour 15 minutes and vessels can be given permission to transit the zone except for about 30 minutes during this time. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone. Before the effective period, public notifications will be made via Local Notice to Mariners and Marine Information Broadcasts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief Petty Officer Chris Stubblefield, in the Command Center at Coast Guard Group/Marine Safety Office Long Island Sound, CT, at (203) 468–4428.

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

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. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this 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 M16475.1D, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

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. From 8:45 p.m. on September 1, 2001, until 10 p.m. on September 2, 2001, add temporary § 165.T01–145 to read as follows:

§ 165.T01–145 Safety Zone: Old Lyme Fireworks Display, Old Lyme, CT.

(a) *Location.* The following area is a safety zone: All waters of Long Island Sound within a 600 foot radius of the fireworks barge in approximate position 41°42′00″ N, 072°39′52″ W (NAD 1983).

(b) *Enforcement times and dates.* This section will be enforced from 8:45 p.m. until 10 p.m. on September 1, 2001. In the event of inclement weather, this section will be enforced during the same times on September 2, 2001 instead.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 23, 2001.

J.J. Coccia,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 01–22052 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–133]

RIN 2115–AA97

Safety Zone; Ackerman Engagement Fireworks Display, Westhampton Beach, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display located in the Atlantic Ocean off Westhampton Beach, NY. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Atlantic Ocean.

DATES: This rule is effective from 9:15 p.m. on September 2, 2001, until 10:30 p.m. on September 3, 2001.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket (CGD01–01–133) and are available for inspection or copying at Coast Guard Group/Marine Safety Office, 120 Woodward Ave., New Haven, CT 06512, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MSTC C. D. Stubblefield, Office Supervisor, Coast Guard Group/MSO Long Island Sound (203) 468–4428.

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. An NPRM was considered unnecessary because the fireworks display is a local event which will have minimal impact on the waterway. The zone is only in effect for 1 hour and 15 minutes and vessels can be given permission to transit the zone during all but about 30 minutes of this time. Vessels may transit around the zone at all times. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. We did not receive sufficient advance notice of the fireworks display to allow an NPRM. The fireworks display is a local event; for the reasons previously stated, it has minimal impact on the waterway. Any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public for the hazards associated with this fireworks display.

Background and Purpose

The Coast Guard received an application to hold a fireworks program on the waters of the Atlantic Ocean off Westhampton Beach, NY. This regulation establishes a safety zone in all waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge in approximate position 40°47′30″ N, 072°38′30″ W (NAD 1983). The safety zone will be enforced from 9:15 p.m. until 10:30 p.m. on September 2, 2001. In the event of inclement weather, this rule will be enforced during the same hours on September 3, 2001 instead.

The safety zone prevents vessels from transiting a portion of the Atlantic Ocean and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit around the zone during this event. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone. Public notifications will be made prior to the event via the Local Notice to Mariners and Marine Information Broadcasts.

Regulatory Evaluation

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

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may still transit around the zone during the event, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone, and advance notifications which will be made.

The size of this safety zone was determined using National Fire Protection Association and the Captain of the Port Long Island Sound Standing Orders for 12-inch mortars fired from a barge combined with the Coast Guard's knowledge of tide and current conditions in the area.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Atlantic Ocean during the times this zone is activated.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. It is a local event with minimal impact on the waterway, vessels may still transit around the zone during the event, the zone is only in effect for 1 hour and 15 minutes and vessels can be given permission to transit the zone except for about 30 minutes during this time. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the zone. Before the effective period, public notifications will be made via Local Notice to Mariners and Marine Information Broadcasts.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief Petty Officer Chris Stubblefield, in the Command Center at Coast Guard Group/Marine Safety Office Long Island Sound, CT, at (203) 468–4428.

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

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. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this 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 M16475.1D, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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. From 9:15 p.m. on September 2, 2001, through 10:30 p.m. on September 3, 2001, add temporary § 165.T01–133 to read as follows:

§ 165.T01–133 Safety Zone: Ackerman Engagement Fireworks Display, Westhampton Beach, NY.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge in approximate position 40°47′30″ N, 072°38′30″ W (NAD 1983).

(b) *Enforcement times and dates.* This section will be enforced from 9:15 p.m. until 10:30 p.m. on September 2, 2001. In the event of inclement weather, this section will be enforced during the same hours on September 3, 2001 instead.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 23, 2001.

J.J. Coccia,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 01–22053 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4118a; FRL–7045–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Nine Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for 9 major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 15, 2001 without further notice, unless EPA receives adverse written comment by October 1, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at spain.melik@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f)) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are: (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment; (2) All sources covered by a CTG issued prior to November 15, 1990; (3) All other major non-CTG rules were due by November 15, 1992. The Pennsylvania SIP has approved RACT regulations and requirements for all sources and source categories covered by the CTG's.

On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Philadelphia area, a major source of VOC is defined as one having the potential to emit 25 tons per year (tpy) or more, and a major source of NO_X is also defined as one having the potential to emit 25 tpy or more. Pennsylvania's RACT regulations require sources, in the Philadelphia area, that have the potential to emit 25 tpy or more of VOC and sources which have the potential to emit 25 tpy or more of NO_X comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) Certifies that it has submitted case-by-case RACT

proposals for all sources subject to the RACT requirements currently known to PADEP; *or* (2) demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/NO_X RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. The regulation currently retains its limited approval status in the Philadelphia area. Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional approval for subject sources located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties; the limited approval of Pennsylvania's generic VOC and NO_X RACT regulations shall convert to a full approval for the Philadelphia area.

It must be noted that the Commonwealth has adopted and is implementing additional ''post RACT requirements'' to reduce seasonal NO_X emissions in the form of a NO_X cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That rule's compliance date is May 1999. That regulation was approved as SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted regulations to satisfy Phase I of the NO_X SIP call and submitted those regulations to EPA for SIP approval. Pennsylvania's SIP revision to address the requirements of the NO_X SIP Call Phase I consists of the adoption of Chapter 145—Interstate Pollution Transport Reduction and amendments to Chapter 123—Standards for Contaminants. On May 29, 2001 (66 FR 29064), EPA proposed approval of the Commonwealth's NO_X SIP call rule SIP submittal. On August 10, 2001, EPA signed the final rulemaking and expects it to be published in the **Federal Register** in the near future. Federal approval of a case-by-case RACT determination for a major source of NO_X in no way relieves that source from any applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

II. Summary of the SIP Revisions

On April 16, 1996, June 10, 1996, November 4, 1997, December 31, 1997, March 24, 1998, March 23, 2001, and August 8, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several sources of VOC and/or NO_X. This rulemaking pertains to the 9 of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of plan approvals and operating permits) which impose VOC and/or NO_X RACT requirements for each source. These sources are all located in the Philadelphia area. The table below identifies the sources and the individual plan approvals (PAs) and operating permits (OPs) which are the subject of this rulemaking. A summary of the VOC and NO_X RACT determinations for each source follows the table.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan Approval (PA #) Operating Permit (OP #)	Source type	''Major source'' pollutant
1. Jefferson Smurfit Corporation and Container Corporation of America.	Philadelphia	PA–51–1566	Industrial Boilers	NO_X
2. Maritank Philadelphia, Inc	Philadelphia	PA–51–5013	Bulk Storage	VOC/NO_X
3. Moyer Packing Company	Montgomery	OP–46–0001	Industrial Boilers	NO_X
4. PECO Energy Company	Bucks	OP–09–0077	Synthetic Gas Combustion	NO_X
5. Exelon Generation Company—Schuylkill Generating Station.	Philadelphia	PA–51–4904	Utility	VOC/NO_X
6. Exelon Generation Company—Delaware Generating Station.	Philadelphia	PA–51–4901	Utility	VOC/NO_X
7. Philadelphia Gas Works, Richmond Plant.	Philadelphia	PA–51–4922	Utility	NO_X
8. SPS Technologies	Montgomery	OP–46–0032	Metal Machining	VOC/NO_X
9. Tullytown Resource Recovery Facility (Waste Management of PA, Inc.).	Bucks	OP–09–0024	Landfill	VOC/NO_X

A. Jefferson Smurfit Corporation and Container Corporation of America

Jefferson Smurfit Corporation and Container Corporation of America (JSC) owns and operates a box board manufacturing facility in Philadelphia, Pennsylvania. This source is a major NO_X emitting facility. The facility is not a major source of VOC. There are 2 boilers (Boilers No. 1 and No. 2) in operation at the facility that are affected by the Commonwealth's NO_X RACT requirements of 25 Pa Code 129.92. Boilers No. 1 and 2 have heat capacities of 240 million British thermal units per hour (MMBtu/hr) and 225 MMBtu/hr, respectively. Both of the boilers burn pulverized coal as their primary fuel, and No. 6 fuel oil and natural gas as backup fuels. To establish NO_X RACT, the Philadelphia Air Management Services (AMS) issued PA–51–1566 to JSC. PADEP submitted it to EPA as a SIP revision on behalf of AMS. AMS determined that NO_X RACT for JSC's Boilers No.1 and No. 2 is compliance with the Commonwealth's presumptive NO_X RACT requirements of 25 Pa Code 129.93(b)(1), which requires the installation and operation of low NO_X burners (LNB) with separate overfire air for coal fired combustion, rated at or above 100 MMBtu/hr. PA–51–1566 requires these boilers to use LNB with separate overfire air when burning No. 6 fuel and natural gas. PA–51–1566 imposes NO_X emission limits that are never to exceed 0.50 pounds per MMBtu (lbs/MMBtu), per 30-day rolling average when burning coal, 0.30 lbs/MMBtu when burning No. 6 oil or 0.20 lbs/MMBtu when burning natural gas for both boilers combined. PA–51–1566 also requires the installation and maintenance of a continuous emissions

monitoring system (CEMS). JSC must keep all records containing data and calculations necessary to determine compliance with the RACT requirements of 25 Pa Code 129.91-129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

B. Maritank Philadelphia, Inc.

Maritank Philadelphia, Incorporated (Maritank) is a liquid storage facility located in Philadelphia, Pennsylvania. To establish VOC and NO_X RACT, AMS issued PA–51–5013, and PADEP submitted it to EPA as a SIP revision. The majority of the process units at this facility are subject to the Commonwealth's presumptive VOC and/or NO_X RACT regulations of 25 Pa Code 129.51–129.72 and 129.91–129.95. The facility stores and distributes petroleum products. These products are loaded and unloaded from barge to storage tanks and trucks. Maritank also conducts barge cleaning activities to remove residual material from the empty barges. VOC emissions from the barge cleaning plant vacuuming operations are controlled with a vacuuming incinerator. This incinerator along with a boiler rated at 7 MMBtu/hr will comply with the NO_X RACT requirements of 25 Pa Code 129.93(c)(1). Maritank has one other boiler with a capacity of 30 MMBtu/hr, which is subject to the NO_X RACT requirements of 25 Pa Code 129.93(c)(2)–(5). The fugitive VOC emissions from the truck loading rack are collected and controlled via a vapor incinerator. AMS determined that VOC RACT for Maritank's fugitive emissions is the implementation of a visual leak detection and repair (LDAR) program for all pumps, valves, and flanges at the facility. Maritank also conducts shore tank cleaning activities to remove residual material from its tanks. The residual products contained within the washwater produced in the washing of the tanks is separated and recovered by a washwater treatment system. The washwater treatment system treats its waste water with 2 separate oil/water separators coupled with carbon absorption. PA–51–5013 requires that their 5 recovery tanks be connected to the current vapor collection system. The PA specifies that gasoline loading at the dock transfer station must be discontinued. Maritank is required to keep records containing details of inspections and repairs and other data necessary to determine compliance with the RACT requirements of 25 Pa Code 129.91–129.94 and PA–51–5013. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

C. Moyer Packing Company

Moyer Packing Company, Incorporated (Moyer) operates a rendering facility in Montgomery County, Pennsylvania. Moyer generates steam using 2 Keeler boilers that are rated at 56.4 MMBtu/hr each. The Keeler boilers fire No. 6 fuel oil. These boilers' potential emissions classify Moyer as a major stationary source of NO_X emissions, and therefore subject to the Commonwealth's NO_X RACT requirements of 25 Pa Code 129.92. The boilers were the only sources at this facility subject to case-by-case NO_X RACT. Moyer is not a major emitter of VOCs. PADEP issued OP–46–0001 and submitted it as a revision to the SIP. OP 46–0001 imposes a NO_X emission limit of 0.37 lbs/MMBtu for each of the 2 Keeler boilers as NO_X RACT. The boilers will be tuned to operate using low excess oxygen and will be operated in accordance with the manufacturer's specifications and with good engineering and air pollution control practices. Moyer is required to keep records of fuel usage, NO_X emissions, and data sufficient to determine compliance with the conditions of the OP. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

D. PECO Energy Company

The PECO Energy Company (PECO) produces power using 2 turbines at their Pennsbury Power Production Plant located in Bucks County, Pennsylvania. The 2 turbines are fueled by landfill gas. The landfill gas is generated by the decomposition of refuse at the adjacent landfill owned and operated by the Geological Reclamation Operations and Waste Systems, Incorporated (GROWS). Approximately 90% of the landfill gas produced at the landfill is collected by GROWS and is sent offsite through a pipeline. The majority of the gas is used as fuel for PECO's turbines. The PADEP issued OP–09–0077 to impose RACT for these turbines. The 2 landfill gas-fired turbines are rated at 42 MMBtu/hr each. OP–09–0077 requires the turbines meet a minimum destruction efficiency of 98% (by weight) of the landfill gas collected, and a 20 parts per million by volume (ppmv) VOC emissions limit, measured on a dry basis as hexane at 3% oxygen. The NO_X emissions expressed as nitrogen dioxide will never exceed 42 ppmv at 15% oxygen measured on a dry basis for the 2 turbines. OP–09–0077 specifies that the landfill gas will be analyzed by an on-line process gas chromatograph to determine its nitrogen content. The OP requires that PECO perform annual tune-ups on the turbines in accordance with 25 Pa Code 129.93. OP–09–0077 requires PECO to keep records containing data that is sufficient to determine compliance with the RACT requirements of 25 Pa Code 129.91–129.92. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

E. Exelon Generation Company—Schuylkill Generating Station

The Exelon Generation Company—Schuylkill Station (Exelon, formerly known as PECO Energy) is an electric utility located in Philadelphia, Pennsylvania. The Schuylkill Generating Station operates one tangentially-fired Combustion Engineering utility boiler rated at 1658 MMBtu/hr, firing No. 6 oil. This boiler has a net electric output capacity of 166 megawatts (MW), based on summer peak output, and a 175 MW winter peak output. The facility also operates one Pratt & Whitney model FT4A8 combustion turbine and one Pratt & Whitney model FT4A9 combustion turbine. Both combustion turbines burn No. 2 oil and have nominal outputs of 15.5 MW and 17.5 MW, respectively. To establish NO_X RACT, AMS issued PA–51–4904 to Exelon, and PADEP submitted it to EPA as a SIP revision. PA–51–4904 imposes NO_X emissions limits of 0.31 lbs NO_X per MMBtu and an annual limit of 673 tpy. PA–51–4904 limits the capacity of each turbine to less than 5%. The annual NO_X emissions limit and the 5% limit on the operating capacity must be met on a rolling monthly basis over every consecutive 12 month period. PA–51–4904 also requires an annual adjustment on the combustion process as required by 25 Pa Code 129.93(b)(2)–(5). PA–51–4904 requires Exelon's peaking unit to comply with the parametric monitoring system (PEMS) requirements in accordance with 40 CFR part 75, Appendix E. These requirements quantify the NO_X emissions in lbs of NO_X/MMBtu and the NO_X emissions mass flow rate to demonstrate compliance with the annual emissions rate established as a part of NO_X RACT for the utility boiler. PA–51–4904 also

requires Exelon keep records containing data that is sufficient to determine compliance with the RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

F. Exelon Generation Company—Delaware Generating Station

Exelon's Delaware Generating Station is an electric utility located in Philadelphia, Pennsylvania. This facility operates 2 Babcock and Wilcox boilers (identified as units No. 71 and No. 81) which burn No. 6 oil and have nominal outputs of 126 MW and 124 MW, respectively, based on summer peak output capacity levels. Each boiler has a net electrical winter peak output capacity of 128 MW. This facility also operates one Babcock and Wilcox auxiliary boiler rated at 42 MMBtu/hr, which burns No. 2 oil and No. 6 oil, 3 Pratt & Whitney model FT4A8 combustion turbines rated at 15.5 MW and one model FT4A9 combustion turbine rated 17.5 MW. The combustion turbines burn No. 2 oil. To establish NO_X RACT, AMS issued PA–51–4901 to Exelon, and PADEP submitted it to EPA as a SIP revision. PA–51–4901 imposes a NO_X emissions limit of 645 tpy for boiler No. 71 and 595 tpy for boiler No. 81. The annual limits must be met on a rolling monthly basis over every consecutive 12 month period. PA–51–4901 also imposes short-term NO_X emission limits of 0.43 lbs/MMBtu and 0.42 lbs/MMBtu on a 30 day rolling average for Boilers No. 71 and No. 81, respectively. Additionally, Boilers No. 71 and 81 will operate under limited capacity values of 548 MMBtu/hr and 570 MMBtu/hr, respectively. The PA limits the capacity of each turbine to less than 5%. The capacity factor limit must be met on a rolling monthly basis over every consecutive 12 month period. NO_X RACT for the boilers at Exelon's Delaware Generating Station include an annual adjustment on the combustion process as required by 25 Pa Code 129.93(b)(2)–(5). The auxiliary boiler and the turbines will comply with the presumptive RACT found in 25 Pa Code § 129.93(b)–(c). PA–51–4901 also requires Exelon's peaking units to comply with the PEMS requirements in accordance with 40 CFR part 75, Appendix E. These requirements quantify the NO_X emissions in lbs of NO_X/MMBtu and the NO_X emissions mass flow rate to demonstrate compliance with the annual emissions rates established as a part of NO_X RACT for these boilers. PA–51–4901 also requires Exelon keep records of data sufficient to determine compliance with the RACT requirements of 25 Pa Code 129.91–129.94 and PA–51–4901. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

G. Philadelphia Gas Works, Richmond Plant

Philadelphia Gas Works (PGW) is a municipally owned gas distribution company located in Philadelphia, Pennsylvania. The PGW Richmond Plant liquefies natural gas during the summer months for storage and distribution during the winter months. The liquefaction process involves pre-treatment and compression of a gas into a liquid. This facility uses 4 natural gas fired internal combustion (IC) engines to drive the ethylene and propane refrigeration compressors. These engines are 2-stroke, spark ignited, Clark HLA–8 units that have been converted to turbocharged units rated at 2,350 horsepower. The PGW Richmond Plant is a major NO_X emitting facility. The facility is not a major source of VOCs. The AMS issued PA–51–4922 to PGW and PADEP submitted it to EPA as a SIP revision. AMS imposes NO_X RACT on PGW's 4 IC engines in PA–51–4922. The engines must be retrofitted with new high energy ignition systems and AFR controls, along with an enhanced turbocharged air system and new fuel valves. PA–51–4922 imposes annual limits on natural gas consumption of 570 million cubic feet (MMCF) for the 4 IC engines. The annual fuel consumption limits must be met on a rolling monthly basis over every consecutive 12 month period. The NO_X emissions limits for each of these 4 units is 5 grams per brake horsepower-hour, 25.9 pounds per hour (lbs/hr), and 320 tons per 12 consecutive month rolling period. The use of sophisticated ignition systems results in precise setting of engine timing. The use of timing controls lowers NO_X emissions by lowering the time interval that exhaust gases are exposed to high temperatures. Controlling the air-to-fuel ratio provides a cleaner burning, lean fuel mixture. The turbochargers provide the air for leaner operation, while the new high flow fuel valves ensure an improved air-to-fuel mixing in the cylinder for a leaner burn which improves combustion stability and efficiency. PA–51–4922 requires PGW to conduct a performance test on the engines once every 5 years to demonstrate compliance with RACT. PA–51–4922 requires PGW to keep records of data sufficient to determine compliance with the RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

H. SPS Technologies

SPS Technologies, Incorporated (SPS) manufactures high strength bolts, nuts and screws, and various other precision components for commercial and military aircrafts, jet engines and Space Shuttles. SPS' manufacturing operations involve machining activities, metal parts electroplating, cleaning, degreasing, and heat treating of finished metal products. SPS' machining operations and bucket cleaning activities emit fugitive VOCs and are the only VOC sources at this facility subject to case-by-case RACT. The NO_X sources in use at this facility are all subject to SIP-approved presumptive NO_X RACT regulations. Fugitive VOC emissions from the machining operations come from mist generated while using VOC-containing lubricants. Oil must be used in these processes to lubricate the interface between the machining tools and the metal surfaces. The facility uses 71 buckets containing kerosene to dip clean metal parts during manufacturing and inspection. These buckets are a source of fugitive emissions and were also subject to a top-down VOC RACT analysis. OP–46–0032 establishes emission limits for these cleaning activities requiring that VOC must never exceed 3.0 lbs/hr, 15 pounds per day, or 2.7 tpy. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

I. Tullytown Resource Recovery Facility (Waste Management of PA Inc.)

Waste Management of Pennsylvania, Incorporated owns and operates an active landfill called Tullytown Resource Recovery Facility (TRRF) located in Bucks County, Pennsylvania. The waste deposited at this site undergoes anaerobic degradation and produces gaseous VOC emissions. The landfill uses an enclosed flare to control these VOC emissions. The flare is a secondary source of NO_X emissions. PADEP issued OP–09–0024 to TRRF. The OP defines RACT as collection of the landfill gas and destruction using an enclosed flare. The collection efficiency must be 90% or greater. The flare must

be operated at a destruction efficiency of 98%. The VOC emissions from the enclosed flare must be limited to 0.84 lbs/hr and 3.69 tpy. NO_X emissions from the enclosed flare must be limited to 8.87 lbs/hr and 38.85 tpy. All annual limits must be met on a rolling monthly basis over every consecutive 12 month period. The flow rate of landfill gas to the flare will never exceed 3250 scfm. The flare must be operated at a minimum of 1500 degrees F for a minimum residence time of 0.3 seconds. The flare shall be operated to minimize NO_X production while maximizing the VOC destruction. TRRF is required to keep all records of annual inspections, adjustments and cleanings performed on the fuel-burning equipment. These records must provide sufficient data for compliance to be determined in accordance with 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

III. EPA's Evaluation of Pennsylvania's SIP Revisions

EPA is approving Pennsylvania's RACT SIP submittals because AMS and PADEP established and imposed these RACT requirements in accordance with the criteria set forth in the SIP-approved RACT regulations applicable to these sources. They have also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

IV. Final Action

EPA is approving the SIP revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC and NO_X RACT for 9 major sources located in the Philadelphia area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 15, 2001 without further notice unless EPA receives adverse comment by October 1, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the

appropriate circuit by October 30, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Commonwealth's source-specific RACT requirements to control VOC and NO_X from 9 individual sources located in the Philadelphia ozone nonattainment area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 21, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(184) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(184) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NO_X RACT, for sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on April 16, 1996, June 10, 1996, November 4, 1997, December 31, 1997, March 24, 1998, March 23, 2001, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations, in the form of plan approvals and operating permits on April 16, 1996, June 10, 1996, November 4, 1997, December 31, 1997, March 24, 1998, March 23, 2001, and August 8, 2001.

(B) Plan approvals (PA), or Operating Permits (OP) issued to the following sources:

(*1*) Jefferson Smurfit Corporation and Container Corporation of America, PA–51–1566, for PLID 1566, effective April 10, 1995.

(*2*) Maritank Philadelphia, Inc., PA–51–5013, for PLID 5013, effective December 28, 1995.

(*3*) Moyer Packing Company, OP–46–0001, effective March 15, 1996, except for the expiration date.

(*4*) Tullytown Resource Recovery Facility (Waste Management of PA, Inc.), OP–09–0024, effective July 14, 1997, except for the expiration date.

(*5*) SPS Technologies, OP–46–0032, effective October 30, 1997, except for the expiration date.

(*6*) PECO Energy Company, OP–09–0077, effective December 19, 1997, except for the expiration date.

(*7*) Philadelphia Gas Works, Richmond Plant, PA–51–4922, effective July 27, 1999, except for condition 1.A. 10—17, inclusive, condition 2.E., 2.F., 2.G., and condition 8.

(*8*) Exelon Generation Company—Delaware Generating Station, PA–51–4901, effective July 11, 2001.

(*9*) Exelon Generation Company—Schuylkill Generating Station, PA–51–4904, effective July 11, 2001.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(184) (i)(B) of this section.

[FR Doc. 01–22006 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4140a; FRL–7046–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Eight Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for 8 major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 15, 2001 without further notice, unless EPA receives adverse written comment by October 1, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at spain.melik@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f)) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control

technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are: (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment; (2) All sources covered by a CTG issued prior to November 15, 1990; (3) All other major non-CTG rules were due by November 15, 1992. The Pennsylvania SIP has approved RACT regulations and requirements for all sources and source categories covered by the CTGs.

On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Philadelphia area, a major source of VOC is defined as one having the potential to emit 25 tons per year (tpy) or more, and a major source of NO_X is also defined as one having the potential to emit 25 tpy or more. Pennsylvania's RACT regulations require sources, in the Philadelphia area, that have the potential to emit 25 tpy or more of VOC and sources which have the potential to emit 25 tpy or more of NO_X comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by-case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; *or* (2) demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/NO_X RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. The regulation currently retains its limited approval status in the Philadelphia area. Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional approval for subject sources located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties; the limited approval of Pennsylvania's generic VOC and NO_X RACT regulations shall convert to a full approval for the Philadelphia area.

It must be noted that the Commonwealth has adopted and is implementing additional ''post RACT requirements'' to reduce seasonal NO_X emissions in the form of a NO_X cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That rule's compliance date is May 1999. That regulation was approved as a SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted regulations to satisfy Phase I of the NO_X SIP call and submitted those regulations to EPA for SIP approval. Pennsylvania's SIP revision to address the requirements of the NO_X SIP Call Phase I consists of the adoption of Chapter 145—Interstate Pollution Transport Reduction and amendments to Chapter 123—Standards for Contaminants. On May 29, 2001 (66 FR 29064), EPA proposed approval of the Commonwealth's NO_X SIP call rule SIP submittal. EPA expects to publish the final rulemaking in the **Federal Register** in the near future. Federal approval of a case-by-case RACT determination for a major source of NO_X in no way relieves that source from any applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

II. Summary of the SIP Revisions

On May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and March 23, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several sources of VOC and/or NO_X. This rulemaking pertains to 8 of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of plan approvals and operating permits which impose VOC and/or NO_X RACT requirements for each source. These 8 sources are all located in the Philadelphia area. The table below identifies the sources and the individual plan approvals (PAs) and operating permits (OPs) which are the subject of this rulemaking. A summary of the VOC and NO_X RACT determinations for each source follows the table.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan approval (PA #), operating permit (OP #), plant identification number (PLID #)	Source type	''Major source'' pollutant
1. Brown Printing Company	Montgomery	OP–46–0018A	Printing	VOC
2. Cardone Industries	Philadelphia	PA–51–3887	Degreasing	VOC
3. Cardone Industries	Philadelphia	PA–51–2237	Degreasing	VOC
4. Naval Surface Warfare Center—Carderock Division.	Philadelphia	PA–51–9724	Research and Development	NO_X/VOC
5. SUN CHEMICALS—General Printing Ink Division.	Philadelphia	PA–51–2052	Ink Manufacturer	VOC
6. Sunoco Chemicals—Frankford Plant	Philadelphia	PA–51–1551	Synthetic Organic Chemicals	NO_X/VOC
7. U.S. Steel Group/USX Corporation	Bucks	OP–09–0006	Steel Mill	NO_X/VOC

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES—Continued

Source	County	Plan approval (PA #), operating permit (OP #), plant identification number (PLID #)	Source type	''Major source'' pollutant
8. Wheelabrator Falls, Incorporated	Bucks	OP–09–0013	Waste Recovery	NO_X

A. Brown Printing Company

Brown Printing Company (Brown) is a printing facility that produces business and trade magazines and special interest consumer publications in Montgomery County, Pennsylvania. The VOC requirements for the 8 ink jet printers at this facility have been imposed by PADEP in OP–46–0018A. OP–46–0018A requires that all process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices. The facility's potential to emit has been restricted to an annual VOC emissions limit of 12.4 tpy. The annual limit must be met on a rolling monthly basis over every consecutive 12 month period. OP–46–0018A requires Brown to keep monthly records containing data and information necessary to demonstrate compliance with the annual VOC limit.

B. Cardone Industries

Cardone Industries (Cardone) is a automobile parts manufacturing facility located on Rising Sun Avenue in Philadelphia, Pennsylvania. Cardone's Rising Sun location employs combustion equipment, spray booths, and degreasers. Cardone is a major VOC emitting facility subject to the requirements of 25 Pa Code 129.91–129.95. The Philadelphia Air Management Services (AMS) issued PA–51–3887 to Cardone to impose RACT. The PADEP submitted PA–51–3887 to EPA as a SIP revision on behalf of AMS. PA–51–3887 specifies that the architectural coatings used at this facility will comply with Air Management Regulation V, Section VIII. The solvent used in Cardone's cold degreasing operations will be recovered and stored. Cardone will use a non-contact condenser on the solvent reprocessing and storage vents to control VOC emissions. PA–51–3887 also specifies that Cardone must keep records containing data sufficient for a compliance determination in accordance with the VOC RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

C. Cardone Industries

Cardone is a automobile parts manufacturing facility located on Chew Street in Philadelphia, Pennsylvania. Cardone's Chew Street location employs combustion equipment and degreasers. Various automobile parts are dipped, soaked, and agitated in the cold degreasing tanks. Cardone is a major VOC source and is subject to the requirements of 25 Pa Code 129.91–129.95. The Philadelphia AMS issued PA–51–2237 to Cardone to control VOCs. The PADEP submitted PA–51–2237 to EPA as a SIP revision on behalf of AMS. PA–51–2237 requires improved operations and work practice standards to control VOC emissions. PA–51–2237 requires that solvent laden rags be stored in closed top containers. Additionally, drip pans located under drain plugs must be removed promptly, and tank lids must be modified to promote ease of use. PA–51–2237 specifies that Cardone must keep records containing data sufficient for a compliance determination in accordance with the VOC RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

D. Naval Surface Warfare Center—Caderock Division

The Naval Surface Warfare Center (NSWC) is a Naval research and development facility located in Philadelphia, Pennsylvania. NSWC's test center houses a number of combustion sources including, boilers, generators, diesel engines, gas turbines, and a number of small VOC sources. The combustion sources at this facility are used to test and evaluate shipboard equipment. Hence, the operation of these sources is intermittent. PA–51–9724 was issued to NSWC to reduce VOC and NO_X emissions. PA–51–9724 restricts the operating capacity for the 2 boilers rated at 317 and 384 MMBtu/hr, respectively, to no more than 30%. PA–51–9724 limits the 2 boilers rated at 244 MMBtu/hr to an annual fuel consumption limit of 5 million gallons per rolling 12 consecutive month period. The remaining boilers, emergency generators and diesel engines at this facility are subject to the Commonwealth's SIP-approved presumptive NO_X RACT requirements. PA–51–9724 requires NSWC to keep records containing the details of all combustion sources fuel consumption, the operating hours of the emergency generators, details of maintenance programs, and details of periodic source testing or predictive monitoring used to determine NO_X emissions from the boilers. These records will be collected and retained in compliance with the RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

E. Sunoco Chemicals, Frankford Plant

Sunoco Chemicals, Incorporated (Sunoco), formerly AlliedSignal, operates a synthetic organic manufacturing plant in the Frankford section of Philadelphia, Pennsylvania. The plant produces acetone, phenol, and alpha methyl styrene through the oxidation of cumene. Sunoco's operations are subject to New Source Performance Standards (NSPS), MACT standards, and Pennsylvania's SIP-approved VOC RACT regulations for synthetic organic chemical manufacturing. The PADEP's submittal of plan PA–51–1551 requests EPA to incorporate into the SIP those VOC and NO_X RACT requirements of the PA that pertain only to the combustion sources, barge loading, storage tanks, rail car cleaning and wastewater facility operations at the plant. Sunoco's Frankford plant is a major source of VOC and NO_X. PA–51–1551 requires the installation of internal floating roofs on the 2 storage tanks (VT–609 and VT–610) which are not subject to 40 CFR subpart K, NSPS standards or the Commonwealth's SIP-approved RACT standards found at 25 Pa Code 129.56–129.57. The VOC emissions from the

wastewater facility at this plant are controlled by air stripping and thermal oxidation. The thermal oxidizer has a required destruction efficiency of 95 percent or greater. The rail car cleaning activities must not exceed 2.7 tpy. This annual limit must be met on a rolling monthly basis over every consecutive 12 month period. The barge loading operations are limited to loading of phenol, which has a vapor pressure of 1.5 pounds per square inch at 20 degrees Celsius. This vapor pressure exempts Sunoco from having to install additional control technology to this process. Sunoco uses 4 boilers (Boilers 1–4) to produce heat and steam for the various process stages in their synthetic organic chemical manufacturing. The boilers burn No. 6 fuel oil, waste phenol residue, and natural gas. PA 51–1551 requires Sunoco to burn natural gas and waste phenol residue during the period of May 1st through September 30th in boilers No. 1 and No. 2 which are both rated at a maximum heat input of 260 MMBtu/hr. The NO_X emissions rate for both of these boilers must never exceed 0.35 lbs of NO_X/MMBtu. Boiler No. 3, rated at 381 MMBtu/hr, operates with low NO_X burners (LNB). The emissions rate for boiler No. 3 must never exceed 0.3 lbs of NO_X/MMBtu. Boilers No. 1–3 are also subject to annual combustion tuning in accordance with 25 Pa Code 129.93(b). PA 51–1551 specifies that Sunoco must keep records of data sufficient for a compliance determination in accordance with the VOC and NO_X RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

F. SUN Chemical—General Printing Ink Division

SUN Chemical Corporation (SUN) manufactures and distributes solvent and water-based commercial inks from their general ink printing division in Philadelphia, Pennsylvania. This facility's potential emissions make it a major source of VOCs. The AMS issued PA 51–2052 to SUN and PADEP submitted it to EPA as a SIP revision. The VOC emitting processes are those which involve the blending and dispersion of solvents and pigments. There are no chemical reactions taking place at this facility. Storage tanks are used to store and transfer raw materials. The AMS has imposed improved operating standards to reduce VOC emissions from SUN's vessels and mixers. The specific work practice standards required under PA 51–2052 include: (1) The use of lids on all mixing tanks that use VOC–containing solvents; (2) Covers on all storage vessels containing VOCs when not in use; (3) Monthly inspections and record-keeping requirements; and (4) The use of vapor control lines when delivery tank trucks are equipped with a vapor return line connection. PA–51–2052 imposes recordkeeping and reporting requirements consistent with 25 Pa Code 129.91–129.94. These records must provide sufficient data to calculate compliance and must include solvent usage and fuel consumption files. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

G. U.S. Steel Group/USX Corporation

U.S. Steel Group/USX Corporation (USX), operates a steel finishing plant in Bucks County, Pennsylvania. USX's Fairless Works Plant uses batch and continuous annealing furnaces as well as galvanizing and electrolytic tinning line furnaces. The furnaces are used to heat and process steel coils into flat-rolled steel and corrosion resistant sheets. The furnaces fire natural gas and their emissions contribute to USX being a major source of NO_X emissions. There are 2 cold rolling mills and a double cold reduction mill that use rolling oils which release VOC emissions in the lubricating and cooling of steel strips. The PADEP issued OP–09–0006 to USX. The OP limits the VOC content of the rolling oils and corrosion inhibitors to less than 5% by weight. The continuous annealing furnace and galvanizing line furnace must undergo annual adjustments or tune-ups on the combustion units in compliance with 25 Pa Code 129.93(b)(2). OP–09–0006 requires USX to operate these units using operating practices to minimize their NO_X emissions. Likewise, the remainder of the furnaces at this facility must be maintained and operated in accordance with the manufacturer's specifications. OP 09–0006 specifies that USX must keep records containing sufficient data and calculations to demonstrate compliance with the NO_X and VOC RACT requirements of 25 Pa Code 129.91–129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

H. Wheelabrator Falls, Inc.

Wheelabrator Falls, Incorporated (WFI) is a municipal waste resource recovery facility located in Bucks County, Pennsylvania. WFI operates 2 waterwall, steam generator municipal waste combustors. Each combustor has a nominal rating of 750 tons per day of municipal waste. WFI was issued a plan approval on May 29, 1992 which established the best available control technology (BACT) available for the 2 combustors. The PADEP issued OP–09–0013 to WFI in accordance with 25 Pa Code 127.450. The Commonwealth's 25 Pa Code 129.93(c)(7) establishes presumptive RACT for sources subject to BACT for NO_X as installation, operation and maintenance of the sources and their associated control devices in accordance with the manufacturers' specifications. WFI's NO_X emissions are controlled using selective non-catalytic reduction. OP–09–0013 imposes a NO_X limit (expressed as NO_2) of 180 parts per million (by volume) and 102.6 pounds per hour, based on a 24 hour daily average, corrected to 7% oxygen for each combustor. The maximum input to each unit is limited to 325 MMBtu/hr and 800 tons per day of waste. Compliance with the emission limits for the combustors must be documented by a continuous emissions monitoring system. WFI must comply with 25 Pa Code 129.93(c) for the smaller NO_X emitting sources present at the facility. OP–09–0013 imposes an annual VOC limit of 24.46 tpy, and a annual NO_X limit of 899 tpy for the entire facility. The annual limits must be met on a rolling monthly basis over every consecutive 12 month period. OP–09–0013 requires WFI to keep records to document maintenance and calibration of the air pollution control equipment. OP–09–0013 also requires WFI to keep records of the quantities of all solid waste combusted at the facility. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good engineering and air pollution control practices.

III. EPA's Evaluation of Pennsylvania's SIP Revisions

EPA is approving Pennsylvania's RACT SIP submittals because the AMS and PADEP established and imposed these requirements in accordance with the criteria set forth in the SIP-approved RACT regulations applicable to these sources. They have also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

IV. Final Action

EPA is approving the SIP revisions to the Pennsylvania SIP submitted by

PADEP to establish and require VOC and NO_X RACT for 8 major sources located in the Philadelphia area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 15, 2001 without further notice unless EPA receives adverse comment by October 1, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for 8 named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Commonwealth's source-specific RACT requirements to control VOC and NO_X from 8 individual sources located in the Philadelphia area of Pennsylvania may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 22, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(174) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(174) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and/or NO_X RACT for sources

located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and two submittals on March 23, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations, in the form of plan approvals and operating permits, on May 2, 1996, June 10, 1996, January 21, 1997, April 9, 1999, August 9, 2000, and two letters on March 23, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) Cardone Industries, PA–51–3887, for PLID 3887, effective May 29, 1995.

(*2*) Cardone Industries, PA–51–2237, for PLID 2237, effective May 29, 1995.

(*3*) Naval Surface Warfare Center—Carderock Division, PA–51–9724, for PLID 9724, effective December 27, 1997.

(*4*) Wheelabrator Falls, Inc., OP–09–0013, effective January 11, 1996 (as amended May 17, 1996).

(*5*) U.S. Steel Group/USX Corporation, OP–09–0006, effective April 8, 1999, except for the expiration date.

(*6*) Brown Printing Company, OP–46–0018A, effective May 17, 2000, except for the expiration date and condition 12.

(*7*) SUN CHEMICAL—General Printing Ink Division, PA–51–2052, for PLID 2052, effective July 14, 2000.

(*8*) Sunoco Chemicals, Frankford Plant, PA–51–1551, for PLID 1551, effective July 27, 1999, except for conditions 1.A.(2)–(4), 1.A.(6), 1.A.(8); conditions 1.B.(1), 1.B.(3)–(6); the last sentence of condition 2.A.; conditions 2.B.–D.; 2.G., the last sentence of 2.H., 2.I.; and condition 7.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(174)(i)(B) of this section.

[FR Doc. 01–22004 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4148a; FRL–7046–2]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Three Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for three major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area). EPA is approving these revisions to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 15, 2001 without further notice, unless EPA receives adverse written comment by October 1, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at spain.melik@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f)) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are: (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment; (2) All sources covered by a CTG issued prior to November 15, 1990; (3) All other major non-CTG rules were due by November 15, 1992. The Pennsylvania SIP has approved RACT regulations and requirements for all sources and source categories covered by the CTGs.

On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Philadelphia area, a major source of VOC is defined as one having the potential to emit 25 tons per year (tpy) or more, and a major source of NO_X is also defined as one having the potential to emit 25 tpy or more. Pennsylvania's RACT regulations require sources, in the Philadelphia area, that have the potential to emit 25 tpy or more of VOC and sources which have the potential to emit 25 tpy or more of NO_X comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT

under the Pennsylvania SIP), the regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by-case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; or (2) demonstrate that emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/NO_X RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. The regulation currently retains its limited approval status in the Philadelphia area . Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional approval for subject sources located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties; the limited approval of Pennsylvania's generic VOC and NO_X RACT regulations shall convert to a full approval for the Philadelphia area.

It must be noted that the Commonwealth has adopted and is implementing additional ''post RACT requirements'' to reduce seasonal NO_X emissions in the form of a NO_X cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That rule's compliance date is May 1999. That regulation was approved as SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted regulations to satisfy Phase I of the NO_X SIP call and submitted those regulations to EPA for SIP approval. Pennsylvania's SIP revision to address the requirements of the NO_X SIP Call Phase I consists of the adoption of Chapter 145—Interstate Pollution Transport Reduction and amendments to Chapter 123—Standards for Contaminants. On May 29, 2001 (66 FR 29064), EPA proposed approval of the Commonwealth's NO_X SIP call rule SIP submittal. EPA expects to publish the final rulemaking in the **Federal Register** in the near future. Federal approval of a case by case RACT determination for a major source of NO_X in no way relieves that source from any applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

II. Summary of the SIP Revisions

On April 20, 1999, June 28, 2000, and August 8, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several sources of VOC and/or NO_X. This rulemaking pertains to three of those sources. The Commonwealth's submittals consist of plan approvals and operating permits which impose VOC and/or NO_X RACT requirements for each source. These three sources are all located in the Philadelphia area. A summary of the VOC and/or NO_X RACT determinations for each source is provided below.

A. Exelon Generation Company—Richmond Generating Station

Exelon Generation Company (Exelon), formerly PECO Energy Company, is a power plant located in Philadelphia, Pennsylvania. Exelon is a major NO_X emitting facility. The Philadelphia Air Management Services (AMS) issued a plan approval, PA–51–4903, to impose NO_X RACT for the 2 General Electric Frame 7B turbines in operation at Exelon's Richmond Generating Station. The PADEP submitted PA–51–4903 to EPA, as a SIP revision, on behalf of AMS. These 2 turbines each burn No. 2 oil. Both turbines have nominal outputs of 66 megawatts (MW). PA–51–4903 imposes NO_X RACT on Exelon's 2 turbines as a restriction on the operating capacity of each combustion turbine to less than 15% capacity. The capacity factor limitation will be met on a monthly rolling basis over every 12 consecutive month period. PA–51–4903 requires Exelon to operate these turbines in accordance with the manufacturer's specifications. PA–51–4903 also limits each combustion turbine NO_X emissions to 0.7 pounds or less of NO_X per million British thermal units (lbs of NO_X/MMBtu). Exelon must collect and keep records detailing the daily fuel usage, net power generation, and NO_X emissions data, to demonstrate compliance with the NO_X RACT requirements of 25 Pa Code sections 129.91—129.94. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices. Federal approval of this RACT determination for Exelon in no way relieves that source from applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

B. FPL Energy MH 50, L.P.

FPL Energy MH 50, L.P., (FPL) is a power plant located in Delaware County, Pennsylvania. FPL is a major NO_X emitting facility. PADEP issued PA–23–0084 to impose NO_X RACT for the Brown Boveri 51.77 MW combustion turbine in operation at FPL's Marcus Hook plant. This turbine was previously owned and operated by Sunoco, Incorporated (R&M). The Brown Boveri combustion turbine, Model No. GT8, burns natural gas and reformer gas. PA–23–0084 imposes NO_X emission limits on FPL's turbine of 45 parts per million (ppm) when firing natural gas, and a 67 ppm NO_X limit when firing reformer gas. The ppm limits will be met on an hourly basis, corrected to 15% oxygen on a dry basis. PA–23–0084 also establishes an annual NO_X emissions limit of 463 tpy. The annual limit must be met every month over any 12 consecutive month period. PA–23–0084 requires FPL to operate a continuous emissions monitoring system (CEMS) at the combustion turbine exhaust stack. Operation of CEMS must be in accordance with the requirements of 25 Pa Code Chapter 123 or Chapter 139. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

C. Waste Management Disposal Services of Pennsylvania, Inc. (Pottstown Landfill)

The Pottstown Landfill is a solid municipal waste landfill owned and operated by Waste Management Disposal Services of Pennsylvania, Incorporated. The landfill is located in Montgomery County, Pennsylvania. The landfill itself is a major VOC emitting source and the associated combustion equipment used as VOC control technology for the landfill gas are responsible for the Pottstown Landfill being a major source NO_X. PADEP issued Pottstown Landfill OP–46–0033

to establish VOC and NO_X RACT for the landfill, the flare, and 2 turbines in operation at the facility. OP–46–0033 imposes a minimum collection efficiency of 90% or greater for the landfill gas. The collection system must be designed to minimize off-site migration of the subsurface gas. An enclosed flare is to be used to burn landfill gas.

OP–46–0033 limits the flow rate of the landfill gas to the enclosed flare to 3475 square cubic feet per minute. In addition, OP–46–0033 specifies that the enclosed flare will be operated to minimize VOC emissions from the landfill gas taken in from the collection system such that it achieves a destruction efficiency of 98%, by weight. The OP also limits the enclosed flare outlet concentration to 20 ppm by volume (ppmv), NonMethane Organic Compound (NMOC), measured on a dry basis as hexane at 3% oxygen. OP–46–0033 limits the VOC emissions from the enclosed flare to 1.21 pounds per hour (lbs/hr) and 5.29 tpy. Emissions of NO_X from the enclosed flare will be limited to 18.48 lbs/hr and 80.85 tpy. The NMOC emissions rate and VOC emissions rate must be calculated using procedures specified in 40 CFR 60.754 (and as it may be subsequently amended). The flow rate of landfill gas to the enclosed flare will be recorded continuously. The 2 landfill gas fired turbines are each rated at 42 MMBtu per hour. OP–46–0033 specifies that these 2 turbines burn onsite landfill gas only and that they be operated to reduce VOC emissions from the landfill at a minimum efficiency of 99%, by weight. The emissions of NO_X, expressed as nitrogen dioxide, for each of the turbines as specified in OP–46–0033, must never exceed 42 ppmv at 15% oxygen, measured on a dry basis. OP–46–0033 limits the VOC emissions from each of the turbines to 0.48 lbs/hr and 2.09 tpy. Emissions of NO_X from each of the turbines is also limited to 42 ppmv at 15% oxygen on a dry basis, 4.75 lbs/hr, and 20.9 tpy. The annual limits established in OP–46–0033 must be met on a rolling monthly basis over every consecutive 12 month period. OP–46–0033 requires Pottstown Landfill to monitor the pressure of the enclosed flare and report events of unanticipated positive pressure. OP–46–0033 also imposes on the Pottstown Landfill, bi-monthly leak monitoring, detection and repair program. The landfill gas used as fuel for the turbines subject to OP–46–0033 must be monitored daily. All process equipment and associated air pollution control devices must be maintained and operated in accordance with good air pollution engineering and air pollution control practices.

III. EPA's Evaluation of Pennsylvania's SIP Revisions

EPA is approving Pennsylvania's RACT SIP submittals because AMS and PADEP established and imposed these RACT requirements in accordance with the criteria set forth in the SIP-approved RACT regulations applicable to these sources. They have also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with the applicable RACT determinations.

IV. Final Action

EPA is approving the revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC and/or NO_X RACT for 3 major of sources located in the Philadelphia area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 15, 2001, without further notice unless EPA receives adverse comment by October 1, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR

8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Commonwealth's source-specific RACT requirements to control VOC and NO_X from 3 individual sources in the Philadelphia area of Pennsylvania may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 22, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(182) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(182) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and NO_X RACT, for three sources located in the Philadelphia area submitted by the Pennsylvania Department of Environmental Protection on April 20, 1999, June 28, 2000, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations, in the form of plan approvals and operating permits on April 20, 1999, June 28, 2000, and August 8, 2001.

(B) Plan approvals (PA), Operating permits (OP) issued to the following sources:

(*1*) Waste Management Disposal Services of Pennsylvania, Inc. (Pottstown Landfill), OP–46–0033, effective April 20, 1999.

(*2*) FPL Energy MH 50, L.P., PA–23–0084, effective July 26, 1999, except for the expiration date.

(*3*) Exelon Generation Company—Richmond Generating Station, PA–51–4903, effective July 11, 2001.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(182)(i)(B) of this section.

[FR Doc. 01–22002 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[NC–T5–2001–02; FRL–7047–2]

Clean Air Act Final Full Approval of Operating Permit Programs; North Carolina, Mecklenburg County, and Western North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval.

SUMMARY: EPA is promulgating full approval of the operating permit programs of the North Carolina Department of Environment and Natural Resources, the Mecklenburg County Department of Environmental Protection, and the Western North Carolina Regional Air Quality Agency. These programs were submitted in response to the directive in the 1990 Clean Air Act (CAA) Amendments that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authorities' jurisdiction. On November 15, 1995, EPA granted interim approval to the North Carolina, Mecklenburg County, and Western North Carolina operating permit programs. These agencies revised their programs to satisfy the conditions of the interim approval, and EPA proposed full approval in the **Federal Register** on June 12, 2001. EPA did not receive any comments on the proposed action, so this action promulgates final full approval of the North Carolina, Mecklenburg County, and Western North Carolina operating permit programs.

EFFECTIVE DATE: October 1, 2001.

ADDRESSES: Copies of the North Carolina, Mecklenburg County, and Western North Carolina submittals and other supporting documentation used in developing the final full approval are available for inspection during normal business hours at EPA, Air & Radiation Technology Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Interested persons wanting to examine these documents, which are contained in EPA docket number NC–T5–2001–01, should make an appointment at least 48 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Kim Pierce, EPA Region 4, at (404) 562–9124 or pierce.kim@epa.gov/.

SUPPLEMENTARY INFORMATION: This section provides additional information by addressing the following questions:

What is the operating permit program?

Why is EPA taking this action?
What is involved in this final action?

What Is the Operating Permit Program?

Title V of the CAA Amendments of 1990 required all state and local permitting authorities to develop operating permit programs that met certain federal criteria. In implementing the title V operating permit programs, the permitting authorities require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. The focus of the operating permit program is to improve enforcement by issuing each source a permit that consolidates all of the applicable CAA requirements into a federally enforceable document. By consolidating all of the applicable requirements for a facility, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under the title V program include: ''major'' sources of air pollution and certain other sources specified in the CAA or in EPA's implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain operating permits. Examples of major sources include those that have the potential to emit 100 tons per year or more of volatile organic compounds (VOCs), carbon monoxide, lead, sulfur dioxide, nitrogen oxides (NO_X), or particulate matter (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. For example, in ozone nonattainment areas classified as ''serious,'' major sources include those with the potential of emitting 50 tons per year or more of VOCs or NO_X.

Why Is EPA Taking This Action?

Where a title V operating permit program substantially, but not fully, met the criteria outlined in the implementing regulations codified at 40 Code of Federal Regulations (CFR) part 70, EPA granted interim approval contingent on the state revising its program to correct the deficiencies. Because the North Carolina, Mecklenburg County, and Western North Carolina programs substantially, but not fully, met the requirements of part 70, EPA granted interim approval to these programs in a rulemaking (60 FR 57357) published on November 15, 1995. The interim approval notice described the conditions that had to be met in order for the North Carolina, Mecklenburg County, and Western North Carolina programs to receive full approval. Interim approval of these programs expires on December 1, 2001.

What Is Involved in This Final Action?

The North Carolina Department of Environment and Natural Resources, the Mecklenburg County Department of Environmental Protection, and the Western North Carolina Regional Air Quality Agency have fulfilled the conditions of the interim approval granted on November 15, 1995. On June 12, 2001, EPA published a notice in the **Federal Register** (see 66 FR 31575) proposing full approval of the North Carolina, Mecklenburg County, and Western North Carolina title V operating permit programs, and proposing approval of other program revisions. Since EPA did not receive any comments on the proposal, this action promulgates final full approval of the North Carolina, Mecklenburg County, and Western North Carolina programs and final approval of the other program changes described in the proposal.

Administrative Requirements

A. Docket

Copies of the North Carolina, Mecklenburg County, and Western North Carolina submittals and other supporting documentation used in developing the final full approval are contained in docket files maintained at the EPA Region 4 office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed full approval. The primary purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and (2) to serve as the record in case of judicial review. The docket files are available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

C. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined in Executive Order 12866, and it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

This rule does not have Federalism implications because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism'' (64 FR 43255, August 10, 1999). This rule merely approves existing requirements under state law, and does not alter the relationship or the distribution of power and responsibilities between the state and the federal government established in the CAA.

E. Executive Order 13175

This rule does not have tribal implications because it will 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, as specified by Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000).

F. Executive Order 13211

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significantly regulatory action under Executive Order 12866.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct

a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because operating permit program approvals under section 502 of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because this 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.

H. Unfunded Mandates Reform Act

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

EPA has determined that the approval action proposed does not include a federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves 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.

I. 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.

In reviewing operating permit programs, EPA's role is to approve state choices, provided that they meet the criteria of the CAA and EPA's regulations codified at 40 CFR part 70. In this context, in the absence of a prior existing requirement for the state to use VCS, EPA has no authority to disapprove an operating permit program for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an operating permit program, to use VCS in place of an operating permit program that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of NTTAA do not apply.

J. Paperwork Reduction Act

This action will not impose any collection of information subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, other than those previously approved and assigned OMB control number 2060–0243. For additional information concerning these requirements, see 40 CFR part 70. 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.

K. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 22, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding paragraphs (a)(2), (c)(2), and (d)(2) in the entry for North Carolina to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

North Carolina

* * * * *

(a) * * *

(2) North Carolina Department of Environment and Natural Resources submitted program revisions on March 23, 1995, August 16, 1996, March 19, 1997, July 29, 1998, November 15, 1999, January 21, 2000, June 14, 2000, and August 28, 2000. The rule revisions contained in the March 23, 1995, March 19, 1997, January 21, 2000, and August 28, 2000 submittals adequately addressed the conditions of the interim approval which would expire on December 1, 2001. The State is hereby granted final full approval effective on October 1, 2001.

* * * * *

(c) * * *

(2) Mecklenburg County Department of Environmental Protection submitted program revisions on October 11, 1999, November 2, 1999, December 8, 1999, December 28, 1999, and July 26, 2000. The rule revisions contained in the October 11, 1999, December 8, 1999, December 28, 1999, and July 26, 2000 submittals adequately addressed the conditions of the interim approval which would expire on December 1, 2001. Mecklenburg County is hereby granted final full approval effective on October 1, 2001.

* * * * *

(d) * * *

(2) Western North Carolina Regional Air Quality Agency submitted program revisions on January 23, 1997, September 29, 1999, November 10, 1999, January 5, 2000, and August 17, 2000. The rule revisions contained in the January 23, 1997, January 5, 2000, and August 17, 2000 submittals adequately addressed the conditions of the interim approval which would expire on December 1, 2001. Western North Carolina is hereby granted final full approval effective on October 1, 2001.

* * * * *

[FR Doc. 01–22018 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 72

RIN 0920–AA02

Requirements for Facilities Transferring or Receiving Select Agents

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: CDC administers regulations that govern the transfer of certain biological agents and toxins (''select agents''). These regulations require entities that transfer or receive select agents to register with CDC and comply with biosafety standards contained in the Third Edition of the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories (''BMBL'').'' On October 28, 1999, CDC published a Notice of Proposed Rulemaking (''NPRM'') seeking both to revise the biosafety standards facilities must follow when handling select agents and to provide new biosecurity standards for such facilities. These new standards are contained in the Fourth Edition of BMBL, which the NPRM proposed to incorporate by reference, thereby replacing the Third Edition. No comments were received in response to this proposal. CDC is therefore amending its regulations to incorporate the Fourth Edition.

DATES: Effective date is January 1, 2002.

FOR FURTHER INFORMATION CONTACT: Laboratory Registration/Select Agent Transfer (LR/SAT) Program, Office of Health and Safety, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., MS-A13, Atlanta, GA 30333; telephone (404) 639–4418; LR/SAT Program website at *http://www.cdc.gov/od/ohs/lrsat.htm.*

SUPPLEMENTARY INFORMATION:

Background

''The Antiterrorism and Effective Death Penalty Act of 1996,'' Pub. L. 104–132,(42 U.S.C. § 262 note) enacted on April 24, 1996, established new provisions to regulate the transfer of certain biological agents and toxins (i.e., select agents), and required HHS to issue rules to implement these provisions. The final rule was published in the **Federal Register** on October 24, 1996 (61 FR 551990–01) and became effective April 15, 1997. To comply with the final rule, commercial suppliers of select agents, as well as government agencies, universities, research institutions, and private companies that transfer these agents, must register with the Centers for Disease Control and Prevention (CDC). Prior to transferring or receiving a select agent listed in Appendix A of 42 CFR part 72, the facility must be equipped and capable of handling the covered agent at Biosafety Level (BSL) 2, 3, or 4, depending on the agent. The requirements for BSL 2, 3, or 4 operations are contained in the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories'' (BMBL), and are currently incorporated by reference in the Third Edition. In May, 1999, the Fourth Edition of the BMBL was published. The Fourth Edition revises some of the biosafety standards contained in the Third Edition as a result of a number of events (e.g. emerging and re-emerging infectious diseases, laboratory associated infections and advances in facility design and construction). The Fourth Edition also contains biosecurity standards, which have not been included in previous editions of the BMBL. These biosecurity provisions are intended to assure that registered entities take measures to prevent unauthorized use of agents and/or use of agents by unqualified persons. These measures are also designed to protect against theft of these agents thereby decreasing the likelihood that the agents may be used for nefarious purposes.

On October 28, 1999, CDC published a Notice of Proposed Rulemaking (NPRM) seeking to replace the Third Edition of the BMBL with the recently published Fourth Edition (64 FR 58022). No comments were received in response to this proposed revision. This final rule therefore incorporates by reference the Fourth Edition.

Effective January 1, 2002, all facilities subject to 42 CFR section 72.6 are required to comply with the biosafety and biosecurity standards contained in the Fourth Edition. Facilities currently registered with CDC are therefore required to comply with the Fourth Edition as of January 1, 2002, but are not required to ''re-register'' until their registration expires as indicated on their current registration certificate.

To assist facilities seeking registration, CDC has developed a new application form that contains the Fourth Edition requirements. CDC will use this form when registering all facilities after publication of this Final Rule. Facilities that register using the new form may continue to operate in accordance with the Third Edition of the BMBL until January 1, 2002.

Because a large number of current registrations expire before January 1, 2002, facilities whose registration expires between the publication date of this final rule and January 1, 2002 must submit applications no later than October 1, 2001, in order to allow the Laboratory Registration/Select Agent Transfer Program office time to process the applications.

CDC will mail revised applications to all facilities that express an interest. The revised application is also available on the LR/SAT Program website at *http://www.cdc.gov/od/ohs/lrsat.htm.* Questions about this Final Rule and requests for application packages should be faxed to CDC, Office of Health and Safety (404–639–0880) or sent by e-mail (lrsat@cdc.gov). All applications for registration of facilities under this regulation should be mailed to: Centers for Disease Control and Prevention, Office of Health and Safety, Laboratory Registration/Select Agent Transfer Program, 1600 Clifton Road, MS A–13, Atlanta, Georgia 30333.

Analysis of Impacts

Under the Paperwork Reduction Act of 1995, a Federal agency shall not conduct or sponsor a collection of information from ten or more persons other than Federal employees unless the agency has submitted a Standard Form 83, Clearance Request, and Notice of Action, to the Director of the Office of Management and Budget (OMB), and the Director has approved the proposed collection of information. A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection entitled 'Importation of Etiological Agents and Packaging and Handling of Infectious Substances and Select Agents' and has assigned OMB control number 0920–0199. For further information on this information collection contact Anne O'Connor, CDC Assistant Reports Clearance Officer, Centers for Disease Control and Prevention, Office of Program Planning and Evaluation, 1600 Clifton Road, MS D–24, Atlanta, Georgia 30333, (404) 639–7090.

The Unfunded Mandates Reform Act of 1995, in sections 202 and 205, requires Federal agencies to prepare several analytic statements before proposing a rule that may result in expenditures of $100 million by State, local, and tribal governments, or by the private sector in any one year. CDC addressed these concerns in the NPRM published on October 28, 1999—Packaging and Handling of Infectious Substances and Select Agents (42 CFR part 72). Because a final rule resulting from this proposal would not result in

expenditures of this magnitude, such statements are not necessary.

The Regulatory Flexibility Act requires Federal agencies to prepare a regulatory flexibility analysis of the potential impact of the proposed rule on small entities and permits agency heads to certify that a proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. CDC also addressed these concerns in the NPRM published on October 28, 1999—Packaging and Handling of Infectious Substances and Select Agents (42 CFR part 72). CDC requested comments on the economic burden from a number of small entities. It also requested recommendations on other possible less burdensome approaches. No comments were received.

Federalism

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

Taking of Private Property

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

Civil Justice Reform

This 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

This rule is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulation Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order.

Small Business Regulatory Enforcement Fairness Act

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (*5 U.S.C. 801 et seq.*), the Department will report to Congress promulgation of this rule prior to its effective date. The report will state that the Department has concluded that this rule is not a ''major rule'' because it is not likely to result in an annual effect on the economy of $100 million or more.

List of Subjects in 42 CFR Part 72

Biologic, Incorporation by reference, Packaging and containers, Transportation.

Text of the Rule

For the reasons stated in the preamble, part 72 is amended as follows:

PART 72—[AMENDED]

1. The authority section for part 72 continues to read as follows:

Authority: 42 U.S.C. 264, 271; 31 U.S.C. 9701; 18 U.S.C. 3559, 3571; 42 U.S.C. 262 note.

2. Amend § 72.6 by revising paragraphs (a)(5) and (c)(1) to read as follows:

§ 72.6 Additional requirements for facilities transferring or receiving select agents.

(a) * * *

(5) The biosafety standards and requirements for BSL–2, 3, and 4 operations are contained in the CDC/NIH publication, ''Biosafety in Microbiological and Biomedical Laboratories,'' Fourth Edition, May 1999 which is hereby incorporated by reference. The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 CFR part 51 the incorporation by reference of the above publication. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Copies may be inspected at the Centers for Disease Control and Prevention, 1600 Clifton Road, Mail Stop A–13 Atlanta, Georgia, or at the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC. The manual is also available on the CDC web site at *www.cdc.gov/od/ohs/biosfty/bmbl4/bmbl4toc.htm.*

* * * * *

(c) * * *

(1) the Secretary may authorize a state agency or private entity to register facilities under paragraph (a) of this section, if the Secretary determines that the registering entity's criteria for determining the biosafety standards for facilities handling select agents are consistent with the requirements contained in the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories,'' Fourth Edition.

* * * * *

Dated: August 16, 2001.

Jeffrey Koplan,

Director, Centers for Disease Control and Prevention.

Dated: August 29, 2001.

Tommy G. Thompson,

Secretary, Department of Health and Human Services.

[FR Doc. 01–22128 Filed 8–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 356

[Docket No. MARAD–2001–10518]

RIN 2133–AB45

Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length To Obtain a Fishery Endorsement to the Vessel's Documentation

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Interim final rule and request for comments.

SUMMARY: The Maritime Administration (''MARAD,'' ''we,'' ''our,'' or ''us'') is publishing this interim final rule amending our regulations implementing the new U.S. citizenship requirements set forth in the American Fisheries Act of 1998 (''AFA''). MARAD's regulation,

at 46 CFR Part 356, contains the substantive requirements mandated by the AFA and procedural requirements established by MARAD for administration of the AFA. We are promulgating an amendment which provides us with the ability to waive any procedural requirement, if there is good cause to do so and the waiver would not be inconsistent with the AFA and the intent of this part. The waiver provision is effective upon publication, but we are inviting comments on the provision.

DATES: The effective date of this final rule is August 31, 2001. Submit comments on or before October 1, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001– . Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of transportation, 400 7th St., SW. Washington, D.C. 20590–0001. You may send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Murray A. Bloom, Citizenship Approval Officer, Maritime Administration, MAR–222 Room 7228, 400 7th Street, SW, Washington, DC 20590. Telephone: (202) 366–5320.

SUPPLEMENTARY INFORMATION: The AFA imposes new citizenship requirements for the owners of vessels of 100 feet or greater in registered length which hold a fishery endorsement or for which a fishery endorsement is sought and for entities holding a preferred ship mortgage on such vessels. We are required by the AFA to ''rigorously'' scrutinize any transfer of ownership and control over fishing vessels, fish processing vessels and fish tender vessels. In so doing, we must pay particular attention to leases, charters, financing arrangements, mortgages, and other documents to determine if they constitute an impermissible conveyance of control to persons not eligible to own a vessel with a fishery endorsement.

MARAD's detailed regulations, 46 CFR Part 356, were published in the **Federal Register** on July 19, 2000 (65 FR 44860), following notice and opportunity for submission of comments. The new citizenship requirements become effective on October 1, 2001. Vessel owners were directed to submit citizenship affidavits and other documents to us by June 1, 2001. We have provided information on the new requirements on MARAD's web site, http:/marad.dot.gov/afa.html, mailed information to owners of fishing industry vessels and conducted briefings open to the public.

Nevertheless, because the new regulations apply for the first time to a population of individuals who have not yet had the opportunity to communicate or work with MARAD, we are concerned that we may face circumstances in which issues that were not anticipated by us or the public can not be resolved in the short period of time before October 1, 2001. In addition, some confusion may arise for the public because the U.S. Coast Guard will administer the AFA's citizenship requirements with regard to vessels under 100 feet in registered length under its own procedures. Our concerns are based on actual contacts between MARAD staff and the public that have brought to our attention the potential for certain inequitable results that could stem from the implementation of the regulations if MARAD does not have the ability to waive certain procedural requirements. We expect to review about 500 affidavits along with underlying articles of incorporation, bylaws, charters, management agreements, sales agreements and other documents.

In the course of reviewing this large number of complicated business arrangements it has become apparent that circumstances will arise, often not the fault of the vessel owner, that prevent us from making a complete citizenship finding by October 1, 2001. Our regulations provide the opportunity for the applicant to work with us to resolve matters prior to issuing a determination whether the applicant qualifies as a U.S. citizen. However, the AFA rule would cause the vessel owner's fishery endorsement to be deemed invalid on October 1, 2001. Thus, there will be times when a waiver of our procedures will be appropriate to avoid this result. Accordingly, MARAD is promulgating this amendment to 46 CFR Part 356, which allows us to waive procedural provisions of the rule not mandated by the AFA. The waiver provision would not be applicable to the substantive requirements set out in the AFA and the rule. In addition, any waiver must be supported by good cause shown.

We expect to issue decisions by October 1, 2001, on the bulk of the citizenship applications that we have received; however, the waiver provision will provide MARAD with the necessary flexibility to ensure that vessel owners do not suffer harsh consequences such as the loss of their ability to fish or the loss of the vessel's fishery endorsement if MARAD is unable to make a citizenship determination by that date. Vessel owners are advised that we intend to process citizenship affidavits as expeditiously as possible and that the waiver provision is not intended to provide a mechanism that can be used by vessel owners to circumvent the requirements of the American Fisheries Act or to delay its implementation. Accordingly, we expect to complete decisions on any remaining applications by December 31, 2001.

The waiver provision will be effective as an interim measure immediately upon publication so that it will be in place before October 1, 2001, the date when MARAD must determine the U.S. citizenship status of 500–700 vessel owners and operators. The need to fairly administer the new and intricate requirements of the AFA within the stringent time constraints fully supports a finding of good cause, under the Administrative Procedure Act, 5 U.S.C. § 553(b) and (d), that the interim final rule should be effective upon publication and that prior notice and opportunity for public comment is not practicable and would not be in the public interest. However, we will consider public comment on the waiver provision before making the provision a permanent final rule.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

After discussing compliance requirements with interested vessel owners, operators and mortgagees, we became aware of a need to have a waiver provision in the AFA regulations so that non-material discrepancies in a vessel's documentation would not arbitrarily cause a vessel owner to lose their fishery endorsement. The waiver provision will not entail any cost to vessel owners, mortgagees, charterers, or other parties regulated by 46 CFR part 356.

This final rule is not a significant regulatory action under § 3(f) of Executive Order 12866. Consequently, it was not reviewed by the Office of Management and Budget. The economic impact, if any, should be minimal; therefore, no further analysis is necessary. This proposed rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation, 44 FR 11034 (February 26, 1979) as it merely

allows waiver of administrative and procedural requirements.

Federalism

We analyzed this rulemaking in accordance with the principles and criteria contained in E.O. 13132 (''Federalism'') and have determined that it does not have sufficient federalism implications to warrant consultation with State and local officials. The regulations have no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

Executive Order 13175

MARAD does not believe that this final rule will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Therefore, the funding and consultation requirements of this Executive Order would not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires us to consider whether our proposals will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under § 3 of the Small Business Act (15 U.S.C. 632). This rulemaking may reasonably be expected to affect small businesses or entities that currently own documented fishing vessels, fish processing vessels, or fish tender vessels, that have financed such vessels, or that are engaging in the fisheries of the United States with such vessels. The Small Business Administration defines businesses within the fishing industry that have annual receipts of $3 million or less as small businesses, 13 CFR 121.201. We do not believe that there will be any cost to small business entities to comply with this interim final rule. Therefore, MARAD certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact Statement

We have analyzed this rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have concluded that under the categorical exclusions provision in section 4.05 of Maritime Administrative Order 600–1, ''Procedures for Considering Environmental Impacts,'' 50 FR 11606 (March 22, 1985), the preparation of an Environmental Assessment, and an Environmental Impact Statement, or a Finding of No Significant Impact for this rulemaking is not required. This rulemaking involves administrative and procedural regulations that clearly have no environmental impact.

Paperwork Reduction Act

This rulemaking does not establish any new requirement for the collection of information.

Unfunded Mandates Reform Act of 1995

This final rule will not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It will not result in costs of $100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This proposed rule is the least burdensome alternative that achieves the objective of the rule.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 46 CFR Part 356

Citizenship and naturalization, Fishery endorsement, Fishing vessels, Mortgages, Mortgage trustee, Penalties, Preferred mortgages, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, MARAD amends 46 CFR Part 356 as follows:

PART 356—REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE VESSEL'S DOCUMENTATION

1. The authority citation for 46 CFR Part 356 continues to read as follows:

Authority: 46 App. U.S.C. § 12102; Public Law 105–277, Division C, Title II, Subtitle I, § 203 (46 App. U.S.C. 12102 note), § 210(e), and § 213(g), 112 Stat. 2681; 46 CFR 1.66.

2. Amend 46 CFR Part 356 by adding a new § 356.2 to read as follows:

§ 356.2 Waivers.

In special circumstances and for good cause shown, we may waive the procedures prescribed in this part, provided the waiver is consistent with the requirements of the AFA and with the intent of this part.

Dated: August 28, 2001.

By Order of the Acting Deputy Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–22039 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–81–P

Proposed Rules

Federal Register
Vol. 66, No. 170
Friday, August 31, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–149–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–90–30 series airplanes. This proposal would require an inspection of the aft galley power feeder wire assembly for riding, chafing, and damage located above the main cabin, left side, overwing ceiling panels; and follow-on actions. This action is necessary to prevent damage to the electrical wire insulation of the aft galley power feeder wires, electrical arcing, and potential smoke and/or fire. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 15, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–149–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–149–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Y. Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–149–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–149–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that the aft galley power feeder wires were found to be riding on the main cabin ceiling supports located in the overwing area. This condition, if not corrected, could result in damage to the electrical wire insulation, electrical arcing, and potential smoke and/or fire.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD90–24A046, Revision 02, dated March 26, 2001, which describes procedures for a one-time general visual inspection of the aft galley power feeder wire assembly for riding, chafing, and damage located above the main cabin, left side, overwing ceiling panels; and follow-on actions. The follow-on actions include repair of any damage on the outer cable jacket or primary insulation, installation of a splice on the power feeder cable to remove damage, installation of sleeving over the affected area, and a functional test of the galley equipment, as applicable. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would

require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 26 Model MD–90–30 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 17 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $1,020, or $60 per airplane.

It would take approximately 2 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $2,040, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2001–NM–149–AD.

Applicability: Model MD–90–30 series airplanes, certificated in any category; as identified in McDonnell Douglas Alert Service Bulletin MD90–24A046, Revision 02, dated March 26, 2001.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 damage to the electrical wire insulation of the aft galley power feeder wires, electrical arcing, and potential smoke and/or fire, accomplish the following:

Inspection and Follow-On Actions

(a) Within 90 days after the effective date of this AD, do a one-time general visual inspection of the aft galley power feeder wire assembly for riding, chafing, and damage located above the main cabin, left side, overwing ceiling panels-particularly near the ends of the ceiling supports-in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD90–24A046, Revision 02, dated March 26, 2001.

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 drop-light, 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.''

Condition 1: Damage to Outer Cable Jacket or Primary Insulation

(1) If any damage to the outer cable jacket or the primary insulation is found, prior to further flight, repair the scuffed jacket or insulation; and modify the galley power feeder cable installation by installing sleeving over the wire assembly per the alert service bulletin.

Condition 2: Damage to Power Feeder Cable Conductor

(2) If any damage to the power feeder cable conductor is found, prior to further flight, repair the damaged cable by installing a splice at the damaged location; modify the galley power feeder cable installation by installing sleeving over the wire assembly; and do a functional test of the galley equipment; per the alert service bulletin.

Condition 3: No Damage

(3) If no damage is found, prior to further flight, modify the galley power feeder cable installation by installing sleeving over the wire assembly; per the alert service bulletin.

Note 3: Accomplishment of the actions required by this AD per McDonnell Douglas Alert Service Bulletin MD90–24A046, dated July 31, 1997; or Revision 01, dated February 16, 1998; is acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

(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.

Issued in Renton, Washington, on August 24, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21973 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–71–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. This proposal would require replacement of the trigger spring of the slide bar on each of the passenger doors with a new, stronger trigger spring. This action is necessary to prevent corrosion of the trigger spring on the slide bar of the passenger doors, which could result in incorrect locking of the slide bar and, during deployment of the escape slide, lead to a delay in evacuating passengers in an emergency. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 1, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–71–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket Number 2001–NM–71–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–71–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–71–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that, during deployment tests of the escape slide, in two cases the slide bar detached from the door sill and the escape slide failed to inflate. It was found that the carbon-steel trigger spring was ruptured due to severe corrosion. The function of the trigger spring is to hold the trigger in a certain position to mechanically secure the telescopic slide bar in the extended position. If the trigger spring ruptures, the slide bar may be unlocked and then held in an extended position only by two internal springs. This condition, if not corrected, could result in incorrect locking of the slide bar and, during deployment of the escape slide, lead to a delay in evacuating passengers in an emergency.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–52–1102, Revision 01, dated November 25, 1999, which describes procedures for replacement of the carbon-steel slide bar trigger spring with a stainless steel spring. Accomplishment of the action specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2001–063(B), dated February 21, 2001, in order to assure the continued airworthiness of these airplanes in France.

Difference Between Proposed Rule and Service Bulletin

Airbus Service Bulletin A320–52–1102, Revision 01, dated November 25, 1999, specifies that Airbus Service Bulletin A320–52–1068 is to be accomplished concurrently. However, French airworthiness directive 2001–063(B), dated February 21, 2001, provides that simultaneous (or concurrent) accomplishment of Airbus Service Bulletin A320–52–1068 is not required. Similarly, this proposed rule would not require concurrent accomplishment of Airbus Service Bulletin A320–52–1068.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation

described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 152 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts will be provided at no charge by the manufacturer. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $72,960, or $480 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2001–NM–71–AD.

Applicability: Model A319, A320, and A321 series airplanes, all serial numbers having received Airbus Modification 20234 (installation of telescopic girt bar for slide raft) or Airbus Service Bulletin A320–25–1055 without Airbus Modification 28212 in production or Airbus Service Bulletin A320–52–1102, Revision 01, dated November 25, 1999, in service; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion of the trigger spring on the slide bar of the forward and aft passenger doors, which could result in incorrect locking of the slide bar during deployment of the escape slide and lead to a delay in evacuating passengers in an emergency, accomplish the following:

Replacement

(a) Within 18 months of the effective date of this AD or within 30 months from the date of manufacture of the airplane, whichever occurs later: Replace the carbon-steel trigger spring having part number (P/N) D5211046420000 on each of the forward and aft passenger doors with a stainless steel trigger spring having P/N D5211046420200, in accordance with Airbus Service Bulletin A320–52–1102, Revision 01, dated November 25, 1999.

Spares

(b) As of the effective date of this AD, no person shall install a carbon-steel trigger spring having P/N D5211046420000, on any airplane.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2001–063(B), dated February 21, 2001.

Issued in Renton, Washington, on August 24, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21974 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–28–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 series

airplanes. This proposal would require removal of the shear pins that keep the rear fixed panels on the center landing gear closed and installation of new solid shear pins. This action is prompted by mandatory continuing airworthiness information from a foreign airworthiness authority. This action is necessary to prevent the shear pins on the rear fixed panels of the center landing gear from failing, which could result in loss of the panels during flight with consequent injury to people on the ground. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 1, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–28–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–28–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–28–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2001–NM–28–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 series airplanes. The DGAC advises that several occurrences have been reported of failure of the shear pins which keep the rear fixed panels on the center landing gear closed. The failure is due to high vibratory fatigue stresses. This condition, if not corrected, could result in damage to or loss of a panel during flight with consequent injury to people on the ground.

Explanation of Relevant Service Information

Airbus Industrie has issued Service Bulletin A330–52–3058, dated April 7, 2000, which describes procedures for replacing the shear pins of the rear fixed panels of the center landing gear with new solid pins of the same material. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2001–042(B), dated January 24, 2001, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no charge. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $120, or $60 per airplane.

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

required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2001–NM–28–AD.

Applicability: Model A330–202, –223, –243, –301, –321, –322, –323, –341, –342, and –343 series airplanes on which Airbus Modification 47707 has not been incorporated, or Airbus Service Bulletin A330–52–3058, dated April 7, 2000, has not been accomplished; certificated in any category.

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 (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 shear pins on the rear fixed panels of the center landing gear from failing, which could result in loss of the panels during flight with consequent injury to people on the ground, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD: Remove the shear pins that keep the rear fixed panels of the center landing gear closed and install solid shear pins, in accordance with Airbus Service Bulletin A330–52–3058, dated April 7, 2000.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2001–042(B), dated January 24, 2001.

Issued in Renton, Washington, on August 24, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21975 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 4118b; FRL–7045–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Nine Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for 9 major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

DATES: Comments must be received in writing by October 1, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency,

Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at *spain.melik@epa.gov.* Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: August 21, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

[FR Doc. 01–22007 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 4140b; FRL–7046–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Eight Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for 8 major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

DATES: Comments must be received in writing by October 1, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at spain.melik@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: August 22, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

[FR Doc. 01–22005 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4148b; FRL–7046–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Three Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for three major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the Final Rules section of this **Federal Register,** EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

DATES: Comments must be received in writing by October 1, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division,

U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Melik Spain at (215) 814–2299, the EPA Region III address above or by e-mail at *spain.melik@epa.gov*. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: August 22, 2001.

Abraham Ferdas,

Acting Regional Administrator, Region III.

[FR Doc. 01–22003 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1852 and 1872

Broad Agency Announcements

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This is a proposed rule to amend the NASA FAR Supplement (NFS) to require consideration of safety and risk-based acquisition management (RBAM) in NASA's broad agency announcements (BAAs). Two types of BAAs used by NASA include the Announcement of Opportunity (AO) and the NASA Research Announcement (NRA).

DATES: Comments should be submitted on or before October 30, 2001.

ADDRESSES: Interested parties should submit written comments to Rex T. Elliott, NASA Headquarters, Office of Procurement, Analysis Division (Code HC), Washington, DC 20546. Comments may also be submitted by e-mail to *relliott@hq.nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Rex Elliott, NASA, Office of Procurement, Analysis Division (Code HC), (202) 358–4418, or e-mail: *relliott@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA recently made several changes to the NFS to address safety and RBAM in the acquisition planning processes for negotiated procurements. This proposed rule would make corresponding changes to the proposal preparation and evaluation processes for NRAs and AOs, allowing NASA to consider safety and RBAM as part of the proposal selection done under NASA's broad agency announcements. This change will ensure consistency in the way safety and RBAM are treated in all NASA acquisitions.

B. Regulatory Flexibility Act

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because it does not impose new requirements. Rather it focuses attention on safety and risk management which are inherent in any resultant effort under AO's and NRA's.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the NFS do not impose any record keeping or information collection requirements, or collections of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 1852 and 1872

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1852 and 1872 are proposed to be amended as follows:

1. The authority citation for 48 CFR 1852 and 1872 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Amend the clause at section 1852.235–72 by revising the month and year of the clause, redesignating paragraph (c)(11)(ii) as (c)(11)(iii), and adding a new paragraph (c)(11)(ii) to read as follows:

1852.235–72 Instructions for Responding to NASA Research Announcements.

* * * * *

INSTRUCTIONS FOR RESPONDING TO NASA RESEARCH ANNOUNCEMENTS (XXXX)

* * * * *

(c) * * *

(11) * * *

(ii) Identify and discuss risk factors and issues throughout the proposal where they are relevant, and your approach to managing these risks.

* * * * *

PART 1872—ACQUISITION OF INVESTIGATIONS

3. Amend paragraph (b) of section 1872.303 by adding the words ''Office of Safety and Mission Assurance,'' immediately after ''Office of General Counsel,''.

4. Amend section 1872.307 by adding the following sentence at the end of paragraph (b) to read as follows:

1872.307 Guidelines for proposal preparation.

* * * The investigator shall be required to identify and discuss risk factors and issues throughout the proposal where they are relevant, and describe the investigator's approach to managing these risks.

5. Amend section 1872.402 by redesignating paragraph (b)(7) as (b)(8), and adding a new paragraph (b)(7) to read as follows:

1872.402 Criteria for evaluation.

* * * * *

(b) * * *

(7) The proposed approach to managing risk (e.g. level of technology maturity being applied or developed, technical complexity, performance specifications and tolerances, delivery schedule, etc.).

* * * * *

6. Amend section 1872.705 by redesignating paragraphs II, III, IV, V, VI, VII, VIII and IX as III, IV, V, VI, VII, VIII, IX, and X respectively, and adding a new paragraph II to read as follows:

1872.705 Format of Announcement of Opportunity (AO).

* * * * *

II. NASA's Safety Priority.

Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. NASA's safety priority is to protect: (1) the public, (2) astronauts and pilots, (3) the NASA workforce (including NASA employees

working under NASA instruments), and
(4) high-value equipment and property.

* * * * *

[FR Doc. 01–21994 Filed 8–30–01; 8:45 am]
BILLING CODE 7510–01–P

Notices

Federal Register

Vol. 66, No. 170

Friday, August 31, 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

Animal and Plant Health Inspection Service

[Docket No. 98–085–7]

Aquaculture; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: We are issuing this notice to inform the aquaculture industries, interested parties, and the general public that a public meeting will be held to discuss how and to what extent the Animal and Plant Health Inspection Service should regulate aquatic species and to discuss any other issues concerning possible regulation of aquaculture by the Agency. This notice also invites written comments on these issues.

DATES: The public meeting will be held on October 4, 2001, from 1:30 p.m. to 4 p.m. We will consider written comments that we receive on or before February 1, 2002.

ADDRESSES: The public meeting will be held at the University of Arkansas at Pine Bluff, 1890 Extension Building, Spruce and Oliver Streets, Pine Bluff, AR.

Please send four copies of your written comments (an original and three copies) to: Docket No. 98–085–7, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 98–085–7.

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

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

FOR FURTHER INFORMATION CONTACT: For more information on the public meeting, contact Dr. Otis Miller, Jr., National Aquaculture Coordinator, Planning, Certification, and Monitoring, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231, (301) 734–6188.

For information regarding aquaculture activities at the University of Arkansas at Pine Bluff, call Dr. Carole Engle, Director of Aquaculture/Fisheries Center, University of Arkansas at Pine Bluff, (870) 543–8537.

SUPPLEMENTARY INFORMATION: On May 4, 1999, the Animal and Plant Health Inspection Service (APHIS) published an advance notice of proposed rulemaking (ANPR) titled ''Aquaculture: Farm-Raised Fin Fish'' in the **Federal Register** (64 FR 23795–23796, Docket No. 98–085–1). We published this ANPR after receiving petitions [1] asking us to regulate aquaculture in various ways. Many petitioners asked us to define farmed aquatic animals as livestock. In general, the petitioners seemed to be interested in receiving the same services that domestic producers of livestock receive for animals moving in interstate and foreign commerce. However, based on the petitions alone, it was difficult for us to determine what segments of the industry want services and exactly what services they want. It was also difficult to determine the objectives sought by the petitioners who were requesting Federal regulation. We published the ANPR in an attempt to clarify the industry's needs, the nature of the services sought, and the concerns the petitioners had with regard to such regulations.

We received 55 comments [2] in response to the ANPR. A majority of the commenters supported the idea of APHIS regulation of cultured fin fish. Unfortunately, the commenters generally did not clearly distinguish between fin fish raised for food and ornamental fin fish. Commenters who wanted regulation were, however, very clear that they want programs to prevent and control disease and to support increased commerce, both domestic and export.

The commenters also suggested that any rulemaking initiated by APHIS be a negotiated rulemaking. In negotiated rulemaking, industry representatives and other interested persons meet with APHIS officials and draft proposed regulations together. The proposed regulations are then published for public comment. Negotiated rulemaking is designed to ensure that all interested persons are involved together from the start in the development of regulations.

Unfortunately, negotiated rulemaking is not suitable for all situations. It works well when there is a small number of interested parties and the parties are easy to identify. This is not the case with aquaculture. Because the aquaculture industry is large and diverse, we would have difficulty identifying everyone who should be represented in a negotiated rulemaking. In addition, many parties outside aquaculture would have a substantial interest in such a rulemaking. In our view, the number of people who would need to participate in a negotiated rulemaking would be too large and would suggest that negotiated rulemaking is not appropriate. Furthermore, a negotiated rulemaking would be expensive, and APHIS does not have adequate funds. Therefore, we have concluded that it would not be appropriate to pursue an aquaculture negotiated rulemaking.

However, we have not decided whether to pursue aquaculture rulemaking by other means. Before we make that decision, we want to have as much information as possible from all interested persons, and we want to provide you with as much opportunity

[1] All the petitions we received are a part of the rulemaking record for Docket No. 98–085–1. You may read the petitions in our reading room. See the **ADDRESSES** section of this documents for the location and hours of the reading room.

[2] All the comments we received are a part of the rulemaking record for Docket No. 98–085–1. You may read the comments in our reading room. See the **ADDRESSES** section of this document for the location and hours of the reading room.

as possible to discuss with us and inform us regarding the relevant issues.

Therefore, we are holding a series of public meetings. Public meetings allow all interested parties—industry representatives, producers, consumers, and others—to present their views and to exchange information among themselves and with APHIS.

There are no set agendas for the meetings. Any issues and concerns related to aquaculture and possible APHIS regulatory action can be discussed. However, we would like more information on three specific issues. These are issues that the people and organizations who commented on our ANPR either did not address or were unclear about. Specifically, if APHIS does propose regulations: (1) Should our program be mandatory or voluntary; (2) should we cover shell fish; and (3) should we cover ornamental fin fish?

Information elicited at the meetings could result in a new APHIS regulatory program or in changes to aquaculture-related services currently provided by APHIS.

We have scheduled this public meeting for Thursday, October 4, 2001, at the University of Arkansas at Pine Bluff, Pine Bluff, AR. If you wish to speak at the meeting, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734–4339. Leave a message with your name, telephone number, organization, if any, and an estimate of the time you need to speak. On the day of the meeting, you may also register from 1 to 1:30 p.m. at the meeting site. Starting with the advance registrants, we will call speakers in the order in which they registered.

The meeting will begin at 1:30 p.m. and is scheduled to end at 4 p.m. We may end the meeting early if all the registered speakers have had a chance to speak and if no one else wants to speak. We may also extend the meeting or limit the time allowed for each speaker, if necessary, so all interested persons have an opportunity to participate.

An APHIS representative will preside at the meeting. The meeting will be recorded. We encourage speakers to present written statements, though it is not required. If you choose to present a written statement, please provide the chairperson with a copy. The complete record, including the transcript and all written comments, will be available to the public.

This meeting is part of our series of public meetings. The first public meeting was held on January 25, 2001, in Lake Buena Vista, FL. The second public meeting was held on February 16, 2001, in Hebron, KY. The third public meeting was held on April 5, 2001, in Machias, ME, and the fourth public meeting was held on June 8, 2001, in Twin Falls, ID. Recently, we announced three other meetings: Washington (September 19, 2001, in conjunction with the joint meeting of the Pacific Coast Shellfish Growers Association and the National Shellfish Association/Pacific Coast Section Conference); Pennsylvania (October 9, 2001, in conjunction with the annual meetings of the Pennsylvania Aquaculture Advisory Committee and the Pennsylvania Aquaculture Association); and Mississippi (October 10, 2001, in conjunction with the annual Board meeting of the Catfish Farmers of America). On July 27, 2001, we published a notice in the **Federal Register** (66 FR 39134–39136, Docket No. 98–085–6) announcing the dates, times, and locations of these three meetings. Transcripts of the proceedings of each meeting are available, as we receive them, on the Internet at www.aphis.usda.gov/ppd/rad/aquaculture.html.

Additionally, to provide interested persons with as much opportunity as possible to inform us of relevant issues, we are accepting written comments mailed to the address listed at the beginning of this document under **ADDRESSES.**

Done in Washington, DC, this 28th day of August 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–22033 Filed 8–30–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01–024N]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting; request for comments.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will meet September 17–20, 2001. The meeting is open to the public. The committee will discuss *Salmonella* performance standards in meat and poultry products; *Escherichia coli* O157:H7 in blade-tenderized, non-intact beef; review Codex Alimentarius Commission Draft Guidelines for the Validation of Food Hygiene Control Measures; introduce the evaluation of hot holding temperatures; and the scientific basis for establishing safety-based ''use by'' date labeling for refrigerated, ready-to-eat foods.

FSIS will finalize an agenda describing the specific charges to the Committee on or before the meeting date and post it to its internet web page.

DATES: Subcommittees will meet on Monday, September 17, 2001, beginning at 8:30 a.m., and again on September 18 and 19, 2001; the full Committee will meet in plenary session on September 19–20, 2001.

ADDRESSES: The meeting will be held at the Capital Hilton, 1001 16th & K Street, NW., Washington, DC 20005. Send an original and two copies of comments to the Food Safety and Inspection Service Docket Room: Docket #01–024N, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250. Comments may also be sent by facsimile (202) 205–0381. The comments and the official transcript of the meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address.

FOR FURTHER INFORMATION CONTACT: Persons interested in making a presentation, submitting technical papers, or providing comments should contact Ms. Karen Thomas (202) 690–6620, Fax (202) 690–6634, e-mail address: *karen.thomas@dcqexs1.hqnet.usda.gov*, or mailing address: Food Safety and Inspection Service, Department of Agriculture, Office of Public Health and Science, Aerospace Center, Room 333, 1400 Independence Avenue, SW., Washington, DC 20250–3700. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas, by September 3, 2001.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in April 1988, in response to a recommendation in a 1985 report of the National Academy of Sciences Committee on Food Protection, Subcommittee on Microbiological Criteria, ''An Evaluation of the Role of Microbiological Criteria for Foods.'' The Charter for the NACMCF is available for viewing on the FSIS internet web page at *http://www.fsis.usda.gov/OA/programs/nacmcf_chart.htm.*

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S.

food supply including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides advice to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense. Dr. I. Kaye Wachsmuth, Deputy Administrator, Office of Public Health and Science, FSIS, is the Committee Chair, and Janice F. Oliver, Deputy Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, is the Co-Chair.

At the September 17–20, 2001, meeting announced in this document, the Committee will

- Discuss *Salmonella* performance standards in meat and poultry products;
- Discuss *Escherichia coli* O157:H7 in blade-tenderized, non-intact beef;
- Review Codex Alimentarius Commission Draft Guidelines for the Validation of Food Hygiene Control Measures;
- Introduce the evaluation of hot holding temperatures; and
- Introduce the scientific basis for establishing safety-based ''use by'' date labeling for refrigerated, ready-to-eat foods.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Thomas J. Billy,

Administrator.

[FR Doc. 01–21982 Filed 8–30–01; 8:45 am]

BILLING CODE 3410–DM–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 1, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740

SUPPLEMENTARY INFORMATION: On March 2, April 13, June 15, June 29, July 13, 2001 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 F.R.13041, 19136, 32598, 36741, 34611, 34612) of proposed additions to the Procurement List.

The following comments pertain to Microfilming, U.S. Bureau of the Census, Washington, D.C. Comments were received from a microfilming corporation. The commenter raised several issues in objecting to the Committee's proposal to add this microfilming service for the Bureau of the Census to the Procurement List.

The commenter first questioned the Committee's certification that the proposed addition to the Procurement List will not have a significant impact on a substantial number of small entities.

The commenter indicated that the proposed addition would have a severe impact on small business entities in the computer output archival microfilm industry. The commenter also indicated that this Procurement List addition would set a precedent for other Government microfilm conversion projects in the future.

The commenter did not provide any information to indicate how many small business entities would be affected by this Procurement List addition. Without this information, the Committee cannot conclude that a substantial number of small business entities would be adversely affected. Any negative impact would probably be countered by the positive impact on the two small nonprofit entities that will be performing the service. The Committee is required to conduct a separate rulemaking proceeding, including an adverse impact determination, for each Procurement List addition, so this addition cannot be a precedent for later additions.

The commenter also indicated that a fair market price for the microfilming service may only be determined by a competitive procurement. The Committee believes that its fair market pricing procedures, which include price negotiations between the Bureau of the Census and the producing nonprofit agencies, will result in a fair market price that will represent a best value to the Government.

The commenter questioned the capability of the nonprofit agencies to perform the service, noting that time is of the essence because of potential deterioration of the magnetic media in which the census information is being stored. The nonprofit agencies have been found technically capable of performing the service, and the Bureau of the Census has accepted this finding.

The commenter, in questioning the Committee's certification that the proposed Procurement List addition would not result in additional reporting, recordkeeping, or compliance requirements for entities other than the producing nonprofit agencies, asked the Committee to conduct a study of the relative merits of the commenter's microfilming method and the other commercially available microfilming process. The Committee does not think such a study is necessary to support the addition of this service to the Procurement List, as it will provide no information needed to support the Committee's determination that the service is suitable for addition to the Procurement List that would justify the cost and delay which a study would entail. Finally, the commenter asked the Committee to consider an alternative approach by expanding the Committee's program to include for-profit entities as employers of people with severe disabilities. To the extent this alternative would involve for-profit entities as program participants, it is prohibited by the Committee's statute, which limits participation to nonprofit agencies. However, these nonprofit agencies are encouraged to subcontract with for-profit entities to obtain goods and services that do not create work for

people with severe disabilities. In this situation, the designated nonprofit agencies have communicated with the commenter as a possible subcontractor on this or other projects to be added to the Procurement List. Consequently, the Committee believes that it is complying with the commenter's alternative approach to the extent it is permitted to do so.

The following material pertains to all of the items being added to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the Procurement List:

Commodities

Custom Planners & Accessory Kit
7510–00–NIB–0565
7510–00–NIB–0566
7510–00–NIB–0567
7510–00–NIB–0568
7510–00–NIB–0569
7510–00–NIB–0570
7510–00–NIB–0571
7510–00–NIB–0572
7510–00–NIB–0573
7510–00–NIB–0574
7510–00–NIB–0575
7510–00–NIB–0576
7510–00–NIB–0577
7510–00–NIB–0578

Services

Janitorial/Custodial, Minnesota Valley National Wildlife Refuge, Visitors Center, Bloomington, MN
Janitorial/Custodial, U.S. Fish & Wildlife Service, Santa Ana National Wildlife Refuge, Alamo, TX
Janitorial/Grounds Maintenance, U.S. Border Patrol Sector Headquarters, El Paso, TX
U.S. Border Patrol Station One, El Paso, TX
U.S. Border Patrol, Ysleta Border Patrol Station, El Paso, TX
U.S. Border Patrol, Ysleta Traffic Checkpoint, Highway 62/108, El Paso, TX
Laundry Service, Fort Lee, Fort Lee, VA
Mailing Services, Department of Energy, Argonne National Laboratory, Argonne, IL
Microfilming, U.S. Bureau of the Census, Washington, DC

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 01–22036 Filed 8–30–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before October 1, 2001.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, 1421 Jefferson Davis Highway, Suite 10800, Arlington, VA 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each commodity or service will be required to procure the commodity or service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will result in authorizing small entities to furnish the commodity and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and service are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Milk, Non-Fat Dry, Instantized
8910–00–NSH–0002
NPA: CW Resources, Inc., New Britain, Connecticut
Knox County Association for Retarded Citizens, Inc., Vincennes, Indiana
Advocacy and Resources Corp. (ARC), Cookeville, Tennessee
Transylvania Vocational Services, Inc., Brevard, North Carolina
Government Agency: Department of Agriculture

Services

Facilities Management
Television Audio Support Activity (TASA), McClellan AFB, CA
NPA: PRIDE Industries, Roseville, California
Government Agency: Department of the Air Force

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 01–22037 Filed 8–30–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Prior Notification of Exports Under License Exception AGR

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 October 30, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, DOC Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail 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 Dawnielle Battle, BXA ICB Liaison, Department of Commerce, Room 6883, 14th and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION

I. Abstract

Section 906 of the TSRA requires that exports of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, or to any other entity in such a country, are made pursuant to one-year licenses issued by the U.S. Government, while further providing that the requirements of one-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce, except that procedures shall be in place to deny licenses for exports to any entity within such country promoting international terrorism. To meet the requirements of TSRA, BXA is imposing a prior notification procedure under new License Exception Agricultural Commodities (AGR). Exports and certain reexports of agricultural commodities will be authorized under License Exception AGR to Cuba.

II. Method of Collection

Submitted on forms.

III. Data

OMB Number: 0694–0123.
Form Number: BXA–748P.
Type of Review: Regular submission for extension of a currently approved collection.
Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.
Estimated Number of Respondents: 250.
Estimated Time Per Response: 52–57 minutes per response.
Estimated Total Annual Burden Hours: 926 hours.
Estimated Total Annual Cost: No start-up capital expenditures.

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: August 27, 2001.

Madeleine Clayton,

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

[FR Doc. 01–21992 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

National Defense Authorization Act

ACTION: Notice and request for comments.

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 October 30, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, DOC Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail 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 Dawnielle Battle, BXA ICB Liaison, Department of Commerce, Room 6883, 14th & Constitution Avenue, NW, Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required as the result of the amending of the Export Administration Regulations (15 CFR parts 730–799) (EAR) by revising the (EAR) requirements for exports and reexports contained in Sections 1211–1215 of the National Defense Authorization Act (NDAA) for fiscal year 1998 (P.L. 105–85, 111 Stat. 1629), signed by the President on November 18, 1997. There is one component of this information collection authorization, a *post-shipment report* on the export of high performance computers, as well as exports of items used to enhance previously exported or reexported computers, to Tier 3 countries, where the CTP is greater than 85,000 MTOPS for commodities shipped on or after March 20, 2001. (For commodities shipped prior to that date, lower reporting thresholds apply, per 15 CFR parts 740.7 and 742.12.) Exporters are required to provide a written report to BXA no later than the last day of the month following the month in which the export takes place. To simplify this process, BXA is developing an electronic form that will incorporate the relevant data elements and replace the written report, thereby standardizing the data format for the applicant, and enabling the use of information technology in the processing of the data.

II. Method of Collection

Submitted on forms.

III. Data

OMB Number: 0694–0107.
Form Number: BXA 742R, BXA 742S.
Type of Review: Regular submission for extension of a currently approved collection.
Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.
Estimated Number of Respondents: 5.
Estimated Time Per Response: 15 minutes per response.
Estimated Total Annual Burden Hours: 6 hours.

Estimated Total Annual Cost: No start-up capital expenditures.

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. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

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: August 27, 2001.

Madeleine Clayton,

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

[FR Doc. 01–21993 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–862]

Notice of Amended Final Determination of Sales at Less Than Fair Value: Foundry Coke From the People's Republic of China

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

ACTION: Amended Final Determination of Antidumping Duty Investigation.

EFFECTIVE DATE: August 31, 2001.

FOR FURTHER INFORMATION CONTACT: Doreen Chen, Alex Villanueva, Marlene Hewitt or James Doyle, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0193, (202) 482–6412, (202) 482–1385 or (202) 482–0159, respectively.

The 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 (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Scope of the Investigation

For purposes of this investigation, the product covered is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100-mm (4 inch) sieve, of a kind used in foundries.

The foundry coke products subject to this investigation were classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and are currently classifiable under subheading 2704.00.00.11 (as of July 1, 2000) of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

Amendment to the Final Determination

On July 23, 2001, the Department determined that foundry coke from the People's Republic of China (''PRC'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 735(a) of the Tariff Act. See *Notice of Final Determination of Sales at Less Than Fair Value: Foundry Coke from the People's Republic of China,* 66 FR 39487 (July 31, 2001).

On July 30, 2001, respondents, CITIC Trading Co., Ltd. (''CITIC''), Shanxi Dajin International (Group) Co., Ltd. (''Dajin''), Minmetals Townlord Technology Co. (''Minmetals''), and Sinochem International Co., Ltd. (''Sinochem'') timely filed an allegation that the Department made ministerial errors in the final determination. On August 6, 2001, petitioners, ABC Coke, Citizens Gas and Coke Utility, Erie Coke Corporation, Sloss Industries Corporation, and Tonawanda Coke Corporation, timely filed comments in rebuttal to respondents' alleged errors.

Comment 1: Respondents collectively argue that the Department verified, and the respondents correctly reported, the freight distance from the factory to the port. Respondents argue that it is clear that the rail schedule submitted by respondents (See Respondents' May 1, 2001 Submission at Exhibit 6) established the rail rates for specific distances on a per metric ton basis, not on a per metric ton per kilometer basis, as the Department has used to calculate margins for all respondents. Respondents conclude that the Department erred, by first, using an incorrect transportation distance to select the appropriate rail rate, notwithstanding the fact that the rail schedule from the Indian Railway Conference Association contains specific rates for different ranges of transportation distances; and, second, by multiplying the incorrectly selected rail rate by the distances of the transport. Respondents allege that the Department's current methodology grossly overstates the freight by the factor of the distance used and should be corrected to reach an accurate margin calculation for each of the respondents. Respondents argue that the Department should revise its normal value programs to reflect the correct freight by basing its calculation on the Indian Railway Conference Association rate schedule for the appropriate (and accurate) supplier distance that was submitted and verified as part of the record.

Respondents claim that in the normal value programs, the Department universally used a freight distance of 741–750 kilometers to calculate freight for the transport of coking coal from the suppliers to the producers. Respondents argue that the Department should revise its normal value programs to reflect the correct freight using the rail schedule from the Indian Railway Conference Association.

Petitioners assert that the Department correctly calculated freight rates and achieved the correct result because the Department applied the rate on a per kilometer basis.

Department's Position: We agree with petitioners in part and respondents in part. The rail schedule does establish rail rates for specific distance ranges on a per metric ton basis. In the rail freight calculation, the Department used the rail rate that corresponded to the distance from the coke manufacturer to the nearest port. The Department did not use the rate corresponding to the distance between the suppliers of coal and the producer. Because the distance range used by the Department is greater, the corresponding rate per ton is also greater. However, the Department divided the rate by the largest number of kilometers in the distance range used.

We agree with respondents that we should have used the rail rates per ton that corresponded to the distance between the suppliers of coal and the producer. We have revised the margin calculation program using the

appropriate rail rate, and divided it by the correct number of kilometers. We have also corrected another clerical error that relates to the calculation for rail freight in CITIC's and Sinochem's margin program.

We disagree with respondents' claim that multiplying the average freight rate per ton per kilometer by the kilometer transport distance applicable to the suppliers of coal to the producer represents a ministerial error because respondents are in effect requesting the Department to alter its calculation formula, which is clearly a substantive matter, not a ministerial error issue. As the Department may only make corrections to ministerial errors at this point in the proceeding, we did not make the requested change.

Respondents are incorrect that we used a rate based on 741–750 kilometers. The surrogate value exhibit for freight misidentified the rail rate used in the final determination. The exhibit indicates that the rate is based on the rate for 741–750 kilometers; however, the rail rate used in the freight calculation was based on the rate for the distance from the factory to the port.

We also note that contrary to respondents' assertions, this issue regarding rail rates does not apply to all respondents as Dajin and Minmetals did not report rail as the means of transport for any of their inputs.

Comment 2: CITIC, Minmetals and Sinochem argue that the Department continued to use the same freight distance that was used in the preliminary determination to calculate domestic inland freight. They argue that the Department should correct the margin calculation program and use the correct freight distance that was verified on March 19, 2001. Petitioners did not comment on this issue.

Department's Position: We agree with CITIC, Minmetals and Sinochem. We have revised the margin calculation program for CITIC to calculate domestic inland freight based on the correct freight distance.

Dajin

Comment 3: Dajin argues that the Department's final determination used the highest normal value calculated in the preliminary determination as the adverse facts available rate for those producers identified as ''missing suppliers.'' Dajin argues that the Department should use the highest calculated normal value from the amended final determination for those suppliers identified as ''missing suppliers.''

Petitioners disagree with Dajin's assertion that the Department should use the highest final calculated normal value as adverse facts available for ''missing suppliers.'' Petitioners argue that the Department should continue to use the adverse facts available rate used in the final determination, but calculated at the preliminary determination, for the ''missing suppliers'' because the application of the highest final calculated normal value may permit non-responding suppliers to benefit from lack of cooperation in this investigation.

Department's Position: We agree with Dajin and have applied as adverse facts available, the highest normal value calculated in the amended final determination. We have revised the margin calculation to reflect this correction.

Comment 4: Dajin argues that the Department used the incorrect gross unit price for the sales reported by Dajin. Dajin argues that the Department should correct the margin calculation for Dajin to reflect the correct U.S. prices that were verified. Petitioners had no comment regarding this issue.

Department's Position: We disagree with Dajin. Dajin's allegation rests on our not using all of its originally reported figures for gross unit price. However, some of these gross unit prices were found to be inaccurate based on our findings at verification. Therefore, as explained in the Analysis Memorandum, we modified gross unit price for certain sales based on the results of verification. *Analysis for the Final Determination of Foundry Coke from the People's Republic of China: Shanxi Dajin International (Group) Company* (July 23, 2001) at pp. 2–3. For other sale(s), we used the originally reported gross unit price found to be accurate as a result of verification. Therefore, we will not make the changes to gross unit price as urged by respondents.

Sinochem

Comment 5: Sinochem argues that it believes that the Department used an incorrect distance to calculate the surrogate value for rail, and has applied a unit cost for rail transport for Sinochem's supplier which is different from that found in the normal value program. Sinochem states that the Department should correct the margin program for Sinochem to reflect the correct unit value for rail transport for Sinochem's supplier. Petitioners argue that the Department used the correct unit value that it calculated based on the Department's calculation for each kilometer as the average railway freight rate in the normal value program.

Department's Position: We agree with petitioners and disagree with Sinochem. We released an inaccurate draft calculation sheet for freight. We have corrected the calculation sheet and will release it to all parties. We note that there was no change to the final margin resulting from this issue because the correct number was used in the final calculation.

Comment 6: Sinochem argues that the Department, in its cost calculation for Sinochem's supplier, used an incorrect value as the unit cost of igniting coal. Sinochem states that the Department has revised the coal input value for purposes of the final determination and should use this new value in the margin program to reflect the correct unit cost for igniting coal for Sinochem's supplier. Petitioners had no comment regarding this issue.

Department's Position: After a review of respondent's allegation, we agree with Sinochem and have corrected our margin calculation to reflect the corrected coal input value for igniting coal.

We are amending the final determination of the antidumping duty investigation of Foundry Coke from the PRC to reflect the correction of the above-cited ministerial errors. The revised final weighted-average dumping margins are as follows:

Exporter/manufacturer	Original weighted average margin percent	Revised weighted average margin percent
CITIC	78.03	51.43
Minmetals	76.19	75.58
Dajin	109.85	101.62
Sinochem	163.73	105.91
All Others Rate	214.89	214.89

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the United States Customs Service (''Customs'') to continue suspending liquidation on all imports of the subject merchandise from the PRC. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which normal value exceeds the export price as indicated in the chart above. These suspension-of-liquidation instructions will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission of our amended final determination.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: August 24, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–21969 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–307–820, A–533–823, and A–834–807]

Silicomanganese from Kazakhstan, India and Venezuela; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations

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

ACTION: Notice of postponement of preliminary determinations in antidumping duty investigations.

SUMMARY: The Department of Commerce (''the Department'') is postponing the preliminary determinations in the antidumping duty investigations of silicomanganese from Kazakhstan, India, and Venezuela from September 13, 2001 until no later than October 15, 2001. This postponement is made pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: August 31, 2001.

FOR FURTHER INFORMATION CONTACT: Jean Kemp (Kazakhstan), at (202) 482–4037, Sally Gannon (India), at (202) 482–0162, and Robert James (Venezuela), at (202) 482–0649, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Postponement of Due Date for Preliminary Determinations

On April 26, 2001, the Department initiated antidumping duty investigations of imports of silicomanganese from Kazakhstan, India, and Venezuela. The notice of initiation stated that we would issue our preliminary determinations no later than 140 days after the date of initiation. *See* 66 FR 22209 (May 3, 2001). Currently, the preliminary determinations in these investigations are due on September 13, 2001.

On July 16, 2001, petitioners alleged, pursuant to section 733(e)(1) of the Act and 19 CFR 351.206, that critical circumstances exist with respect to imports of silicomanganese from India. On June 28, 2001 and July 5, 2001, respondent Transnational Company Kazchrome (''Kazchrome'') in the Kazakh silicomanganese investigation and the Government of Kazakhstan, respectively, requested revocation, effective January 1, 2000, of Kazakhstan's non-market economy status under section 771(18) of the Act and graduation to a market economy. Also, on July 12, 2001, Kazchrome requested that the Department make a determination that the silicomanganese industry in Kazakhstan operates as a market-oriented industry.

On August 17, 2001, petitioners made a timely request pursuant to 19 CFR 351.205(e) for a 30-day postponement, pursuant to section 733(c)(1)(A) of the Act. Petitioners stated that a postponement of the preliminary determinations is necessary in order to allow the Department to conduct more thorough investigations and to issue preliminary determinations based on a more complete record.

Under section 733(c)(1)(A) of the Act, if the petitioner makes a timely request for an extension of the period within which the preliminary determination must be made under subsection (b)(1), then the Department may postpone making the preliminary determination under subsection (b)(1) until not later than the 190th day after the date on which the administering authority initiates an investigation. Therefore, in accordance with petitioners' request for a postponement, the Department is postponing the preliminary determinations in these investigations for 30 days. Because the 30th day falls on a non-business day, these preliminary determinations will be due no later than October 15, 2001.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f).

Dated: August 24, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–21970 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Yale University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 01–016. *Applicant:* Yale University, New Haven, CT 06520–8202. Instrument: (2) High Pressure Presses, Models TRY10ES and Drickamer Cell. *Manufacturer:* Okaya & Co., Ltd., Japan. *Intended Use:* See notice at 66 FR 39490, July 31, 2001. *Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) a revolving Drickamer cell with pressures to 30 GPa, temperature to 2000° K and rotational rate from 0.00001 to 0.01 rpm and (2) a sliding guide block type multi-anvil apparatus capable of 1000 ton pressure. A university research laboratory advised August 24, 2001 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–22067 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

[C–508–605]

Industrial Phosphoric Acid From Israel: Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results and final partial rescission of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on industrial phosphoric acid from Israel for the period January 1, 1999 through December 31, 1999. For information on the net subsidy for each reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results, we will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Review* section. Interested parties are invited to comment on these preliminary results. *See Public Comment* section of this notice.

EFFECTIVE DATE: August 31, 2001.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Dana Mermelstein, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3964 or (202) 482–1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1987, the Department published in the **Federal Register** (52 FR 31057) the countervailing duty order on industrial phosphoric acid from Israel. On August 16, 2000, the Department published a notice of ''Opportunity to Request Administrative Review'' (65 FR 49962) of this countervailing duty order. We received a timely request for review, and we initiated the review, covering the period January 1, 1999 through December 31, 1999, on October 2, 2000 (65 FR 58733). In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Rotem-Amfert Negev Ltd. (Rotem).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting this administrative review in accordance with section 751(a) of the Act. All citations to the Department's regulations are to 19 CFR part 351 (2000).

Scope of the Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA) from Israel. Such merchandise is classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description of the scope remains dispositive.

Subsidies Valuation Information

Period of Review

The period for which we are measuring subsidies is calendar year 1999.

Allocation Period

In *British Steel plc.* v. *United States*, 879 F.Supp. 1254 (CIT 1995) (*British Steel I*), the U.S. Court of International Trade (the Court) ruled against the allocation period methodology for non-recurring subsidies that the Department had employed for the past decade, as it was articulated in the General Issues Appendix appended to the *Final Countervailing Duty Determination; Certain Steel Products from Austria*, 58 FR 37225 (July 9, 1993) (GIA). In accordance with the Court's decision, on remand, the Department determined that the most reasonable method of deriving the allocation period for nonrecurring subsides is a company-specific average useful life (AUL). This remand determination was affirmed by the Court on June 4, 1996. *See British Steel plc.* v. *United States*, 929 F.Supp 426, 439 (CIT 1996) (*British Steel II*).

However, in administrative reviews in which the Department examines non-recurring subsidies received prior to the POR which have been countervailed based on an allocation period established in an earlier segment of the proceeding, it is not practicable to reallocate those subsidies over a different period of time. When a countervailing duty rate in earlier segments of a proceeding was calculated based on a certain allocation period and resulted in a certain benefit stream, redefining the allocation period in later segments of the proceeding would entail taking the original grant amount and creating an entirely new benefit stream for that grant. (*See, e.g., Certain Carbon Steel Products from Sweden; Final Results of Countervailing Duty Administrative Review*, 62 FR 16549 (April 7, 1997)).

In this administrative review, the Department is considering non-recurring subsidies previously allocated in earlier administrative reviews under the old practice, non-recurring subsidies also previously allocated in recent administrative reviews under the new practice, and non-recurring subsidies received during the POR to which the current countervailing duty regulations apply. Under these circumstances, and as discussed below, the Department is using different allocation periods depending upon the date of receipt of the non-recurring subsidy. For non-recurring subsidies received prior to the 1995 administrative review (the first review for which the Department implemented the *British Steel I* decision), the Department is using the original allocation period of 10 years. For non-recurring subsidies received since 1995, Rotem has submitted in each subsequent administrative review, including this one, AUL calculations based on depreciation and values of productive assets reported in its financial statements. In accordance with the Department's practice, we derived Rotem's company-specific AUL for each respective administrative review since 1995, by dividing the aggregate of the annual average gross book values of the firm's depreciable productive fixed assets by the firm's aggregated annual charge to depreciation for a 10-year period. In the current review, this methodology has resulted in an AUL of 23 years. Pursuant to section 351.524(d)(2) of the Department's regulations, this company-specific AUL rebuts the presumptive use of the IRS tables. Therefore, for the purposes of these preliminary results, non-recurring subsidies received during the POR will be allocated over 23 years.

Privatization

Israel Chemicals Limited (ICL), the parent company which owns 100 percent of Rotem's shares, was partially privatized in 1992, 1993, 1994, 1995, 1997 and 1998. In this administrative review, the Government of Israel (GOI) and Rotem reported that additional shares of ICL were sold in 1999. We have previously determined that the partial privatization of ICL represents a partial privatization of each of the

companies in which ICL holds an ownership interest. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel*, 61 FR 53351, 53352 (October 11, 1996) (*1994 Final Results*). In this review and prior reviews of this order, the Department found that Rotem and/or its predecessor, Negev Phosphates Ltd., received non-recurring countervailable subsidies prior to these partial privatizations.

On December 4, 2000, the Department announced a new privatization approach in a remand determination following the decision of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *Delverde Srl* v. *United States*, 202 F.3d 1360, 1365 (Fed. Cir. 2000), *reh'g en banc denied* (June 20, 2000) (*Delverde III*). The Department applied this new approach in the final results of the prior administrative review of this order. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel*, 66 FR 15839 (March 21, 2001) (*1998 Final Results*). Under this approach, the first requirement is to determine whether the person to which the subsidies were given is, in fact, distinct from the person that produced the subject merchandise exported to the United States. If the two persons are distinct, the original subsidies may not be attributed to the new producer/exporter. The Department would, however, consider whether any subsidy had been bestowed upon that producer/exporter as a result of the change-in-ownership transaction. On the other hand, if the original subsidy recipient and the current producer/exporter are considered to be the same person, that person benefits from the original subsidies, and its exports are subject to countervailing duties to offset those subsidies. In other words, we will determine that a ''financial contribution'' and a ''benefit'' have been received by the ''person'' that is the firm under investigation or review. Assuming that the original subsidy had not been fully amortized under the Department's normal allocation methodology as of the period of review (POR), the Department would then continue to countervail the remaining benefits of that subsidy.

In making the ''person'' determination, where appropriate and applicable, we analyze factors such as (1) continuity of general business operations, including whether the successor holds itself out as the continuation of the previous enterprise, as may be indicated, for example, by use of the same name, (2) continuity of production facilities, (3) continuity of assets and liabilities, and (4) retention of personnel. No single factor will necessarily provide a dispositive indication of any change in the entity under analysis. Instead, the Department will generally consider the post-sale entity to be the same person as the pre-sale entity if, based on the totality of the factors considered, we determine that the entity in question can be considered a continuous business entity because it was operated in substantially the same manner before and after the change in ownership.

Using the approach described above, we have analyzed the information provided by the GOI and Rotem to determine whether the subsidies received by Rotem continued to benefit Rotem during the POR. By applying this approach to the facts and circumstances of the instant countervailing duty administrative review of industrial phosphoric acid from Israel and the relevant privatization of ICL and its subsidiary, Rotem, we find that the pre-sale and post-sale entities are not distinct persons. Specifically, Rotem still maintains its plants and uses the same production facilities to manufacture and sell the same products; continues to rely on the same suppliers and customer base; and employs largely the same personnel and management. *See* the Department's June 13, 2001, letter to Rotem (with attached Change in Ownership Analysis Memorandum from the 1998 administrative review) and the *1998 Final Results* and accompanying Decision Memorandum (section entitled Change in Ownership), for a complete discussion of our analysis of ICL's and Rotem's privatization. Therefore, we determine that the subsidies provided to Rotem, prior to the privatization of ICL, continue to benefit Rotem after ICL's privatization.

Grant Benefit Calculations

To calculate the benefit for the POR, we followed the same methodology used in the final results of prior administrative reviews. We converted Rotem's shekel-denominated grants into U.S. dollars, using the exchange rate in effect on the dates the grants were received. We then applied the grant methodology to determine the benefit for the POR. *See e.g., Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Review*, 63 FR 13626, 13633 (March 20, 1998) (*1995 Final Results*).

As a result of our privatization approach and our determination that Rotem continues to benefit from subsidies received prior to the privatization of ICL, the non-recurring subsidies allocated over time in the instant and previous administrative reviews are no longer reduced by the pass-through percentages calculated under our old repayment methodology. Therefore, the full value of the benefit allocable to the 1999 POR from non-recurring subsidies is being used to calculate Rotem's net subsidy rate.

Discount Rates

We considered Rotem's cost of long-term borrowing in U.S. dollars as reported in the company's financial statements for use as the discount rate used to allocate the countervailable benefit over time. However, this information includes Rotem's borrowing from its parent company, ICL, and thus does not provide an appropriate discount rate. Therefore, we have turned to ICL's cost of long-term borrowing in U.S. dollars in each year from 1984 through 1999 as the most appropriate discount rate. ICL's interest rates are shown in the notes to the company's financial statements, public documents which are in the record of this review. *See Comment 9* in the *1995 Final Results*.

Analysis of Programs

I. Programs Conferring Subsidies

A. Encouragement of Capital Investments Law (ECIL)

The ECIL program is designed to encourage the distribution of the population throughout Israel, to create new sources of employment, to aid the absorption of immigrants, and to develop the economy's production capacity. To be eligible for benefits under the ECIL, including investment grants, capital grants, accelerated depreciation, reduced tax rates, and certain loans, applicants must obtain approved enterprise status. Investment grants cover a percentage of the cost of the approved investment, and the amount of the grant depends on the geographic location of eligible enterprises. For purposes of the ECIL program, Israel is divided into three zones; Development Zones A and B, and the Central Zone. In *Final Affirmative Countervailing Duty Determination: Industrial Phosphoric Acid From Israel*, 52 FR 25447 (July 7, 1987) (*IPA Investigation*), the Department found the ECIL grant program to be de jure specific because the program limits the availability of grants to enterprises located only in Development Zones A and B. In this review, no new information or evidence of changed circumstances has been submitted to warrant reconsideration of this determination.

Rotem is located in Development Zone A, and received ECIL investment and capital grants in disbursements over a period of years for several projects. In past reviews, we have treated these grants as non-recurring. The guidelines set forth in section 351.524 of Department's regulations support finding these grants to be non-recurring. As explained in the ''Allocation Period'' section above, for grants that have been allocated in prior administrative reviews, we are continuing to use the allocation period assigned to these grants. For grants received during the POR, we have used the AUL calculated by Rotem in this review. To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1995 administrative review, as indicated in the ''Grant Benefit Calculations'' section above.

In prior reviews of this order, we applied the methodology described in our proposed countervailing duty regulations when determining whether to allocate non-recurring grants over time or expense them in the year of receipt (''the 0.5 percent test''). Accordingly, grant disbursements exceeding 0.5 percent of a company's sales in the year of receipt were allocated over time while grants below or equal to 0.5 percent of sales were countervailed in full (''expensed'') in the year of receipt (*see* Countervailing Duties (Proposed Rules), 54 FR 23366, 23384 (section 355.49(a)(3)) (May 31, 1989)). However, section 351.524 (b)(2) of our current regulations directs us to conduct the 0.5 percent test based on the company's sales in the year of authorization rather than the year of receipt. Where possible, we applied this new regulation; however, we did not redo the 0.5 percent test for disbursements received prior to the POR because we had already calculated a benefit stream for those disbursements in prior administrative reviews.

Pursuant to section 351.504(c) of our regulations, we used our standard grant methodology as noted above in the ''Grant Benefit Calculations'' section to calculate the countervailable subsidy from ECIL grants. We allocated some of these grants over time because they met the 0.5 percent test, as described above, and expensed others in the POR that did not pass this test.

To calculate the total subsidy in the POR, we first summed the grant amounts allocated to 1999. To derive the subsidy rates, as discussed in the *1995 Final Results*, we attributed ECIL grants that were tied to a particular facility over the sales of the product produced by that facility plus sales of all products into which that product may be incorporated. The Department's practice is to countervail the value of the subsidies at the time they are provided to the company without regard to their actual use by that same company or their effect on its subsequent performance. *See* section 771(5)(C) of the Act which states that the Department ''is not required to consider the effect of the subsidy in determining whether a subsidy exists.'' *See* also section 351.525 of the Department's regulations on attribution of subsidy to a product. Accordingly, we attributed ECIL grants to Rotem's phosphate rock mines to total sales; we attributed grants to Rotem's green acid facility to total sales minus direct sales of phosphate rock; and, finally, we attributed grants to Rotem's IPA facilities to sales of IPA, MKP, fertilizers, and ''IPA-Akonomika'' and MKP–HCL (by-products of IPA production which contribute to Rotem's sales revenue). We summed the rates obtained on this basis, and preliminarily determine the net countervailable subsidy from ECIL grants to be 4.57 percent *ad valorem* for the POR.

B. Infrastructure Grant Program

During the 1999 review period, Rotem received an infrastructure grant to initiate and establish industrial areas in a certain geographical zone. Rotem previously received grants under this program during the 1996, 1997 and 1998 PORs. In the 1996 administrative review, the Department determined that infrastructure grants were specifically provided to Rotem, and that they conferred a benefit. *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Review*, 63 FR 13626, 13633 (March 20, 1998). No new information or evidence of changed circumstances has been submitted to warrant reconsideration.

In past reviews, we determined these grants to be ''non-recurring.'' The guidelines set forth in section 351.524 of the Department's regulations support finding these grants to be non-recurring. Therefore, we calculated the benefit under this program using the methodology for non-recurring grants noted above in the ''Grant Benefit Calculations'' section. On this basis, we preliminarily determine the net subsidy from this program to be 0.21 percent *ad valorem* for the POR.

C. Encouragement of Industrial Research and Development Grants (EIRD)

During the 1999 review period, Rotem received five EIRD disbursements. Among these disbursements, two were tied to research unrelated to IPA or any of its inputs. *See* section 351.525(b)(5) of the Department's countervailing duty regulations concerning the attribution of subsidies. In this review, we preliminarily determine that the three remaining disbursements received by Rotem were tied to research related to the production of IPA. Rotem previously received grants under this program for research related to IPA or its inputs during the 1995 and 1996 PORs. In the *1995 Final Results,* we determined that EIRD grants were specifically provided to Rotem, and that they conferred a benefit. Therefore, we calculated the benefit under this program using the methodology for non-recurring grants noted above in the ''Grant Benefit Calculations'' section. On this basis, we preliminarily determine the net subsidy from this program to be 0.02 percent ad valorem for the POR.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that the producer and/or exporter of the subject merchandise did not apply for or receive benefits under these programs during the POR:

A. Environmental Grant Program
B. Reduced Tax Rates under ECIL
C. ECIL Section 24 loans
D. Dividends and Interest Tax Benefits under Section 46 of the ECIL
E. ECIL Preferential Accelerated Depreciation

III. Other Program Examined

Labor Training Grant

In its questionnaire response, Rotem reported that it had received a very small labor training grant as payment for hiring and training conducted in a prior period. In previous administrative reviews, we have found that this program was not used (*see, e.g., 1994 Final Results* and *1996 Final Results*). Under section 351.524 of the Department's regulations, grants for worker training are normally considered recurring and are expensed in the year of receipt. For purposes of this administrative review, we expensed this labor training grant and have found that any subsidy which could be calculated for this program would be so small (significantly less than 0.005 percent ad valorem) that there would be no impact on the overall subsidy rate. Accordingly, because there would be no impact on the overall subsidy rate in the instant review, we do not consider it necessary to address the issue of specificity for purposes of this administrative review and have not further considered this program. *See Final Results of*

Countervailing Duty Administrative Review: Live Swine from Canada, 63 FR 2210, 2211 (January 14, 1998) (regarding the Department's methodology in calculating the de minimis rate).

Preliminary Results of Review

In accordance with 19 CFR 351.213(b), we calculated an individual subsidy rate for the producer/exporter subject to this administrative review. For the period January 1, 1999 through December 31, 1999, we preliminarily determine the net subsidy for Rotem to be 4.80 percent ad valorem. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicated above.

As a result of the International Trade Commission's determination that revocation of this countervailing duty order would not likely lead to continuation or recurrence of material injury to an industry in the United States in the reasonably foreseeable future, the Department, pursuant to section 751(d)(2) of the Act, revoked the countervailing duty order on IPA from Israel. *See Revocation Countervailing Duty Order: Industrial Phosphoric Acid from Israel,* 65 FR 114 (June 13, 2000). Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2)(ii), the effective date of revocation was January 1, 2000. Accordingly, the Department has instructed Customs to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after January 1, 2000. The Department, however, will complete this instant administrative review of subject merchandise entered during 1999, prior to the effective date of revocation.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Normally, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than ten days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief. These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: August 24, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22066 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082001C]

Bottlenose Dolphin Take Reduction Team Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Take Reduction Team for Western North Atlantic coastal bottlenose dolphins (BDTRT) will hold its first meeting to develop a take reduction plan as described in the Marine Mammal Protection Act (MMPA). Input will be sought from the BDTRT on a peer review process for all data related to stock structure, abundance, and human-caused mortality and serious injury rates. The BDTRT will focus on reducing bycatch in the following fisheries: Mid-Atlantic coastal gillnet, North Carolina inshore gillnet, Southeast Atlantic gillnet, Southeastern U.S. Atlantic shark gillnet, Atlantic blue crab trap/pot, Mid-Atlantic haul/beach seine, North Carolina long haul seine, North Carolina roe mullet stop net, and Virginia pound net.

DATES: The meeting will be held on September 12, 2001, starting at 9 a.m. and continue on September 13, 2001, starting at 8:30 a.m.

ADDRESSES: The BDTRT meeting will be held at the Sheraton International Hotel Baltimore Washington International (BWI) Airport, 7032 Elm Road, Baltimore, MD 21240; Phone: (410) 859–3300; Fax: (410) 859–0565.

FOR FURTHER INFORMATION CONTACT: Kathy Wang, Southeast Region, 727–570–5312, or Emily Hanson, Office of Protected Resources, 301–713–2322, x101.

SUPPLEMENTARY INFORMATION: Section 117 of the MMPA requires that NMFS complete stock assessment reports for all marine mammal stocks within U.S. waters. Each draft stock assessment report, based on the best scientific information available, shall, among other things, categorize the status of the stock as one that either has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population or is a strategic stock, with a description of the reasons therefore. In addition, each report shall estimate the potential biological removal (PBR) level for the stock, describing the information used to calculate it, including the recovery factor.

The MMPA defines a strategic stock as a marine mammal stock: (1) for which the level of direct human-caused mortality exceeds the PBR level; (2) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 (ESA) within the foreseeable future; or, (3) which is listed as a threatened or endangered species under the ESA or is designated as depleted under the MMPA.

The MMPA defines a stock as depleted if that species or population is below its optimum sustainable population or if it is a species or population stock that is listed as endangered or threatened under the ESA.

The MMPA defines the PBR level to mean the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable

population. The PBR level is the product of the following factors: the minimum population estimate of the stock; one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size; and, a recovery factor of between 0.1 and 1.0.

The MMPA defines optimum sustainable population to mean, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

The Western North Atlantic stock of coastal bottlenose dolphins is designated as strategic under the MMPA because the direct human-caused mortality exceeds the PBR level. The fisheries that interact with this stock are listed later in this document. This stock is also designated as depleted under the MMPA.

Section 118 (f) of the MMPA requires the Secretary of Commerce (Secretary) to develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a Category I or II commercial fishery. Based on section 118 (c) of the MMPA, 50 CFR 229.2 defines a Category I fishery as a commercial fishery that causes frequent incidental mortality and serious injury to marine mammals and a Category II fishery as a commercial fishery that causes occasional incidental mortality and serious injury to marine mammals.

The immediate goal of a take reduction plan for a strategic stock is to reduce, within 6 months of plan implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the PBR level established for that stock under section 117 of the MMPA. The long-term goal of the plan is to reduce, within 5 years of plan implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans.

As explained under section 118 (f)(7) of the MMPA, where human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the PBR level established under section 117 for such stock and such stock interacts with Category I or II fisheries, the following procedures shall apply in the development of the take reduction plan for the stock:

(A) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary. Such draft take reduction plan shall be developed by consensus. In the event that consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and the minority.

(B) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the **Federal Register** the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period not to exceed 90 days. In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the **Federal Register** a proposed take reduction plan and implementing regulations, for public review and comment during a period not to exceed 90 days.

(C) Not later than 90 days after the close of the comment period, the Secretary shall issue a final take reduction plan and implementing regulations.

(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary deems are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of the plan have been met.

(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

Section 118 (f)(6)(C) states that members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the take reduction plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species.

The MMPA further specifies that members of a take reduction team shall include representatives of Federal agencies, each coastal state which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests. Members of take reduction teams serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

NMFS, through a letter dated September 27, 2001, has asked the following individuals to be members of the BDTRT: Mike Baker, Florida Gillnet Representative; Dave Beresoff, North Carolina Gillnet and Crab Pot Representative; Tina Berger, Atlantic States Marine Fisheries Commission; Paul Biermann, North Carolina Gillnet Representative; David Cupka, South Carolina Wildlife and Marine Resources; Joseph DeAlteris, University of Rhode Island, Fisheries Center; Martin Dunson, Florida Crab Pot Representative; Lewis Gillingham, Virginia Marine Resources Commission; Doug Guthrie, North Carolina Stop Net Representative; Bruce Halgren, New Jersey Division of Fish and Wildlife; Emily Hanson, NMFS Office of Protected Resources; Chris Hickman, Long Haul Seine Fishery Representative; Fulton Love, Georgia Shad Gillnet Representative; Richard Luedtke, New Jersey Gillnet Representative; Rick Marks, New Jersey Gillnet and Haul Seine Representative; Dave Martin, Maryland Gillnet Representative; Bill McLellan, University of North Carolina at Wilmington; Ken Moran, South Carolina Shad Gillnet Representative; Fentress Munden, North Carolina Division of Marine Fisheries; Robert Munson, New Jersey Gillnet, Crab Pot and Pound Net Representative; Peter Nickson, Virginia Gillnet, Beach Seine, Crab Pot, and Pound Net Representative; Kerry

O'Malley, South Atlantic Fishery Management Council; William Outten, Maryland Department of Natural Resources; Mike Peele, North Carolina Beach Seine, Pound Net, and Gillnet Representative; Carl Poppell, Georgia Crab Pot Representative; Tim Ragen, Marine Mammal Commission; Andy Read, Duke University Marine Laboratory; John Reynolds III, Marine Mammal Commission; Jerry Schill, North Carolina commercial fisheries representative; Richard Seagraves, Mid-Atlantic Fishery Management Council; Larry Simns, Maryland Crab Pot Representative; Ann Spellman, Florida Fish and Wildlife Conservation Commission; Lee Spence, Delaware Division of Fish and Wildlife; Mark Swingle, Virginia Marine Science Museum; Leonard Voss, Delaware Gillnet and Crab Pot Representative; Chris Walker, Virginia Gillnet Representative; Kathy Wang, NMFS Southeast Regional Office; Rob West, North Carolina Gillnet, Pound Net, and Crab Pot Representative; A.D. Willis, North Carolina Recreational Crab Pot and Gillnet Representative; David Woolman, South Carolina Crab Pot Representative; Nina Young, The Ocean Conservancy; Sharon Young, The Humane Society of the United States; Chris Zeman, American Oceans Campaign; Barb Zoodsma, Georgia Coastal Resources, Georgia Department of Natural Resources. The BDTRT will be facilitated by Hans Neuhauser and Jim Feldt, Georgia Environmental Policy Institute.

Section 118 (f)(6)(A)(ii) of the MMPA requires NMFS to publish the full geographic range of the marine mammal stock for which a take reduction team is being convened and list all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

Western North Atlantic coastal bottlenose dolphins range seasonally as far north as Long Island, NY and as far south as central Florida. Multiple stocks of Western North Atlantic coastal bottlenose dolphins exist, and include year-round residents, seasonal residents, and migratory groups. In addition to the coastal bottlenose dolphins, a distinct, offshore ecotype also exists. Research is underway to improve data about the stock structure of coastal bottlenose dolphins and to define the offshore range of coastal bottlenose dolphins.

Western North Atlantic coastal bottlenose dolphins are known to interact with the following Category II commercial fisheries: Mid-Atlantic coastal gillnet, North Carolina inshore gillnet, Southeast Atlantic gillnet, Southeastern U.S. Atlantic shark gillnet, Atlantic blue crab trap/pot, Mid-Atlantic haul/beach seine, North Carolina long haul seine, North Carolina roe mullet stop net, and Virginia pound net. Additional commercial fisheries, classified as Category III fisheries, are known to rarely cause incidental mortality and serious injury to Western North Atlantic coastal bottlenose dolphins. These fisheries are identified in the 2001 List of Fisheries (66 FR 42780, August 15, 2001). Interactions between Western North Atlantic coastal bottlenose dolphins and recreational fisheries have also been documented.

NMFS fully intends to conduct the BDTRT process in a way that provides for national consistency yet accommodates the unique regional needs and characteristics of the team. The data and analysis used to support the BDTRT will go through an external peer-review process, be reviewed by NMFS' Scientific Review Groups, and be made available for public review and comment as a Stock Assessment Report. Take Reduction Teams are not subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings are open to the public.

Dated: August 27, 2001.

Ann D. Terbush,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–22071 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082401B]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Capacity Committee in September, 2001. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Tuesday, September 18, 2001, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Capacity Committee will discuss proposals for reducing latent effort and changing permit transfer restrictions in the Northeast Multispecies Fishery. The committee will consider Groundfish Advisory Panel comments on the proposals from their August 16, 2001 Advisory Panel meeting. The Council has directed the Committee to make recommendations on revising and combining these proposals for possible inclusion in Amendment 13 to the Multispecies Fishery Management Plan. The Committee will not make final decisions about the choice of alternatives, but will report its recommendations to the Council and the Council's Groundfish Oversight Committee.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: August 24, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22068 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082401C]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (NPFMC) will hold an essential fish habitat (EFH) committee meeting to review NMFS draft summary of EFH scoping comments, to identify significant issues and preliminary alternatives, and to determine staffing needs.

DATES: The EFH committee will meet at 12:30 p.m. to 5:30 p.m. on Tuesday, September 18, 2001, and at 8 a.m. to 5 p.m. on Wednesday, September 19, 2001.

ADDRESSES: The committee will meet in Sitka, AK, at the Northern Southeast Regional Aquaculture Association (NSRAA), 1308 Sawmill Creek Road, in the conference room.

Questions should be addressed to NMFS, Habitat Conservation Division, ATTN: Cindy Hartmann, 709 West 9th , Suite 461, P.O. Box 21668, Juneau, AK 99802–1668.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Cindy Hartmann, NMFS, (907) 586–7585, e-mail: Cindy.Hartmann@noaa.gov; or Cathy Coon, NPFMC, (907) 271–2809, e-mail: Cathy.Coon@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The NPFMC's EFH committee was formally established by the NPFMC's acting executive director in May 2001. The committee was established in response to the need to prepare a supplemental environmental impact statement (SEIS) for the EFH fishery management plan amendments. For further information about the SEIS, see the notice of intent to prepare an SEIS published in the Proposed Rules section of the **Federal Register** (66 FR 30396, June 6, 2001).

The function of the EFH Committee is to serve as a steering committee for the EFH EIS process. The Committee's overarching goal is to facilitate input by the industry, conservation community, Council, and general public to the EFH EIS process. More specifically, the Committee will assist in identifying: (1) The ''significant issues'' used to develop and evaluate proposed alternatives; (2) The alternatives for describing, identifying, and protecting EFH; (3) The means of determining possible fishery impacts on habitat; (4) and Interpreting existing information for development and analysis of alternatives; (5) The alternatives for mitigating fishing gear impacts on habitat; (6) Alternative criteria and approaches that could be used to designate and manage HAPC areas; and (7) Identify and prioritize future research needs. Additionally, the committee will assist the agency with appointing and working with technical teams. This will be the third meeting of the EFH Committee. Prior meetings were held May 30 and August 13 and 14, 2001.

Agenda items for this meeting include:

1. Discussion of NMFS preliminary draft scoping report;

2. Committee recommendations to the NPFMC on significant issues;

3. Discussion of technical teams and their composition; and

4. EFH Committee tasks, timetable and next meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cindy Hartmann, (907) 586–7235, at least 5 working days prior to the meeting date.

Dated: August 24, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–22069 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082401E]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research/enhancement permit (1346).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a research/enhancement permit from Mr. Thomas McCormick, of Channel Islands Marine Resource Institute (CIMRI).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on October 1, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated here. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10 (a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS

regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this document should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Document

The following species are covered in this notice:

Mollusks

White Abalone (*Haliotis sorenseni*)

New Applications Received

Application 1346

The applicant requests a 5–year permit to maintain captively bred white abalone for scientific research and enhancement at the CIMRI Hatchery. Research Activities include feeding studies, propagation studies and studies identified as goals for the long term recovery of the white abalone.

Dated: August 27, 2001.

Kellie Carter,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–22070 Filed 8–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

DEPARTMENT OF ENERGY

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

DEPARTMENT OF THE INTERIOR

Geological Survey

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

NUCLEAR REGULATORY COMMISSION

[Docket No. A–2001–16; FRL–7042–4]

Draft Multi-Agency Radiological Laboratory Analytical Protocols Manual

AGENCY: Department of Defense, Department of Energy, Environmental Protection Agency, Food and Drug Administration, U.S. Geological Survey, National Institute of Standards and Technology, and the Nuclear Regulatory Commission.

ACTION: Notice of availability with request for public comment.

SUMMARY: The Department of Defense (DoD), Department of Energy (DOE), Environmental Protection Agency (EPA), Food and Drug Administration (FDA), U.S. Geological Survey (USGS), National Institute of Standards and Technology (NIST), and the Nuclear Regulatory Commission (NRC) are announcing for public comment the availability of a draft document, entitled the ''Multi-Agency Radiological Laboratory Analytical Protocols'' (MARLAP) Manual. MARLAP provides guidance for the planning, implementation and assessment phases of those projects which require laboratory analysis of radionuclides. The guidance is intended for project planners, managers and laboratory personnel. The MARLAP, when finalized, will be a multi-agency consensus document. The agencies are seeking public comment in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document is received. The agencies will review public comments received on the draft MARLAP as well as comments from a concurrent, independent, scientific peer review. Suggested changes will be incorporated, where appropriate, in response to those comments.

DATES: Comments received by December 15, 2001 will be considered. Comments received after that date will be considered if it is practical to do so, but no assurance can be given for consideration of late comments.

ADDRESSES: Members of the public are invited and encouraged to submit comments to the following website *http://www.eml.doe.gov/marlap/.* Comments may also be submitted to *either* the U.S. Environmental Protection Agency, ATTN: Air and Radiation Docket, Mail Stop 6102, Docket Number A–2001–16, Room M1500, First Floor Waterside Mall, 401 M Street, SW., Washington, DC 20460 or to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. All comments received will be reviewed by the entire MARLAP Workgroup. Copies of the draft MARLAP manual and all comments received may be examined or copied for a fee at the EPA Docket Room M1500, Docket Number A–2001–16, First Floor Waterside Mall, 401 M Street, SW., Washington, DC 20460; and the NRC Public Document Room, at U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555. The EPA docket may be inspected from 8 am to 4 pm, Monday through Friday, excluding Federal holidays, in Room M1500 at the address above. The document is also available through the National Technical Information Service (NTIS). The NTIS document number is PB2001–106745, and the NTIS Sales Desk can be reached between 8:30 a.m. and 6 p.m., Eastern time, Monday through Friday at 1–800–553–6847; TDD (hearing impaired only) at (703) 487–4639.

FOR FURTHER INFORMATION CONTACT: Any of the following points of contact for each agency for technical information: EPA: John Griggs, U.S. Environmental Protection Agency, Office of Radiation and Indoor Air, NAREL, 540 South Morris Avenue, Montgomery, AL 36115–2601, Phone Number: (334)270–3450, Email: *griggs.john@epamail.epa.gov;* Eric Reynolds, U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Phone Number: (703)603–9928, Email: *reynolds.eric@epamail.epa.gov,* DoD: Air Force: Dale Thomas, Detachment 1, Human Systems Center/OEBA, 2402 E. Drive, Brooks AFB, TX 78235–5114, Phone Number: (210)536–5816, Email:

dale.thomas@brooks.af.mil; Army: Ronald Swatski, U.S. Army, Center for Health Promotion and Preventive Medicine, Attn: MCHB–TS–LRD, 5158 Blackhawk Road APG, MD 21010–5403, Phone Number: (410)436–3983, Email: *ronald.swatski@amedd.army.mil;* Navy: Captain David Farrand, Navy Sea Systems Command, SEA04N (CDR Farrand), 2531 Jefferson Davis Highway, Arlington, VA 22241–5260; Army Corps of Engineers: Jan Dunker, U.S. Army Corps of Engineers, (Attn: CENWO–HX–C), 12565 West Center Road, Omaha, NE 68144–3869, Phone Number: (402)697–2566, Email: *jan.w.dunker@usace.army.mil;* DOE: Mary Verwolf, U.S. Department of Energy, National Analytical Management Program, MS4149, 850 Energy Drive, Idaho Falls, ID 83402, Phone Number: (208)526–7001, Email: *verwolmc@id.doe.gov;* Emile Boulos, U.S. Department of Energy, Office of Environmental Policy and Assistance, Air, Water and Radiation Division (EH–412), Room 3G–089, 1000 Independence Avenue, SW, Washington, DC 20585, Phone Number: (202)586–1306, Email: *emile.boulos@eh.doe.gov;* NRC: Rateb (Boby) Abu Eid, U.S. Nuclear Regulatory Commission, Mail Stop T–7J10, Washington, DC 20555, Phone Number: (301)415–5811, Email: *bae@nrc.gov;* NIST: Kenneth Inn, National Institute of Standards and Technology, Building 245, Room C114, MS 8462, Gaithersburg, MD 20899–8462, Phone Number: (301)975–5541, Email: *kenneth.inn@nist.gov;* USGS: Ann Mullin, U.S. Geological Survey, National Water Quality Lab, P.O. Box 25046, Denver Federal Center, Bldg. 95 Ent E3, Mail Stop 407, Denver, CO 80225–0046, Phone Number: (303)236–3480, Email: *ahmullin@usgs.gov;* FDA: Edmond Baratta, U.S. Food and Drug Administration, Winchester Engineering and Analytical Center, 109 Holton Street, Winchester, MA 01890, Phone Number: (781)729–5700 (x728), Email: *ebaratta@ora.fda.gov.*

SUPPLEMENTARY INFORMATION: The MARLAP provides guidance for the planning, implementation and assessment phases of those projects which require the laboratory analysis of radionuclides. This guidance is intended for project planners, managers and laboratory personnel. The manual's basic goal is to provide guidance to ensure that radioanalytical laboratory data will meet a project's or program's data requirements and needs. The document uses a performance-based approach and will support a wide range of data collection activities including site characterization and cleanup; compliance demonstration; decommissioning of nuclear facilities; remedial and removal actions; environmental monitoring; and waste management activities. The MARLAP, when finalized, will be a multi-agency consensus document. MARLAP was developed collaboratively over the past five years by the technical staffs of seven Federal agencies. State participation in the development of the manual involved contributions from representatives from the Commonwealth of Kentucky and the State of California. Contractors to the DOE, EPA, and NRC, and members of the public have been present during the open meetings of the MARLAP work group.

Although Federal agency personnel are involved in the preparation of this document, the manual does not represent the official position of any participating agency at this time. An earlier draft of the document has been reviewed within the Federal agencies. The public review is a necessary step in the development of a final multi-agency consensus document. The document will also receive formal technical peer review. The draft has not been approved by the participating agencies for use in part or in whole and should not be used, cited, or quoted except for the purposes of providing comments as requested. In addition to providing comments on individual chapters and appendices, reviewers are also requested to address the following questions listed below while reviewing the MARLAP manual.

(1) Is the performance-based approach used in MARLAP for the planning, implementation and assessment phases of projects technically sound and is the approach reasonable in terms of ease of implementation by project managers and laboratories? Does the approach effectively link the three phases of a project and is the guidance on quality control appropriate and supportive of a performance-based approach?

(2) Is the guidance on laboratory operations in the Part II chapters technically accurate and useful?

(3) Are the concepts covered under measurement statistics, specifically measurement uncertainty, detection and quantification capability, presented accurately and appropriately?

(4) Is the information understandable and presented in logical sequence? How can the presentation of material be modified to improve the manual?

(5) Does the MARLAP manual provide benefits that are not currently available through other approaches? What are the costs associated with implementing the guidance in MARLAP in comparison with currently available alternatives?

Commentors are encouraged to use the website listed in the **ADDRESSES** section of this notice for their review. The website has detailed instructions on how to submit comments and has several features that should aid the review process.

Written comments may also be submitted. Commentors are encouraged to submit their written comments using the same general approach described in the website, http://www.eml.doe.gov/marlap/. Comments should be accompanied by supporting bases, rationale, or data. To ensure efficient and complete comment resolution, commentors are requested to reference the page number and the line number of the MARLAP to which the comment applies. All comments received will be reviewed by the MARLAP Workgroup.

For the Department of Defense, dated this 16th day of August, 2001.

Patrick J. Meehan, Jr.,

Acting Assistant Deputy Under Secretary of Defense (Environment).

For the Department of Energy, dated this 23rd day of July, 2001.

Raymond P. Berube,

Deputy Assistant Secretary for Environment.

For the Department of Energy, dated this 6th day of August, 2001.

Randal S. Scott,

Director, Office of Safety, Health and Security, Office of Environmental Management.

For the Environmental Protection Agency, dated this 20th day of July, 2001.

Mary U. Kruger,

Acting Director, Office of Radiation and Indoor Air.

For the Environmental Protection Agency, dated this 28th day of July, 2001.

Larry G. Reed,

Acting Director, Office of Emergency and Remedial Response.

For the Food and Drug Administration, dated this 26th day of July, 2001.

Michael C. Olson,

Director, Division of Field Science, Office of Regulatory Affairs.

For the U.S. Geological Survey, dated this 1st day of August, 2001.

Robert M. Hirsch,

Associate Director for Water, U.S. Geological Survey.

For the National Institute of Standards and Technology, dated this 17th day of July, 2001.

Bert M. Coursey,

Chief, Ionizing Radiation Division.

For the Nuclear Regulatory Commission, dated this 8th day of August, 2001.

John T. Greeves,

Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–22017 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On August 27, 2001, a 30-day notice inviting comment from the public was published for the School Renovation, Individuals with Disabilities Education Act (IDEA), and Technology Grant Application in the **Federal Register** (Volume 66, Number 166) dated August 27, 2001. The abstract for this notice was printed incorrectly. The abstract for the information collection should read as follows:

ED will use the information collected through this application to award grants to approximately 52 State educational agencies that will conduct competitive grant processes to award subgrants to eligible local educational agencies. The information will also be used to describe to the Congress and the public how these grants are being used.

The Leader, Regulatory Information Management, Office of the Chief Information Officer, hereby issues a correction notice on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

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 Karen_F._Lee@OMB.EOP.GOV.

Requests for copies of the proposed information collection request may be accessed from http://edicsweb.ed.gov, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 5624, 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.

FOR FURTHER INFORMATION CONTACT: Kathy Axt at her internet address Kathy.Axt@ed.gov.

Dated: August 27, 2001.

John Tressler,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

[FR Doc. 01–21988 Filed 8–30–01; 8:45 am]

BILLING CODE 4000–01–P

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 October 1, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen–F.–Lee@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: August 27, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review:

Title: Survey on Internet Access in U.S. Public Schools, Fall 2001 (KA).

Frequency: One Time.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,200

Burden Hours: 400

Abstract: The FRSS survey on Internet Access in U.S. Public Schools will provide important information to the Department of Education and school districts in their roles to provide leadership for school access to the Internet. The Department has tracked access to the Internet and other advanced telecommunications in public schools since 1994 and updated information is needed regarding current levels of connectivity and usage for public elementary and secondary schools as well as trend data comparing levels of access and usage with previously obtained data.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., room 4050, Regional Office Building 3, Washington, DC 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 Kathy Axt at (540) 776–7742. 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. 01–21989 Filed 8–30–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.229A]

Office of Postsecondary Education; Language Resource Centers Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: The Language Resource Centers Program provides assistance to establish, strengthen and operate centers that serve as resources for improving the nation's capacity for teaching and learning foreign languages.

Eligible Applicants: Institutions of higher education and combinations of institutions of higher education.

Applications Available: September 10, 2001.

Deadline for Transmittal of Applications: November 5, 2001.

Estimated Available Funds: The Administration has requested $3,240,000 for this program for FY 2002. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process before the end of the fiscal year, if Congress appropriates funds for this program.

Estimated Range of Awards: $200,000–$400,000.

Estimated Average Size of Awards: $360,000 per year.

Estimated Number of Awards: 9.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 82, 85, 86, 97, 98 and 99. (b) The regulations for this program in 34 CFR parts 655 and 669.

For Applications and Further Information Contact: Jose L. Martinez or G. Edward McDermott, Language Resource Centers Program, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street NW, Suite 600, Washington, DC 20006–8521. Mr. Martinez's telephone number is (202) 502–7635. Mr. McDermott's telephone number is (202) 502–7636. Mr. Martinez and Mr. McDermott may be reached by email at: *jose.martinez@ed.gov; ed.mcdermott@ed.gov*

If you use a telecommunications device for the deaf (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 program contact persons listed under *For Applications and Further Information Contact.*

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting those persons. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

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*

Program Authority: 20 U.S.C. 1123.

Dated: August 28, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–22075 Filed 8–30–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy.

ACTION: Submission for Office of Management and Budget review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection package to the Office of Management and Budget (0MB) for extension under the Paperwork Reduction Act of 1995 (P.L. 104–13).

The package covers the collection of information concerning annual applications from the owners of qualified renewable energy generation facilities for the consideration of renewable energy production incentive payments. This information is used by the Department to determine if the applicant's facility qualifies for these payments and to determine the amount of net electricity produced for State that qualifies for these payments. This information is critical to ensure the Government has sufficient information to ensure the proper use of public funds for these incentive payments.

DATES: Comments must be filed on or before October 1, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the OMB Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–7318. (Also, please notify the DOE contact listed in this notice:)

ADDRESSES: Address comments to DOE Desk Officer, Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA), Room 10102, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503. (Comments should also be addressed to the Records Management Division, Office of the Chief Information Officer, at the address listed below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Susan L. Frey, Director, Records Management Division, Office of Records and Business Management (SO–312), U.S. Department of Energy, Germantown, MD 20874–1290, and/or Lawrence Mansueti, Office of Power Technologies (EE–l 0), Department of Energy, Washington, DC 20585, (202) 586–2588.

SUPPLEMENTARY INFORMATION: The package contains the following information:

(1) *Current OMB control number:* 1910–0068; (2) *Package Title:* Renewable Energy Production Incentives; (3) *Summary:* A three-year extension is requested, because this information is critical to ensure that the Government has sufficient information to ensure the proper use of public funds for these incentive payments; (4) *Purpose:* To provide required information to receive consideration for payment for qualified renewable energy electricity produced in the prior fiscal year; (5) *Type of Respondents:* State, municipal, county, and non-profit electric cooperative owners of qualified renewable energy generation facilities that produce electricity for sale; (6) *estimated number of responses;* (7) estimated total burden hours, including record keeping hours, required to provide the information; (8) purpose; and (9) number of collections.

Package Title: Renewable Energy Production Incentives.

Current 0MB No.: 1910–0068.

Type of Respondents: State, municipal, county, and non-profit electric cooperative owners of qualified renewable energy generation facilities that produce electricity for sale.

Estimated Total Burden Hours: 450.

Statutory Authority: Paperwork Reduction Act of 1995, P.L. No 104–13, 44 U.S.C. 3507 (g) and (h).

Issued in Washington, DC, on August 24, 2001.

Susan L. Frey,

Director, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 01–22009 Filed 8–30–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–282–000, et al.]

Energy Azteca X, S. de R.L. de C.V., et al.; Electric Rate and Corporate Regulation Filings

August 27, 2001.

Take notice that the following filings have been made with the Commission:

1. Energía Azteca X, S. de R.L. de C.V.

[Docket No. EG01–282–000]

Take notice that on August 23, 2001, Energia Azteca X, S. de R.L. de C.V. (Applicant), 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.

Applicant proposes to own or operate, or both own and operate, an electric generating facility with a capacity of approximately 750 megawatts (along with certain appurtenant interconnected transmission facilities and an adjacent sewage treatment plant to supply water to the facility), located just outside the city of Mexicali in the state of Baja California, Mexico. All output from the facility will be sold by Applicant at wholesale.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

2. Intergen Aztec Energy III, B.V.

[Docket No. EG01–283–000]

Take notice that on August 23, 2001, InterGen Aztec Energy III, B.V. (Applicant), 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.

Applicant proposes to own or operate, or both own and operate, natural gas-fired electric generation facilities with an aggregate capacity of approximately 1,060 megawatts (along with certain appurtenant interconnected transmission facilities and an adjacent sewage treatment plant to supply water to the facilities), located near the city of Mexicali in the state of Baja California, Mexico. All output from the facilities will be sold exclusively at wholesale.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

3. Energia de Baja California, S. de R.L. de C.V.

[Docket No. EG01–284–000]

Take notice that on August 23, 2001, Energia de Baja California, S. de R.L. de C.V. (Applicant), 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.

Applicant will own or operate, or both own and operate, an electric generation facility with a capacity of approximately 310 megawatts (along with certain appurtenant interconnected transmission facilities and an adjacent sewage treatment plant) located near the city of Mexicali in the state of Baja California. All output from the facility will be sold exclusively by Applicant at wholesale.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

4. Carolina Power & Light Company

[Docket No. ER01–2301–001]

Take notice that on August 22, 2001, Carolina Power & Light Company (CP&L) filed an amendment in the above-captioned proceeding. By the amendment, CP&L proposes to: (1) Establish a separate market-based rate tariff identical to that filed on June 14, 2001 in this proceeding (the EEI Tariff); and (2) revise its existing market-based rate tariff (the Non-EEI Tariff). In addition, CP&L requests that nine service agreements that CP&L has filed be accepted and redesignated under its EEI Tariff. The nine customers for these service agreements include Aquila Energy Marketing Corporation, Washington Gas Energy Services, Inc., Dynegy Power Marketing, Inc., CMS Marketing, Services and Trading Company, Ameren Energy, Inc., American Electric Power Service Corporation, Williams Energy Marketing & Trading Company, Axia Energy, LP and Enron Power Marketing, LLC.

Copies of the filing were served upon the official service list in this proceeding, CP&L's market-based rates customers, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–2902–000]

Take notice that on August 22, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), submitted a Notice of Cancellation of Service Agreement No. 123 with Engage Energy US, L.P., a customer under Allegheny Power's Open Access Transmission Service Tariff. Allegheny Power has requested a waiver of notice to allow the cancellation to be effective August 8, 2001.

Copies of this 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, and the West Virginia Public Service Commission.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Tenaska Gateway Partners, Ltd.

[Docket No. ER01–2903–000]

Take notice that on August 22, 2001, Tenaska Gateway Partners, Ltd., 1044 North 115 Street, Suite 400, Omaha, Nebraska 68154 (Tenaska Gateway), filed with the Federal Energy Regulatory Commission the Power Purchase Agreement between Tenaska Gateway and Coral Power, L.L.C. and Coral Energy, L.P. (jointly ''Coral'') dated as of August 20, 1999 (PPA). The filing is made pursuant to Tenaska Gateway's authority to sell power at market-based rates under its Market-Based Rate Tariff, Rate Schedule FERC No. 1, Original Volume No. 1, approved by the

Commission on July 14, 1999 in Docket No. ER99–2992–000.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Xcel Energy Services Inc.

[Docket No. ER01–2905–000]

Take notice that on August 22, 2001, Xcel Energy Services Inc., on behalf of Public Service Company of Colorado (PSCo), submitted for filing an interconnection agreement between PSCo and Plains End, LLC.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. American Electric Power Service Corporation

[Docket No. ER01–2906–000]

Take notice that on August 22, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing executed ERCOT Ancillary Services Agreements for Calpine Energy Services, L.P., as agent for Calpine Construction Finance Company, L.P. and for Calpine Energy Services, L.P., as Designated Agent for Magic Valley Electric Cooperative, Inc., Both of these agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6. AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service on and after July 23, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER01–2907–000]

Take notice that on August 22, 2001, Cinergy Services, Inc. on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (COC) submits for filing an executed service agreement between COC and The Detroit Edison Company (Detroit) replacing the unexecuted service agreement filed on May 8, 1997 under Docket No. ER97–2922–000 per COC FERC Electric Market-Based Power Sales Tariff, Original Volume No. 7–MB.

COC is requesting an effective date of May 9, 1997 and the same Rate Designation as per the original filing.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER01–2908–000]

Take notice that on August 22, 2001, Cinergy Services, Inc. on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (COC) submits for filing an executed service agreement between COC and Wabash Valley Power Association (WVPA) replacing the unexecuted service agreement filed on October 25, 1997 under Docket No. ER98–847–000 per COC FERC Electric Market-Based Power Sales Tariff, Original Volume No. 7–MB.

COC is requesting an effective date of October 29, 1997 and the same Rate Designation as per the original filing.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER01–2909–000]

Take notice that on August 22, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Notice of Name Change from Coastal Merchant Energy, L.P. to El Paso Merchant Energy, L.P. Cinergy respectfully requests waiver of notice to permit the Notice of Name Change to be made effective as of the date of the Notice of Name Change.

A copy of the filing was served upon El Paso Merchant Energy, L.P.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Cinergy Services, Inc.

[Docket No. ER01–2910–000]

Take notice that on August 22, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Notice of Name Change from FirstEnergy Trading & Marketing Inc. to FirstEnergy Services Corp. Cinergy respectfully requests waiver of notice to permit the Notice of Name Change to be made effective as of the date of the Notice of Name Change.

A copy of the filing was served upon FirstEnergy Services Corp.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Cinergy Services, Inc.

[Docket No. ER01–2911–000]

Take notice that on August 22, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Service Agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (the Tariff) entered into between Cinergy and The Detroit Edison Company (Detroit). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

Comment date: September 13, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. IDACORP Energy, LP

[Docket No. ER01–2912–000]

Take notice that on August 22, 2001, IDACORP Energy LP is refiling its Notice of Succession. In addition, IDACORP Energy is filing its newly adopted tariff and service agreement containing designations consistent with Commission regulations.

Comment date: September 13, 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 this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–21979 Filed 8–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1971–073–ID]

Idaho Power Company; Notice of Application for Amendment of License To Delete Non-Jurisdictional Transmission Facilities, and Soliciting Comments, Motions To Intervene, and Protests

August 27, 2001.

a. *Type of Filing:* Amendment of license to delete the 23.1-mile-long Paddock-Ontario Transmission Line from the license.

b. *Project No.:* 1971–073.

c. *Date Filed:* May 29, 2001.

d. *Applicant:* Idaho Power Company.

e. *Name of Project:* Hells Canyon.

f. *Location:* The project is located on the Snake River, in Baker County, Oregon, and Adams County, Idaho, and the Paddock-Ontario Transmission Line is located in Washington County, Idaho, to near town of Ontario, Oregon.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r), Section 4.201 of the Commission's Regulations.

h. *Applicant Contact:* Robert W. Stahman, Vice President, Secretary, and General Counsel, Idaho Power Company, 1221 West Idaho St., P.O. Box 70, Boise, ID 83707, (208) 388–2676; and Lee S. Sherline, Leighton and Sherline, 8211 Chivalry Road, Annandale, VA 22003–1337.

i. *FERC Contact:* William Guey-Lee, (202) 219–2808, or william.gueylee@ferc.fed.us.

j. *Deadline and filing comments, motions to intervene or protests:* September 27, 2001.

All documents (original and eight copies) should be filed with: David Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of project:* The applicant requests that the license for the Hells Canyon Project No. 1971 be amended to delete the 23.1-mile-long Paddock-Ontario transmission line from the license because it no longer serves as a primary transmission line and would continue to exist even if it were not guaranteed by FERC license.

l. *Location of the Filing:* A copy of the filing 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 also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .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.

Filing and Service of Response Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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 any 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. 01–21980 Filed 8–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

August 27, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2503–064.

c. *Date Filed:* August 15, 2001.

d. *Applicant:* Duke Energy Corporation.

e. *Name of Project:* Keowee-Toxaway Hydroelectric Project.

f. *Location:* On Lake Keowee at the Keowee Falls RV Park, Oconee County, South Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Joe Hall, Duke Energy Company, P.O. Box 1006, Charlotte, NC 28201–1006. Phone: (704) 382–8576

i. *FERC Contact:* Any questions on this notice should be addressed to Shana High at (202) 208–2266.

j. *Deadline for filing comments and/or motions:* September 27, 2001.

All documents (original and eight copies) should be filed with David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Please include the project number (2503–064) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to grant a lease for 0.64 acres of project property to Keowee Falls RV Park for a proposed commercial residential facility having three cluster docks with six boat docking locations on each dock for a

total of 18 boat docking slips and one concrete boat ramp to provide access to the reservoir for the individuals leasing campsites at the Keowee Falls RV Park. The cluster docks will consist of steel angle iron with plastic floatation devices under the metal. The decking of the docks will be pressure treated face boards. The boat ramp will consist of six-inch thick concrete slabs with steel bars for strength and durability. The overall measurement of the ramp will be 12 feet by 48 feet and will be composed of eight sections, each six feet in length. No dredging will be required for the construction of these facilities.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .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.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comment:* 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. 01–21981 Filed 8–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Floodplain/Wetland Statement for the Interconnection of the Sundance Energy Project with the Western Area Power Administration's Liberty-Coolidge 230-kilovolt Transmission Line (DOE/EIS–0322)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of record of decision.

SUMMARY: PPL Sundance Energy, LLC, (Sundance) applied for an interconnection and transmission service from the Western Area Power Administration (Western) for the Sundance Energy Project, Pinal County, Arizona. To accommodate the request, Western has decided to upgrade and add to its transmission system in order to incorporate the new generation into the system. This Record of Decision (ROD) and Statement of Findings have been prepared in accordance with Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR parts 1500–1508), Department of Energy (DOE) Procedures for Implementing NEPA (10 CFR part 1021), and DOE's Compliance with Floodplain/Wetland Review Requirements (10 CFR part 1022). Western's decision for its action considered the environmental ramifications of the Sundance Project. Western has determined that no significant environmental impacts would result from construction, operation, and maintenance of the Sundance Energy Project, the natural gas pipelines, the approximately 7 miles of new high-voltage transmission lines, or from the upgrade of approximately 5 miles of the Liberty-Coolidge 230-kilovolt (kV) and Coolidge Signal 115-kV Transmission Lines.

DATES: Western will take no action within floodplains until the completion of a 15-day public review period, ending September 17, 2001.

ADDRESSES: Written comments on Western's Floodplain Statement of Findings should be addressed to Mr. John Holt, Environment Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005; fax (602) 352–2630, email holt@wapa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. John Holt, Environment Manager, at the above address or by phone (602) 352–2592.

SUPPLEMENTARY INFORMATION: Western is the lead Federal agency under NEPA for the Sundance Energy Project. No Federal, State, or Tribal organizations requested cooperator status. Western has decided to enter into interconnection agreements with Sundance, and to construct, operate, and maintain transmission system additions to provide the interconnection with its transmission system. The transmission system additions selected as part of the Proposed Action addressed in the Environmental Impact Statement (EIS) include a new 230-kV bay at Western's existing Coolidge Substation, an upgrade of the existing Coolidge-Signal 115-kV #2 Transmission Line to 230-kV, and an expansion of the existing Signal Substation. Western also selected new single- and double-circuit 230-kV transmission line additions as described under Alternative 3 in the EIS. Alternative 3 was selected over the Proposed Action transmission system additions and two transmission line alternatives because it would have less impact on agricultural activities. The selected transmission line would involve the construction of one new double-circuit 230-kV transmission line and one new single-circuit 230-kV transmission line, both heading north from the western edge of the powerplant towards Western's existing Liberty-Coolidge 230-kV Transmission Line. As the new transmission lines reach the South Side Canal, they would run northeast until they meet the Liberty-Coolidge 230-kV Transmission Line. The west circuit of the new double-circuit 230-kV transmission line would interconnect with Western's existing Liberty-Coolidge 230-kV Transmission Line, heading west to Liberty. The east circuit of the new double-circuit 230-kV transmission line would join the new single-circuit 230-kV transmission line and become a new double-circuit 230-kV transmission line on Western's existing Liberty-Coolidge 230-kV Transmission Line right-of-way, heading east towards Coolidge. The north circuit of this new double-circuit 230-kV transmission line would interconnect to the existing Liberty-Coolidge 230-kV Transmission Line and continue on the existing alignment north and then east to Coolidge. The south circuit of this new double-circuit 230-kV transmission line would become a single-circuit

transmission line and continue east until it meets Western's existing Coolidge-Signal 115-kV #2 Transmission Line. The new 230-kV transmission line would combine with Western's existing Coolidge-Signal 115-kV #2 Transmission Line as a new double-circuit transmission line, heading north and east along the Coolidge-Signal 115-kV #2 Transmission Line alignment into Coolidge Substation.

This decision is based on a review of the environmental impacts of the project as addressed in the Draft and Final EIS, a review of all comments received during the 30-day waiting period after issuance of the Final EIS, and Western's abilities to continue to meet its current contractual obligations and customer needs, and maintain regional transmission reliability with the interconnection.

The Sundance Energy Project EIS (Draft issued March 2001, Final issued June 2001) addresses the effects of constructing and operating a nominal 540-megawatt, natural gas-fired, simple cycle, electrical generation peaking plant south of Coolidge, Arizona, in rural Pinal County. PPL Sundance Energy, LLC, owns the property on which it will build the powerplant. The project will include the construction of a natural gas transmission system for supplying fuel to the plant site, and a water transmission system for inlet air cooling, emission control, and on-site use. Western has no decision regarding these components of the project. Western did take into account the environmental ramifications of the whole project as addressed in the EIS in making its decision.

Alternatives Considered

No Action

Under the no action alternative, Western would not grant an interconnection to its system. Without the ability to interconnect with Western's system, the proposed project and appurtenant facilities would not be built. Existing environmental conditions would not change, although there may be adverse economic impacts due to the absence of needed electricity to meet peak energy demands. The No Action Alternative would result in slightly fewer overall environmental impacts, however, it was not selected because it would not meet the needs defined in the Sundance Energy Project EIS. The No Action Alternative would not have allowed Western to meet its obligations defined by its own Open Access Transmission Tariff, which was implemented to meet the intent of the Federal Energy Regulatory Commission (FERC) order to open transmission line access (FERC Order Nos. 888 and 888–A).

Facility

Western dismissed from full analysis alternative sites to the generating facility. The State of Arizona Corporation Commission has jurisdiction over siting of powerplants and made no suggestion regarding alternative sites or systems during their siting process. Western has no decision regarding the siting of the generating facility.

Gas Pipeline

There were no pipeline alternatives addressed in the EIS. Western has no decision regarding the proposed gas supply for the project.

High Voltage Transmission Lines

Three routing alternatives, in addition to the proposed action, were evaluated. The proposed action addressed in the EIS would be a ''loop-in-loop-out'' from the existing Liberty-Coolidge 230-kV line to the Sundance facility. This would involve a double circuit 230-kV line due north out of the plant site, approximately 8 miles up Tweedy Road to the interconnection with Western's existing Liberty-Coolidge 230-kV line. The proposed action would also include building a new 230-kV transmission line from the Sundance facility to an expanded Signal Substation, 1.5 miles east of the Sundance facility, and upgrading the existing Coolidge-ED2 115-kV line to 230-kV from the Signal Substation to the Coolidge Substation. The proposed action was not selected due to higher impacts on agricultural activities compared to the selected alternative.

Alternative 1

Alternative 1 would be identical to the proposed action with one new double-circuit 230-kV transmission line and one new single-circuit 230-kV transmission line. Alternative 1 would have all three circuits going north from the powerplant towards Western's existing Liberty-Coolidge 230-kV Transmission Line. The one new single-circuit 230-kV transmission line would follow the same alignment as the double circuit to the intersection of the Liberty-Coolidge line with Western's existing Coolidge-ED2 115-kV Transmission Line, where it would follow that route into the Coolidge Substation. This alternative was not selected due to higher impacts on agricultural activities.

Alternative 2

Alternative 2 would be identical to Alternative 1 except that the new single-circuit 230-kV transmission line would follow the same alignment until it crosses Western's existing Coolidge-ED2 115-kV #1 Transmission Line. The new single-circuit 230-kV transmission line would continue east until it meets Western's existing Coolidge-Signal 115-kV #2 Transmission Line. The new single-circuit 230-kV transmission line alignment then heads north and east adjacent to the Coolidge-Signal 115-kV #2 Transmission Line into Coolidge Substation. This alternative was not selected due to higher impacts on agricultural activities.

Comments Received During the Waiting Period

Three comment letters were received on the final EIS. Two comment letters stated that the change in air pollution control technology to Selective Catalytic Reduction (SCR) following issuance of the draft EIS required a supplement to the draft to allow the public to comment. The change to SCR technology was based on EPA Region IX and Pinal Country Air Quality Control District permit requirements. Western recognizes the concerns expressed by the commentors regarding ammonia transportation, storage, and use. Western will require the Sundance Energy Project to develop and implement an emergency response plan in accordance with State and local regulations.

The Environmental Protection Agency, Region IX (EPA), expressed concern over potential human health effects through the long-term use of Central Arizona Project (CAP) water mixed with waste water for irrigating crops. There is little potential for environmental or human health effects from the use of reclaimed waste water for irrigation. The only potential vector for the waste water to affect human health is the irrigation of food crops. The water would be used to irrigate alfalfa, Bermuda grass, cotton, and barley. Barley has the potential to be used in products for human consumption, and alfalfa could be fed to livestock ultimately consumed by humans. As shown in the Final EIS in Table 4–17, the waste water would be blended with CAP water to approximate the water quality in existing on-site ground water wells, currently used to irrigate the same lands where the blended waste water would be applied. Therefore, the potential to affect human health would be approximately the same as the current and past irrigation

practices on the site and within the general area of Pinal County. For the reasons discussed above, and the fact that the waste water would be blended and stored in a lined pond prior to its discharge as irrigation water, the potential vectors for environmental effects would be limited. The liner would be designed to eliminate effects to ground water. There are no surface waters in the area other than the canals from which the CAP water would be extracted. There are no aquatic resources in the area and the ponds would be fenced to exclude wildlife. Waterfowl can land on the pond but the constituency of the water will not differ materially from that of local irrigation ponds, canals, effluent lakes, or other bodies of water currently available to them. Sundance Energy will be required to monitor the quality of waste water as part of the Arizona Department of Environmental Quality (ADEQ) Water Reuse Permit. The monitoring plan will ensure that waste water matches existing groundwater quality, thus minimizing potential adverse human health and environmental effects. If concentrations of any constituents approach levels known to be chronically toxic to wildlife, the sampling frequency will be increased to at least quarterly. Weekly observations of bird use at the ponds will be recorded, and the area around the pond would be monitored for wildlife mortalities. If concentrations of any constituents reach acutely toxic levels and the extended bird use of the ponds is high or substantial wildlife mortalities are recorded, Sundance will implement measures to reduce the toxicity by removing the toxic sediments or reducing wildlife use through exclusion or distraction devices.

EPA requested actual flow rates and chemical constituents of reclaimed water and waste water. The Draft EIS indicates that less than 1 million gallons per year of regeneration waste water will be produced and the constituents of that were listed in Table 4–17 in the Draft EIS and updated in Table 4–17 of the Final EIS.

Additionally, EPA requested the status of the various State water permits. The Aquifer Protection Permit Application and Wastewater Reuse Permit Application are currently being developed to submit to the Arizona Department of Environmental Quality. The Sundance Energy Project would not be operated without these permits. Both applications will be submitted in mid-August 2001. Sundance Energy would be required to monitor the quality of the wastewater as a part of the Reuse Permit.

EPA commented on the potential for wildlife to accumulate wastewater constituents, which is addressed above. Briefly, the waste water would be blended, if necessary, in order to bring all constituent levels to the level of existing available water. There would be no additional accumulation of heavy metals or trace elements beyond that which currently exists in the region. However, both the Arizona Department of Fish and Game and the U.S. Fish and Wildlife Service received copies of and had opportunities to review the Draft and Final EIS. Information on the toxicity of any of the constituents in the water can be found at or http://www.pwrc.usgs.gov/new/chrback.htm or http://www.oehha.org/cal_ecotox/.

EPA asked the status of consultations with the U.S. Army Corps of Engineers (COE) and the ADEQ regarding crossing of ''Waters of the United States'' with the transmission lines and pipelines. Any wetland disturbance that would occur as a result of pipeline or transmission line construction would be covered under Nationwide Permit 12. The EIS describes three potential gas interconnections: two onsite and one that would require the construction of a 14-mile pipeline offsite. It is currently anticipated that the two on-site interconnections would be sufficient to provide an adequate gas supply to the project and, if so, the off-site pipeline may not be needed. Therefore, permitting by COE for this pipeline has not been initiated and would be initiated only at such time that it is certain that it is needed for the project and a detailed pipeline design is developed as is required for the notification to the COE. Similarly, notification to the COE for the transmission lines would be submitted as detailed designs for them are completed. They are anticipated to affect wetlands or waters of the United States because the lines would not be designed to span all canals, mapped floodplains, or other wet areas.

EPA recommended the project commit to working with the local community and concerned public regarding an emergency response plan and measures. The Sundance Energy Project has already initiated contact with the Eleven Mile Corner School. Additionally, Sundance Energy would be working with the State and Pinal County to develop emergency response plans as required by the types and amounts of chemicals used and stored on the Project site. Western will ensure that a Spill Control and Countermeasure Plan is developed in accordance with applicable Federal, State, and local regulations and that an emergency response plan is developed.

EPA expressed concerns regarding noise levels that would be experienced by nine residences relatively close to the Project. Sundance Energy has completed the rezoning for the project and has received its industrial use permit from Pinal County. The project is currently working with Pinal County on local building and site issues. Currently, Pinal County has indicated that a berm would not be needed for visual or noise screening. Western will ensure that local noise ordinances are met.

EPA requested information regarding the Arizona Corporation Commission's (Commission) powerplant siting process. Generally, the Commission requires submitting an Application for a Certificate of Environmental Compatibility (ACEC). The ACEC requires the applicant to provide descriptions of the facilities it intends to develop, along with environmental information on air quality, biological, cultural, and recreational resources. Public meetings are held by the Arizona Power Plant and Line Siting Committee to recommend to the Commission whether or not to issue the Certificates. The Commission then holds public hearings to make its final determination. PPL Sundance Energy, LLC, has received a Certificate of Environmental Compatibility from the Commission. Through the Arizona power plant siting process, information was provided regarding other site options that were considered and evaluated by Sundance Energy. When siting a gas-fired powerplant, proximity to available gas and transmission are important for minimizing both costs and environmental impacts. In the case of Sundance Energy, the transmission interconnection point was the Coolidge Substation, and the nearest available gas was located at the two lines where the current site for the project is located. Therefore, the project could be located at the Coolidge Substation, on the existing pipelines, or some reasonable location between them. Sites at or near the Coolidge Substation were considered but were dismissed because of costs, proximity to the Gila River floodplain, proximity to the Casa Grande National Monument, proximity to the Gila River Indian Reservation, and increased potential for impacts to cultural resources. Sites between the two were dismissed because of proximity to the National Monument, the town of Coolidge, and other residential areas.

EPA requested a detailed description of the different alternatives developed for the high-voltage transmission line

routes. These are detailed in Table S–1 in both the Draft and Final EIS. Briefly, the alternative selected as the environmentally preferred alternative, although slightly longer, impacts less agricultural land and has less potential to adversely affect local transportation. Transmission line routing options were all developed to try to utilize existing rights-of-way (canals, roads, pipelines, and transmission lines) and field lines to minimize establishing new rights-of-way that were not necessary and/or avoid needlessly traversing the middle of properties. The Proposed Action and Alternatives 1 and 2 were developed to take advantage of those various routing opportunities between the Project site and the Coolidge Substation. Alternative 3 was developed in direct response to comments from local landowners and the Arizona power plant and transmission line siting committee in order to mitigate concerns they had about the effects that the other transmission line alternatives would have on their continued use of their property. Alternative 3 was selected.

Mitigation Measures

All measures addressed in the EIS to minimize adverse impacts from the transmission system additions have been adopted. Table 2–4 in the Draft EIS lists the standard mitigative measures that are part of Western's proposed action. These would be used for the transmission line additions. Some of the measures include restricting vehicular traffic to existing access roads or public roads, recontouring and reseeding disturbed areas, environmental awareness training for all construction and supervisory personnel, and mitigation of radio and television interference generated by transmission lines. Additionally, Spill Prevention Control and Countermeasure (SPCC) plans for modified facilities will be reviewed to ensure new equipment is addressed.

In addition, Western will ensure that PPL Sundance Energy, LLC, implements the following measures:

1. Detailed emergency response plan and SPCC plans that meet Federal, State, and local requirements.
2. Implement conditions of individual or nationwide 404 permits if needed for new pipeline construction across waters of the United States.
3. Conduct pre-construction surveys along the new pipeline route to ensure impacts to special status species do not occur.

A Mitigation Action Plan with annual reporting requirements will be developed for the project to comply with DOE regulations found at 10 CFR part 1021.33 and made available to the public.

Western is the lead Federal agency for compliance with Section 106 of the National Historic Preservation Act for all components of the project. All archaeological and traditional cultural properties determined significant in consultation with the Arizona State Historic Preservation Officer and interested tribes will be avoided. If they are somehow not avoided, a mitigation plan will be developed in consultation with the State Historic Preservation Officer and the interested tribes. Cultural resource monitoring, if needed, will take place during construction of new high voltage transmission lines and pipelines.

Western is also the lead for compliance with Section 7 of the Endangered Species Act. A biological assessment was prepared and submitted to the U.S. Fish and Wildlife Service (Service) with a determination that the project could affect but not adversely affect any candidate, proposed, or listed species. This Record of Decision is being issued based on verbal concurrence from the Service on Western's determination and written concurrence is expected soon. Additionally, during informal consultation, the Service requested, and Western has agreed, if the 14-mile long pipeline is built, the crossing of the Santa Cruz Wash would be enhanced for the cactus ferruginous pygmy owl. The enhancement will include planting mesquite trees on either side of the pipelines to facilitate emigration of the owl.

Floodplain and Wetlands Statement of Findings

Construction of the Sundance Energy Project would not alter the natural drainage patterns on site. The immediately surrounding area is primarily agricultural and contains irrigation canals, which will move water around and away from the facility. No floodplain classifications for the site and surrounding area have been mapped. The storm water flows will be retained on site in constructed basins to minimize sheet flows.

The new gas pipeline would cross portions of the 100-year flood zone of the Santa Cruz Wash but is not anticipated to affect the floodplain. The ground surface would remain relatively unchanged from pre-development conditions.

All transmission system alternatives, including the selected transmission line alternative and the upgrade of the Coolidge-Signal line, would traverse the 100-year flood zone of McClellan Wash near Coolidge. A large portion of the floodplain is spanned by the existing transmission facility. It would not be practical to use existing transmission line structures and rights-of-way without going through the floodplain. No new transmission structures are expected to be placed in the floodplain. Instead, work would be confined to existing structures, resulting in short-term, temporary disturbances to the floodplain. If, after final project design, additional new structures are needed in the floodplain, they will be designed to conform to applicable Federal, State, and local floodplain protection standards.

A portion of the facility gets inundated during heavy rain events. A wetland delineation study was performed on the site and found none of the criteria needed to identify a wetland (i.e., soils, hydrology, and vegetation) existed. No wetlands would be affected by the proposed action.

Dated: August 20, 2001.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 01–22008 Filed 8–30–01; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7047–1]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Assessment of EPA Compliance Assistance Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (MB) for renewal: Assessment of EPA Compliance Assistance Projects 1860.01. The ICR describes the nature of the information collection, the expected burden and cost to collect the information, and the actual collection instruments. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 1, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1860.01 to the following

addresses: Lynn Vendinello, EPA MC 2222A, 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 CONTACT: For a copy of the ICR or technical questions contact Ms. Lynn Vendinello at EPA by phone at (202) 564–7066, by facsimile (202) 564–0031, or by email at *vendinello.lynn@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities potentially affected by this action are businesses and other members of the regulated community, technical assistance providers that receive or access EPA compliance assistance tools, regulating agencies, and state/local committees that are recipients of required compliance reports. Technical assistance providers are comprised of such groups as: state pollution prevention programs, state small business assistance programs, small business development centers. The request for information from these affected entities will be voluntary.

Title: Information Collection Request for Assessment of EPA Compliance Assistance Projects, EPA ICR Number 1860.01.

Abstract: The Environmental Protection Agency (EPA) is seeking reapproval for a three year generic clearance from Office of Management and Budget (OMB) to determine how well EPA compliance assistance tools and services meet customers needs and to determine the relevant outcomes. This will be a voluntary collection of information to gauge customer satisfaction with the compliance assistance projects, and measure any resulting changes in awareness and understanding, and in limited cases behavioral change and environmental and human health impacts. EPA proposes to use assessment surveys to provide the Agency with feedback on the compliance assistance documents, onsite visits, telephone assistance, Web sites, and compliance assistance seminars and workshops delivered by Headquarters and Regional compliance assistance programs to the regulated community This feedback will provide EPA with the necessary information for improving the quality and delivery of compliance assistance tools and services.

This ICR will only provide anecdotal data for the purpose of informing EPA of the outcomes of compliance assistance tools, and customer satisfaction with those tools. All assessments undertaken under this ICR will adhere to certain conditions to ensure that data is collected and used appropriately. The information collection is voluntary, and will be limited to non-sensitive data concerning the quality of compliance assistance activities. The data resulting from this ICR's assessment activities will not be treated as statistical and will not be used to make broad generalizations to the overall population. The Office of Compliance (OC) attempts to perform such evaluations will be undertaken under a separate ICR so that the public is allowed adequate public comment period on our proposed methodology. This process does not involve fact-finding for the purposes of regulatory development or enforcement.

By seeking a generic clearance of assistance assessments, EPA will have the flexibility it requires to expeditiously gather the views of EPA customers to determine how well the bulk of EPA compliance assistance tools and services meet customers needs and how to improve them. In FY 2000 alone, EPA conducted over 1300 workshops and trainings, over 2700 on-site visits and developed 140 compliance assistance tools. The generic clearance will facilitate the coordinated review and approval of surveys that solicit opinions from EPA customers on a voluntary basis. Every effort will be made to improve response rates to assessment surveys, and maximize the efficiency of data collection.

To ensure the proper use of the data from the surveys, OC will place the following conditions on the way the ICR is used:

- After compliance assistance is delivered, EPA will follow up on the quality of the assistance and the associated outcomes. During the compliance assistance activity, EPA should communicate how it intends to follow-up (*e.g.,* phone, letter, email) and when.
- True behavioral changes will only be considered when they can be directly measured through on-site revisits, self-certifications or other direct observations. Behavioral changes expressed through surveys, training evaluations, and Internet questionnaires will be considered as indications of behavioral change.
- No use of comment cards as they often have low response rates.
- To ensure high response rates, all follow-up mail/email surveys must use the Dillman Tailored Design Method. Staff using phone surveys can also send out a postcard letting attendees know that EPA will be calling.

Compliance assistance activity	Allowed survey method (in order of preference)	Measure
Phone Calls/Hotlines	As part of assistance call	Awareness, Understanding, Customer satisfaction.
	Follow-up call	Awareness and understanding.
	Mail/email follow-up survey	Customer satisfaction.
Workshops/Trainings	Pre/post test	Awareness, Understanding.
	On-Site Post Workshop/Training Evaluation	Awareness, Understanding, Customer satisfaction.
	Phone survey (if fewer than 50 participants).	
	Mail/email follow up (if more than 50 participants).	
Web Sites	Online survey (with promotion of the survey via email).	Awareness, Understanding, Customer satisfaction.
Tools (e.g., manuals)	Mail/email survey	Awareness Understanding, Customer satisfaction.
Onsite visits	Onsite revisits	Awareness, Understanding, Behavioral change, Environmental and human health improvements, Customer satisfaction.
	Phone survey.	
	Mail/email survey.	

EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Burden Statement: Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, 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.

It is estimated that approximately 24,823 entities may voluntarily complete and return a compliance assistance activity or tool assessment survey on an annual basis. EPA estimates that participating entities may need to spend between five to twenty minutes to complete either the compliance assistance product, seminar/workshop; onsite visit; telephone assistance/hotline; or Internet web site assessment survey. EPA estimates 3,564 hours annually or 8.64 minutes per respondent may be spent to provide EPA with the data. This burden hour estimate translates to a cost of $9.89 per facility that voluntarily completes the survey and a total cost to the regulated community of $733,861 over the three years covered by the ICR. The costs were calculated based on $32.68 per hour employment expense rate, plus a $110 overhead for a total labor cost of $68.63 (based on labor rates obtained form the United States of Commerce, Bureau of Labor Statistics, May 2001, Employer Costs for Employment Compensation, Table 10: White Collar, Professional and Technical).

Respondents/Affected Entities: 74,470.

Estimated Number of Respondents: 74,470.

Frequency of Response: one time.

Estimated Total Annual Hour Burden: 3,564 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $244,620.

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 No. 1860.01 in any correspondence.

Dated: August 23, 2001.

Michael M. Stahl,

Director, Office of Compliance.

[FR Doc. 01–22019 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6621–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements.

Filed August 20, 2001 Through August 24, 2001.

Pursuant to 40 CFR 1506.9.

EIS No. 010321, Draft EIS, FHW, MD, MD–97 Brookeville Project Improvements and Preservation, South of Gold Mine Road to North of Holliday Drive, Funding and US Army Corps of Engineers Section 10 and 404 Permits Issuance, Montgomery County, MD, Due: October 22, 2001, Contact: Francine Shaw-Whitson (410) 962–4342.

EIS No. 010323, Draft Supplement, NOA, AK, Steller Sea Lion Protection Measures in the Alaska Groundfish Fisheries, Fishery Management Plans for Groundfish of the Gulf of Alaska and the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, AK, Due: October 15, 2001, Contact: James W. Balsiger (907) 586–7221.

EIS No. 010324, Draft EIS, FHW, TN, KY, Corridor 18/Interstate 69 Proposed Improvements from the U.S. 412/U.S. 51 Interchange to the U.S. 51 Fulton Bypass/Purchase Parkway Interchange, Dyer and Obion Counties, TN and Fulton County, KY, Due: October 15, 2001, Contact: Charles Boyd (615) 781–5770.

EIS No. 010325, Final EIS, FHW, NM, Paseo del Volcon Corridor, Acquisition of Right-of-Way and Construction of Roadway, from the Intersection of I–40 to Intersection of NM–44 near the Town of Bernalillo, Bernalillo and Sandoval Counties, NM, Due: October 01, 2001, Contact: Gregory D. Rawlings (505) 820–2027.

EIS No. 010326, Draft EIS, APH, PROGRAMMATIC–EIS Rangeland Grasshopper and Mormon Cricket Suppression Program, Authorization, Funding and Implementation in 17 Western States, AZ, CA, CO. ID, KS, MT, NB, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, Due: October 15, 2001, Contact: Charles L. Brown (301) 734–8247. This document is available on the Internet at: http://www.aphis.usda.gov/ppd/es/ppqdocs.html.

EIS No. 010327, Draft EIS, FHW, NB, Antelope Valley Study Improvements in three major issues: Stormwater Management, Transportation, Community Revitalization, City of Lincoln, University of Nebraska-Lincoln, and the Lower Platter South Natural Resources District, Major Investment Study, Lancaster County, NE, Due: October 15, 2001, Contact: Edward Kosola (402) 437–5973.

EIS No. 010328, Final EIS, TVA, TN, Addition of Electric Generation Baseload Capacity, Proposes to Construct a Natural Gas Fired Combined Cycle Power Plant, Franklin County, TN, Due: October 01, 2001, Contact: Bruce Yeager (865) 632–8051.

EIS No. 010329, Final EIS, AFS, ID, Middle Fork Weiser River Watershed Project, Implementation of Vegetation Restoration, Landscape Fire Pattern and Watershed Restoration Objectives, Payette National Forest, Council Ranger District, Adams County, ID, Due: October 01, 2001, Contact: Faye Krueger (208) 253–0100.

This document is available on the Internet at: www.fs.fed.us/r4/payette/main.html

Dated: August 28, 2001.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–22063 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6621–5]

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 May 18, 2001 (97 FR 27647).

Draft EISs

ERP No. D–NPS–J65346–WY Rating LO, Devil's Tower National Monument General Management Plan, Implementation, Crook County, WY.

Summary: EPA had no objections to the preferred alternative.

ERP No. D–USA–G11040–TX Rating EC2, Programmatic EIS—Fort Sam Houston, Camp Bullis, and Canyon Lake Recreation Area Master Plan, Implementing Revisions to the Existing 1988 Land Use Plan, City of San Antonio, TX.

Summary: EPA expressed environmental concerns and requested additional information in the areas of alternatives analysis, wetland impacts, floodplains, wildlife habitat, prime farmland soils, and mitigation.

Final EISs

ERP No. F–AFS–J65336–MT, 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 lack of objections. The preferred alternative includes adequate mitigation and controls for invasive weeds and forage improvement on 21 big game ranges and areas burned in year 2000 wildfires.

ERP No. F–AFS–L65358–ID, Starbucky Restoration Project, Implementation of Vegetative Treatment, Road Construction and Watershed Improvements, Nez Perce National Forest, Red River Ranger District, Idaho County, ID.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–FRC–E08021–00, Florida Gas Transmission (FGT) Phase V Expansion Project, FGT Natural Gas Pipeline and Associated Above Ground Facilities, Construction and Operation, Approvals and Permit Issuance, several counties of FL, AL and MS.

Summary: EPA has remaining concerns with the proposed project concerning air quality, water quality, noise, cumulative impacts and safety. EPA requests that the prospective FERC ROD address these concerns.

ERP No. F–MMS–E02011–00, Eastern Planning Area Outer Continental Shelf Oil and Gas Lease Sale 181 (December 2001), Gulf of Mexico, Offshore Marine Environment and Coastal Counties/ Parishes of LA, MI, AL and northwestern FL.

Summary: EPA continues to be concerned about cumulative impacts of oil and gas activity in the Gulf, although the revised lease sale area has been reduced by 25–30% of the original proposal.

ERP No. F–NRS–D28013–WV, Upper Tygart Valley River Watershed Plan, Water Supply Project, Approval and Funding, Randolph and Pocahontas Counties, WV.

Summary: EPA had no objection to the proposed action.

ERP No. FA–DOE–A22088–SC, Savannah River Site Salt Processing Alternatives, Evaluation for Separating High-Activity and Low-Activity Fractions of Liquid High-Level Radio-active Waste and Potential Environmental Impacts of Alternatives to the In-Tank-Precipitation Process (ITP), Aiken and Barnwell Counties, SC.

Summary: EPA expressed environmental concerns relating to the disposal of secondary waste streams.

Dated: August 28, 2001.

B. Katherine Biggs,

Associate Division Director, NEPA, Office of Federal Activities.

[FR Doc. 01–22064 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00734; FRL–6797–8]

Workshop Series on Bt Corn Insect Resistance Management Framework Development; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA will hold the third and fourth workshops in a series focusing on Bt corn insect resistance management (IRM). Workshops will involve small expert groups (about 15 people). These four workshops are designed to provide EPA with information on the following general topics: (1) Pest simulation model design and validation, (2) resistance monitoring and detection design and validation, (3) insect resistance management strategies and refuge validation, and (4) remedial action strategies. Information from these workshops will be used to assist the Agency in the design and evaluation of effective insect resistance management strategies for Bt corn. EPA will provide a publically-available workshop report after all four workshops have been concluded.

DATES: The third workshop on insect resistance management strategies and refuge validation will be held on September 10–11, 2001, from 8 a.m. to 5 p.m. The fourth workshop will focus on remedial action strategies and will be held October 29–30, 2001, from 8 a.m. to 5 p.m. Requests for participation in the meeting must be received on or before September 4, 2001, for the third workshop on September 10–11, 2001, and October 22, 2001, for the fourth workshop on October 29–30, 2001.

ADDRESSES: The meeting will be held at EPA, Crystal Station, Room A, 2800 Crystal Drive, Arlington, VA 22202. Space is limited. Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your request must identify docket control number OPP–00734 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: John Glaser; National Risk Management Research Laboratory, Environmental Protection Agency, 26 W. King Dr., Cincinnati, OH 45268; telephone number: (513) 569–7568; fax number: (513) 487–2511; e-mail address: glaser.john@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to: Registrants and users of Bt corn under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as well as non-users of Bt corn and the public. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person

listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the **Federal Register**-Environmental Documents. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about the Office of Research and Development workshops on Bt corn IRM, go directly to the Home Page for Biopesticides at: http://www.epa.gov/pesticides/biopesticides, and select ''ORDworkshops.''

2. *In person.* The Agency has established an administrative record for this meeting under docket control number OPP–00734. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the ORD Workshops on Bt Corn IRM, including any information claimed as Confidential Business Information (CBI). This administraive 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 Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. Your request must be received by EPA on or before September 4, 2001, for the third workshop on September 10th and 11th and October 22, 2001, for the fourth workshop on October 29th and 30th. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00734, in the subject line on the first page of your request.

1. *By mail.* You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* 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 request electronically by e-mail to: opp-docket@epa.gov. Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00734. You may also file a request online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Bt corn.

Dated: August 17, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–22023 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[WH–FRL–7046–9]

U.S. EPA Notice of Public Meeting on the Draft Strategy for Waterborne Microbial Disease

AGENCY: Environmental Protection Agency (EPA).

ACTION: This action announces a public meeting on the draft Strategy for Waterborne Microbial Disease.

SUMMARY: The Environmental Protection Agency (EPA) is holding a meeting on September 18, 2001, to present to interested parties the draft Strategy for Waterborne Microbial Disease. The draft Strategy explains suggested approaches to reducing microbial pollution of the Nation's waters. Interested parties will have an opportunity to comment on the approaches listed in the draft Strategy at this meeting. In addition interested parties may provide written comments on the draft strategy.

DATES: The public meeting concerning the draft Strategy for Waterborne Microbial Disease will be held September 18, 2001, from 8 a.m. to 5 p.m. EST. Written comments on the draft strategy will be accepted until October 19, 2001.

ADDRESSES: The meeting will be held at the Hilton Crystal City Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia, in the Roanoke conference room. Sciences, Inc. (an EPA contractor) will provide logistical support for the meeting. Written comments should be sent to Ms. Harriet McCollum at Sciences, Inc., 1800 Diagonal Road, Suite 500, Alexandria, VA 23314; phone (703)684–0123; fax (703) 684–2223, or email at *hmccollum@sciences.com.*

FURTHER INFORMATION CONTACT: For information about the meeting, please contact Ms. Harriet McCollum at Sciences, Inc., 1800 Diagonal Road, Suite 500, Alexandria, VA 23314; phone (703) 684–0123; fax (703) 684–2223, or email at *hmccollum@sciences.com.*

Approximately 100 seats will be available on a first-come, first serve basis. On-site registration for the meeting will begin at 8 a.m., EST. Members of the public wishing to attend the meeting may pre-register by phone by contacting Ms. McCollum by September 10, 2001. Those registered by September 10, 2001 will receive background materials prior to the meeting.

For information concerning the Draft Strategy for Waterborne Microbial Disease, or a copy of the draft Strategy please, contact Lisa Almodovar, at the U. S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, (MC–4304), Washington, DC 20460; phone; (202) 260–1310, fax: (202) 260–1036 or email at *almodovar.lisa@epa.gov.* Copies of the draft Strategy are available on EPA's Internet at *www.epa.gov/ost/criteria/microbialdraft.pdf.*

SUPPLEMENTARY INFORMATION: EPA, States, local governments and the private sector have made significant strides in reducing water pollution. Much of this progress is the result of controls on pollution from industries and sewage treatment facilities. Despite this progress, States report that about 30% of the waters they assess do not meet clean water goals. Today, water pollution problems are caused by a wide

range of diffuse sources (e.g., pollutant runoff from agricultural lands, stormwater flows from cities, inadequate sewage treatment, and seepage into ground water). Many of these sources contribute microbial contaminants to waterbodies and this contamination impairs the use of waters for recreational, fishing, and shellfish growing purposes and limits use of waters as a source of drinking water.

In response to growing evidence of significant microbial contamination of waters, the Office of Water has prepared a draft Strategy for Waterborne Microbial Disease. This draft Strategy describes the microbial water pollution problem and identifies four areas of concern as the primary focus of efforts to reduce water pollution and threats to public health.

EPA seeks public comment on all aspects of the draft Strategy. Examples of questions that might be addressed by the public include:

(1) Does the draft Strategy appropriately describe the water pollution problem and public health risk posed by microbial contamination?

(2) The draft Strategy emphasizes four areas of concern. Are these four areas appropriate as the focus of the draft Strategy? If not, which other areas of concern should be addressed and why?

(3) Are the actions identified to strengthen water pollution control programs appropriate? What other actions should be considered?

EPA will produce a report that will summarize the meeting as well as capture all comments and suggestions. Submitted written comments will also be included in the document. Comments must be submitted to Ms. Harriet McCollum at Sciences, Inc., 1800 Diagonal Road, Suite 500, Alexandria, VA 23314; phone (703) 684–0123; fax (703) 684–2223, or email at *hmccollum@sciences.com,* by October 19, 2001.

Dated: August 15, 2001.

Jeanette Wiltse,

Acting Director, Office of Science and Technology.

[FR Doc. 01–22020 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30506; FRL–6760–5]

Pesticide Product; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30506, must be received on or before October 1, 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. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30506 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Linda Hollis, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8712; e-mail address: hollis.linda@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	Crop production
	112	Animal production
	3110	Food manufacturing
	32532	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 OPP–30506. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30506 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 OPP–30506. 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. Offer alternative ways to improve the registration activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registration Applications

EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

A. Products Containing Active Ingredients Not Included in Any Previously Registered Products

File Symbol: 73176-R. Applicant: AgriVir, LLC 1625 K Street, NW., Suite 1000, Washington, DC 20006. Product name: Nut GuardV/Fruit GuardV. Product type: Biological pesticide. Active ingredient: Indian Meal Moth Granulosis Virus and larval parts on milled wheat bran carrier at 96.4. Proposed classification/Use: for use on dried fruit, in shell and shelled nuts, for crack and crevice treatment of processing, packing and storage areas.

List of Subjects

Environmental protection, Pesticides and pest.

Dated:August 17, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–22022 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1040;FRL–6797–6]

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 certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–1040, must be received on or before October 1, 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–1040 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–7704; e-mail address:giles-parker.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	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–1040. 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–1040 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–1040. 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 pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals 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 these petitions contain 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 supports 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: August 16, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them 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.

Bayer Corporation

0F6121

Summary of Petitions

EPA has received a pesticide petition (0F6121) from Bayer Corporation, 8400 Hawthorne Road, P. O. Box 4913, Kansas City, MO 64121–0013 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 a tolerance for residues of trifloxystrobin in or on the raw agricultural commodity barley grain at 0.05 parts per million (ppm), straw at 0.05 ppm, barley hay at 0.2 ppm, citrus fruits group at 0.3 ppm, citrus oil at 7.0 ppm, corn forage at 0.05 ppm, corn stover at 7.0 ppm, aspirated grain fractions at 0.1 ppm, popcorn grain at 0.05 ppm, popcorn stover at 7.0 ppm, pecans at 0.05 ppm, rice grain at 3.5 ppm, rice straw at 7.5 ppm, stone fruits crops group at 2.0 ppm, and poultry (fat, kidney, liver, meat by-products, meats at 0.5 ppm). EPA has determined that the petition contains 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 petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Residue metabolism*. The metabolism of trifloxystrobin in plants (cucumbers, apples, wheat, sugar beets and peanuts) is well understood. Identified metabolic pathways are substantially similar in plants and animals (goat, rat and hen). EPA has determined that trifloxystrobin parent and its metabolite CGA–321113 are the residue of concern for tolerance setting purposes.

2. *Analytical method*. A practical analytical methodology for detecting and measuring levels of trifloxystrobin in or on raw agricultural commodities has been submitted. The limit of detection (LOD) for each analyte of this method is 0.08 ng injected, and the limit of quantitation (LOQ) is 0.02 ppm. The method is based on crop specific cleanup procedures and determination by gas chromatography with nitrogen-phosphorous detection.

3. *Magnitude of residues*. Residue trials were performed for trifloxystrobin on a full geography of Citrus Fruit Crop Group (with oranges, lemons and grapefruit as representative citrus fruit crops), field corn, popcorn, and rice as representative crops from the cereal grain group, pecans, and Stone Fruits Crop Group (with peaches, plums, tart and sweet cherries as representative stone fruit crops). A study was conducted on indicator crops to assay for secondary residues in rotational crops. A three-level ruminant and poultry study was completed to determine the rate of transfer of residues of trifloxystrobin from residues in animal feed to ruminant and poultry commodities.

B. Toxicological Profile

1. *Acute Toxicity*. Studies conducted with the technical material of trifloxystrobin:

- Rat acute oral toxicity study with a LD_{50} >5,000 mg/kg
- Mouse acute oral toxicity study with a LD_{50} >5,000 mg/kg
- Rabbit acute dermal toxicity study with a LD_{50} >2,000 mg/kg
- Rat acute dermal toxicity study with a LD_{50} >2,000 mg/kg
- Rat acute inhalation toxicity study with a LC_{50} >4.65 mg/L
- Rabbit eye irritation study showing slight irritation (Category III)
- Rabbit dermal irritation study showing slight irritation (Category IV)
- Guinea pig dermal sensitization study with Buehler's method showing negative findings
- Guinea pig dermal sensitization study with the Maximization method showing some positive findings

2. *Genotoxicity*. No genotoxic activity is expected of trifloxystrobin under *in vivo* or physiological conditions. The compound has been tested for its potential to induce gene mutation and chromosomal changes in five different test systems. The only positive finding was seen in the *in vitro* test system (Chinese hamster V79 cells) as a slight increase in mutant frequency at a very narrow range (250 – 278 µg/ml) of cytotoxic and precipitating concentrations (compound solubility in water was reported to be 0.61 µg/ml; precipitation was visually noted in culture medium at 150 µg/ml). The chemical was found to be non-mutagenic in the *in vivo* system or all other *in vitro* systems. Consequently, the limited gene mutation activity in the V79 cell line is considered a nonspecific effect under non-physiological *in vitro* conditions and not indicative of a real mutagenic hazard.

3. *Reproductive and developmental toxicity*. FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on the current toxicological data requirements, the database on trifloxystrobin relative to pre- and post-natal effects for children is complete.

In assessing the potential for additional sensitivity of infants and children to residues of trifloxystrobin, data were considered from teratogenicity studies in the rat and the rabbit and a 2-generation reproduction studies in the rat. The teratogenicity studies were designed to evaluate adverse effects on the developing embryo as a result of chemical exposure during the period of organogenesis. Reproduction studies provide information on effects from chemical exposure on the reproductive capability of mating animals and systemic and developmental toxicity from *in-utero* exposure.

In the rat teratology study, reductions in body weight gain and food consumption were observed in the dam at ≥100 mg/kg. No teratogenic effects or any other effects were seen on pregnancy or fetal parameters except for the increased incidence of enlarged thymus, which is a type of variation, at 1,000 mg/kg. The developmental NOAEL was 100 mg/kg.

In the rabbit teratology study, body weight loss and dramatically reduced food consumption were observed in the dam at ≥2,050 mg/kg. No teratogenic effects or any other effects were seen on pregnancy or fetal parameters except for the increase in skeletal anomaly of fused sternebrae-3 and -4 at the top dose level of 500 mg/kg. This finding is regarded as a marginal effect on skeletal development that could have resulted from the 40–50% lower food intake during treatment at this dose level. The developmental NOAEL was 250 mg/kg.

In the 2-generation rate reproduction study, body weight gain and food consumption decreased at ≥750 ppm, especially in females during lactation. Consequently, the reduced pup weight gain during lactation (≥750 ppm) and the slight delay in eye opening (1,500 ppm) are judged to be a secondary effect of maternal toxicity. No other fetal effects or any reproductive changes were noted. The low developmental NOAEL, 50 ppm (5 mg/kg), seen in this study was probably due to the lack of intermediate dose levels between 50 and 750 ppm. Based on an evaluation of the dose-response relationship for pup weight at 750 ppm and 1,500 ppm, the NOAEL should have already been nearly ten-fold higher if such a dose was available.

Based on all these teratology and reproduction studies, the lowest NOAEL for developmental toxicity is 5 mg/kg while the lowest NOAEL in the subchronic and chronic studies is 2.5 mg/kg/day (from the rat chronic study). Therefore, no additional sensitivity for infants and children to trifloxystrobin is suggested by the database.

4. *Subchronic toxicity*. In subchronic studies, several mortality related changes were reported for the top dose in dogs (500 mg/kg) and rats (800 mg/kg). At these dose levels, excessive toxicity has resulted in body weight loss and mortality with the associated and nonspecific changes in several organs

(such as atrophy in the thymus, pancreas, bone morrow, lymph node, and spleen) which are not considered specific target organs for the test compound. In the dog, specific effects were limited to hepatocellular hypertrophy at ≥150 mg/kg and hyperplasia of the epithelium of the gall bladder at 500 mg/kg. Target organ effects in the rat were noted as hepatocellular hypertrophy (≥200 mg/kg) and the related liver weight increase (≥50 mg/kg). In the mouse, target organ effects included single cell necrosis (≥300 mg/kg) and hypertrophy (1,050 mg/kg) in the liver and extramedullary hematopoiesis (≥300 mg/kg) and hemosiderosis in the spleen (1,050 mg/kg).

In general, definitive target organ toxicity, mostly in the liver, was seen at high feeding levels of over 100 mg/kg for an extended treatment period. At LOAEL, no serious toxicity was observed other than mostly non-specific effects including a reduction in body weight and food consumption or liver hypertrophy.

5. *Chronic toxicity*. The liver appears to be a major primary target organ based on the chronic studies conducted in mice, rats, and dogs. It was identified as a target organ in both the mouse and the dog studies with trifloxystrobin. However, no liver effect was seen in the chronic rat study which produced the lowest NOAEL of 2.5 mg/kg based on reduced body weight gain and food consumption seen at higher dose levels.

The compound did not cause any treatment-related increase in general tumor incidence, any elevated incidence of rare tumors, or shortened time to the development of palpable or rapidly lethal tumors in the 18–month mouse and the 24–month rat studies. Dosages in both studies were sufficient for identifying a cancer risk. In the absence of carcinogenicity, a Reference Dose approach is appropriate for quantitation of human risks.

6. *Animal metabolism*. Trifloxystrobin is moderately absorbed from the gastrointestinal tract of rats and is rapidly distributed. Subsequent to a single oral dose, the half life of elimination is about 2 days and excretion is primarily via bile. Trifloxystrobin is extensively metabolized by the rat into about 35 metabolites, but the primary actions are on the methyl ester (hydrolysis into an acid), the methoxyimino group (O-demethylation), and the methyl side chain (oxidation to a primary alcohol). Metabolism is dose dependent as it was almost complete at low doses but only about 60% complete at high doses.

In the goat, elimination of orally administered trifloxystrobin is primarily via the feces. The major residues were the parent compound and the acid metabolite (CGA–321113) plus its conjugates. In the hen, trifloxystrobin is found as the major compound in tissues and in the excreta, but hydroxylation of the trifluormethyl-phenyl moiety and other transformations, including methyl ester hydrolysis and demethylation of the methoxyimino group, are also seen. In conclusion, the major pathways of metabolism in the rat, goat, and hen are the same.

7. *Metabolite toxicology*. Metabolism of trifloxystrobin has been well characterized in plants, soil, and animals. In plants and soil, photolytically induced isomerization results in a few minor metabolites not seen in the rat; however, most of the applied materials remained as parent compound as shown in the apple and cucumber studies. All quantitatively major plant and/or soil metabolites were also seen in the rat. The toxicity of the major acid metabolite, CGA–321113 (formed by hydrolysis of the methyl ester), has been evaluated in cultured rat hepatocytes and found to be 20-times less cytoxic than the parent compound. Additional toxicity studies were conducted for several minor metabolites seen uniquely in plants and/or soil. The studies indicate that these metabolites, including CGA–357261, CGA–373466, and NOA–414412, are not mutagenic to bacteria and are of low acute toxicity (LD_{50} >2,000 mg/kg). In conclusion, the metabolism and toxicity profiles support the use of an analytical enforcement method that accounts for parent trifloxystrobin.

8. *Endocrine disruption*. CGA–279202 does not belong to a class of chemicals known for having adverse effects on the endocrine system. Developmental toxicity studies in rats and rabbits and reproduction study in rats gave no indication that CGA–279202 might have any effects on endocrine function related to development and reproduction. The subchronic and chronic studies also showed no evidence of a long-term effect related to the endocrine system.

i. *Dietary exposure*— a. *Food*. Acute and chronic dietary exposure assessments were performed on the crops that are the subject of this petition using field trial residue values on the citrus and stone fruit crop groups, corn, rice, barley, and pecans. In addition, established uses on sugar beets, almonds, fruiting vegetable (crop group), pome fruit (crop group), cucurbits (crop group), bananas, grapes, peanuts, potatoes, hops, and wheat were included in the assessment. All residues were generated from field trials conducted with a minimum pre-harvest interval and maximum application rate. In addition, if market share data were available, residues were adjusted for the percent crop treated. The residues in processed potatoes, sugar beets (molasses), tomatoes, oranges (juice), apples (juice), corn, rice, wheat fractions, peanuts, and grapes (juice) were adjusted using experimentally determined processing factors generated from processing studies. For all other processed fractions, USDA default processing factors were utilized. Residues in animal commodities were calculated from theoretical dietary burden calculations and transfers factors obtained from livestock and poultry feeding studies. Assessments were conducted utilizing the Dietary Exposure Evaluation Model (DEEM®) from Novigen Sciences and the 1994–96 Continuing Survey of Food Intake by Individuals (CSFII). Acute exposure for the U.S. population and all population subgroups were compared to an acute reference dose (aRfD) of 2.5 mg/kg/day based on a developmental no-observable adverse effect level (NOAEL) in rabbits and a 100–fold uncertainty factor. Although this endpoint is applicable to females only in the strictest sense, the developmental NOAEL was used for all populations due to the lack of a suitable toxicological endpoint. Chronic exposure was compared to a chronic RfD of 0.05 mg/kg/day based on a chronic study in dogs and a 100–fold uncertainty factor. Both acute and chronic toxicological endpoints were taken from the final pesticide tolerance rule for trifloxystrobin published in the **Federal Register** of September 27, 1999 (OPP–300922; FRL–6382–5).

Both acute and chronic exposure was minimal in all population subgroups. The acute results were obtained from a probabilistic, 1,000–iteration Monte Carlo assessment. Acute exposure was expressed at the 99.9th percentile of exposure and ranged from 0.17% to 0.08% of the aRfD with non-nursing infants (less than 1 year old) as the most sensitive population subgroup (0.80% of the RfD). The chronic exposure assessment was conducted by taking the mean field trial residue values and comparing to average daily consumption values. Chronic exposure ranged from 0.2% to 1.2% of the chronic RfD and the most sensitive population was non-nursing infants (less than 1 year old).

b. *Drinking water—Estimated surface water concentration*. The generic expected environmental concentration (GENEEC) estimated surface water

concentrations for trifloxystrobin uses contributed little to the over exposure. These estimated concentrations were not adjusted for the estimated market share of percentage of use area. The highest day–56 expected environmental concentration (EEC) value was 0.27 parts per billion (ppb) provided by the established trifloxystrobin turf use. According to the EPA ''OPP's Interim Approach for Addressing Drinking Water Exposure,'' the average day–56 value is divided by three when correcting for overestimation of the GENEEC model. The EPA has accepted that the average day–56 EEC value is divided by six in the case when the product is applied to turf and accounts for the effects of grass/turf in decreasing runoff (EPA, 1998. EPA–730–F97–2, PB97–137806, page 15). This division by six was used to calculate the potential exposure via surface water from the trifloxystrobin turf application, 0.27 ppb/6=0.045 ppb.

Estimated ground water concentrations. The SCI-GROW estimated ground water concentrations for trifloxystrobin uses also contributed little to the overall exposure. The estimated concentrations were not adjusted for the estimated market share or percentage of use area. In each use scenario, the concentration of trifloxystrobin in ground water was predicted to be below 1 part per trillion. The highest estimated concentration of trifloxystrobin in the ground water was 0.000859 ppb provided by the trifloxystrobin turf use.

c. *Drinking water levels of concern—Acute exposure*. Based on the EPA's ''Interim Guidance for Conducting Drinking Water Exposure and Risk Assessments'' document (drafted 12/2/97), acute drinking water levels of comparison ($DWLOC_{acute}$) were calculated for trifloxystrobin. The lowest acceptable Margin of Exposure (MOE) for any pesticide is 100. This value was used in the DWLOC calculations. Based on this analysis, the maximum estimated trifloxystrobin surface water at Peak Day-0 (2.54 ppb) and ground water (0.000859 ppb) concentrations, human drinking water exposures do not exceed the calculated acute DWLOC values (µg/L:24,8000 to 87,325). Therefore, acute human drinking water exposures to trifloxystrobin from the existing and newly proposed uses would not exceed the exposure allowable by the risk cup. From the acute dietary exposure analysis provided for the trifloxystrobin dietary assessment, the acute drinking water levels of comparison ($DWLOC_{acute}$) were calculated for CGA–32113. Based on this analysis, the maximum estimated CGA–32114 in surface water at Peak Day-0 (38.73 ppb) and in ground water (4.944316 ppb) concentrations, human drinking water exposures do not exceed the calculated acute DWLOC values (µg/L:24800 to 87150). Therefore, acute human drinking water exposures to CGA–32114 from the existing and newly proposed trifloxystrobin uses would not exceed the exposure allowable by the risk cup.

Chronic exposure. The chronic drinking water levels of comparison ($DWLOC_{chronic}$) were calculated for trifloxystrobin. The maximum estimated trifloxystrobin surface water (0.09 ppb) and ground water (0.000859 ppb) concentrations do not exceed the calculated chronic DWLOC values (µg/L:494 to 1747). Therefore, chronic human drinking water exposures to the existing and newly proposed trifloxystrobin uses would not exceed the exposure allowable by the risk cup. From the chronic dietary exposure analysis provided for the trifloxystrobin dietary assessment, the chronic drinking water levels of comparison ($DWLOC_{chronic}$) were calculated for CGA–32113. Based on this analysis, the maximum estimated CGA–32113 in surface water at Day 56/3 (12.24 ppb) and in ground water (0.989 ppb) concentrations, human drinking water exposures do not exceed the calculated chronic DWLOC values (µg/L:494 to 1,745). Therefore, chronic human drinking water exposures to the existing and newly proposed trifloxystrobin uses would not exceed the exposure allowable by the risk cup.

ii. *Non-dietary exposure*. Non-dietary exposure to trifloxystrobin is considered negligible as the chemical is intended primarily for commercial and agricultural use. Post-application re-entry exposure to homeowners from professional use on residential ornamentals is considered negligible. For workers handling this chemical, acceptable margins of exposure (in the range of thousands) have been obtained for both acute and chronic scenarios.

D. Cumulative Effects

Consideration of a common mechanism of toxicity is not appropriate at this time since there is no information to indicate that toxic effects produced by trifloxystrobin would be cumulative with those of any other types of chemicals. Furthermore, the oximinoacetate is a new type of fungicide and no compound in this general chemical class currently has a significant market share. Consequently, aggregate risk is the only potential exposure to trifloxystrobin.

E. Safety Determination

1. *U.S. population*. To calculate acute aggregate risk, high-end exposures from food and drinking water sources are compared to the acute population adjusted dose (aPAD). Exposure to trifloxystrobin residues and the free form of its acid metabolite, CGA–321113 in food will occupy <1% of the aPAD for females 13+ years old (nursing). Acute dietary risk was calculated for females 13+ years old because the endpoint upon which the aPAD is based is on developmental effects. Estimated drinking water levels were calculated using drinking water models (SCI-GROW and GENEEC), and the values are considered overestimates due to the conservative assumptions built into the models. Estimated concentrations of trifloxystrobin residues in surface and ground water are lower than EPA's DWLOCs. Therefore, it is not expected that acute aggregate risk to trifloxystrobin residues from acute food and drinking water sources will exceed EPA's level of concern for acute aggregate risk.

Chronic exposure to residues of trifloxystrobin and the free form of its acid metabolite, CGA–321113, in food will occupy less than 0.5% of the chronic population adjusted dose (cPAD) for adult population subgroups (females 13+/nursing) and no more than 2.0% of the cPAD for infant/children subgroups (highest subgroup: non-nursing infants). Estimated concentrations of trifloxystrobin residues in surface and ground water are lower than EPA's DWLOCS. Estimated drinking water levels were calculated using drinking water models, and the values are considered overestimates due to the conservative assumptions built into the models. EPA has previously determined chronic residential exposure of trifloxystrobin is not expected. The established and pending uses of trifloxystrobin when combined in a chronic aggregate risk assessment for food, water and residential sources will not exceed EPA's level of concern for chronic aggregate risk.

Bayer concludes that there is a reasonable certainty that no harm will result from aggregate exposure to trifloxystrobin residue.

2. *Infants and children*. On June 21, 1999, the EPA FQPA Safety Factor Committee determined the 10x safety factor for the protection of infants and children should be removed for trifloxystrobin. The Committee's rationale for removing the FQPA Safety Factor is as follows:

i. The trifloxystrobin toxicology database is complete for FQPA assessment.

ii. There is no indication of increased susceptibility of rat or rabbits to trifloxystrobin.

In the developmental and reproductive toxicity studies, effects in the fetuses/offspring were observed only at or above treatment levels which resulted in evidence of parental toxicity.

Using the same exposure assumptions as employed for the determination in the general population, it has been calculated that the percent of the RfD that will be utilized by aggregate exposure to residues of trifloxystrobin is <2.0% for non-nursing infants (<1 year old)(the most impacted sub-population). Therefore, based on the completeness and reliability of the toxicity data base and the conservative exposure assessment, Bayer concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to trifloxystrobin residues.

F. International Tolerances

No Codex MRLs have been established for residues of trifloxystrobin.

[FR Doc. 01–22025 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1041; FRL–6796–1]

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–1041, must be received on or before October 1, 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–1041 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5697; e-mail address: tompkins.jim@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–1041. 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–1041 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–1013. 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: August 21, 2001.

Donald R. Stubbs, 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.

Gowan Company and Interregional Research Project # 4

PP 0F6169, 1F6229 and 0E6206

This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities. EPA has received pesticide petitions (PP 0F6169 and 1F6229) from Gowan Company, Yuma, AZ, 85364, and (PP 0E6206) from the Interregional Research Project #4, 681 U.S. Highway No.1 South, North New Brunswick, NJ 08902–3390, 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 the herbicide halosulfuron-methyl (methyl 5-[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl aminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate) in or on the fruiting vegetables (excluding cucurbits) Crop Group 8 at 0.05 parts per million (ppm) (PP 0F6169), asparagus at 0.8 ppm (PP 1F6229), and the melon subgroup Subgroup 9A at 0.1 ppm. 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*. The metabolism of halosulfuron-methyl as well as the nature of the residues in plants is adequately understood for purposes of these tolerances. Metabolism studies were conducted in three crops, viz.; field corn, sugarcane and soybeans. Metabolism depends on the mode of application. Preemergent applications result in rapid soil degradation of halosulfuron-methyl followed by crop uptake of the resulting pyrazole moiety. The pyrimidine ring binds tightly to soil and is eventually converted to carbon dioxide by microbial degradation. In postemergent applications, little metabolism and translocation take place resulting in unmetabolized parent compound as the major residue on the directly treated foliar surfaces. Very low residue levels of the metabolite 3-chloro-1-methyl-5-sulfamoylpyrazole-4-carboxylic acid (3-CSA) are found in the grain.

2. *Analytical method*. A practical analytical method, gas chromatography with a nitrogen specific detector (TSD) which detects and measures residues of halosulfuron-methyl, is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. This enforcement method has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual (PAM II). It has undergone independent laboratory validation and validation at the Beltsville laboratory. An Analytical Chemistry section of the EPA concluded that the method is adequate for enforcement. The analytical method is also available for analyzing meat by-products, which also underwent successful independent laboratory and Beltsville laboratory validations.

3. *Magnitude of residues*. In asparagus residue studies, the magnitude of the residues found in the raw agricultural commodity (RAC) was less than 0.8 ppm using an analytical method with limit of quantitation (LOQ) of 0.05 ppm; residues in cantaloupe were less than 0.1 ppm. In tomato and pepper residue studies, there were no quantifiable residues found in the RACs. There were also no detectable residues at a LOQ of 0.05 ppm found in tomato processed commodities at treatment rates of more than 2 times the maximum recommended rate per season.

B. Toxicological Profile

1. *Acute toxicity*. Acute toxicological studies placed the technical-grade halosulfuron-methyl in Toxicity Category III. A 90–day feeding study in rats resulted in a lowest observed adverse effect level (LOAEL) of 497 milligrams/kilograms/day (mg/kg/day) in males and 640 mg/kg/day in females, and a no observed adverse effect level (NOAEL) of 116 mg/kg/day in males and 147 mg/kg/day in females.

2. *Genotoxicity*. Bacterial/mammalian microsomal mutagenicity assays were performed and found not to be mutagenic. Two mutagenicity studies were performed to test gene mutation and found to produce no chromosomal aberrations or gene mutations in cultured Chinese hamster ovary cells. An *in vivo* mouse micronucleus assay did not cause a significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow cells. A mutagenicity study was performed on rats and found not to induce unscheduled DNA synthesis in primary rat hepatocytes.

3. *Reproductive and developmental toxicity*. A developmental toxicity study in rats resulted in a developmental LOAEL of 750 mg/kg/day, based on decreases in mean litter size and fetal body weight, and increases in resorptions, resorptions/dam, post-implantation loss and in fetal and litter incidences of soft tissue and skeletal variations, and a developmental NOAEL of 250 mg/kg/day. Maternal LOAEL was 750 mg/kg/day based on increased incidence of clinical observations, reduced body weight gains, and reduced food consumption and food efficiency. The maternal NOAEL was 250 mg/kg/day.

A developmental toxicity study in rabbits resulted in a developmental LOAEL of 150 mg/kg/day, based on decreased mean litter size and increases in resorptions, resorptions/dam and post-implantation loss, and a developmental NOAEL of 50 mg/kg/day. The maternal LOAEL was 150 mg/kg/day based on reduced body weight gain and reduced food consumption and food efficiency. The maternal NOAEL was 50 mg/kg/day.

A dietary 2–generation reproduction study in rats resulted in parental toxicity at 223.2 mg/kg/day in males and 261.4 mg/kg/day in females in the form of decreased body weights, decreased body weight gains, and reduced food consumption during the premating period. Very light effects were noted in body weight of the offspring at this dose. This effect was considered to be developmental toxicity (developmental delay) rather than a reproductive effect. No effects were noted on reproductive or other developmental toxicity parameters. The systemic/ developmental toxicity LOAEL was 223.2 mg/kg/day in males and 261.4 mg/kg/day in females; the systemic/developmental toxicity NOAEL was 50.4 mg/kg/day in males and 58.7 mg/kg/day in females. The reproductive LOAEL was greater than 223.2 mg/kg/day in males and 261.4 mg/kg/day in females; the reproductive NOAEL was equal to or greater than 223.2 mg/kg/day in males and 261.4 mg/kg/day in females.

4. *Subchronic toxicity.* A 21–day dermal toxicity study in rats resulted in a NOAEL of 100 mg/kg/day in males and greater than 1,000 mg/kg/day in females. The only treatment-related effect was a decrease in body weight gain of the 1,000 mg/kg/day group in males.

5. *Chronic toxicity*. A 1–year chronic oral study in dogs resulted in a LOAEL of 40 mg/kg/day based on decreased weight gain and a NOAEL of 10 mg/kg/day for systemic toxicity. A 78–week carcinogenicity study was performed on mice. Males in the 971.6 mg/kg/day group had decreased body weight gains and an increased incidence of microconcretion/mineralization in the testis and epididymis. No treatment-related effects were noted in females. Based on these results, a LOAEL of 971.9 mg/kg/day was established in males and NOAELs of 410 mg/kg/day in males and 1,214.6 mg/kg/day in females were established. The study showed no evidence of carcinogenicity. A combined chronic toxicity/ carcinogenicity study in rats resulted in a LOAEL of 225.2 mg/kg/day in males and 138.6 mg/kg/day in females based on decreased body weight gains, and a NOAEL of 108.3 mg/kg/day in males and 56.3 mg/kg/day in females. The study showed no evidence of carcinogenicity.

6. *Animal metabolism*. EPA stated that the nature of the residue in ruminants was determined to be adequately understood. In the tissues and milk of goats, the major extractable residue was the unmetabolized parent compound. Based on the low residues of the parent compound in corn grain and the low transfer of residues in the metabolism study, tolerances on poultry products were not required. In the rat metabolism study, parent compound was absorbed rapidly but incompletely. Excretion was relatively rapid at all doses tested with majority of radioactivity eliminated in the urine and feces by 72 hours. Fecal elimination of parent was apparently the result of unabsorbed parent.

7. *Metabolite toxicology*. The toxicology studies listed below were conducted with the 3–CSA metabolite. Based on the toxicological data of the 3–CSA metabolite, EPA concluded that it has lower toxicity compared to the parent compound and that it should not be included in the tolerance expression. The residue of concern is the parent compound only.

i. A 90–day rat feeding study resulted in a LOAEL in males of >20,000 ppm and a NOAEL of 20,000 ppm (1,400 mg/kg/day). In females, the LOAEL is 10,000 ppm (772.8 mg/kg/day) based on decreased body weight gains and a NOAEL of 1,000 ppm (75.8 mg/kg/day).

ii. A developmental toxicity resulted in a LOAEL for maternal toxicity of 1,000 mg/kg/day based on the absence of systemic toxicity, a NOAEL of 1,000 mg/kg/day. The developmental LOAEL is >1,000 mg/kg/day and the NOAEL is 1,000 mg/kg/day

iii. The microbial reverse gene mutation did not produce any mutagenic effect while the mammalian cell gene mutation/Chinese hamster ovary cells did not show a clear evidence of mutagenic effect in the Chinese hamster ovary cells.

iv. The mouse micronucleus assay did not show any clastogenic or aneugenic effect.

8. *Endocrine disruption.* No specific tests have been conducted with halosulfuron-methyl to determine whether the chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects. However, there were no significant findings in other relevant toxicity tests, i.e., teratology and multi-generation reproduction studies, which would suggest that halosulfuron-methyl produces effects characteristic of the disruption of the estrogenic hormone.

C. Aggregate Exposure

1. *Dietary exposure.* Tolerances have been established (40 CFR 180.479) for residues of halosulfuron-methyl in or on a variety of plant and animal RACs including field corn, grain sorghum (milo), sweet corn (kernel + cobs with husks removed), pop corn grain, sugarcane cane, tree nuts nutmeat, pistachio nuts nutmeat, cotton undelinted seed, and rice grain at 0.05 ppm; squash/cucumber subcrop group 9B at 0.5 ppm; and secondary tolerances in meat and meat by-products at 0.1 ppm (cattle, goats, hogs, horses, and sheep). Additional tolerances are being requested by Gowan for fruiting vegetables (except cucurbits) crop group

8 at 0.05 ppm and asparagus at 0.8 ppm, and by IR-4 for the melon subcrop group 9A at 0.1 ppm.

Food—a. Acute exposure. The acute Reference Dose (aRfD) for halosulfuron-methyl is 0.5 mg/kg/day. For purposes of assessing the potential dietary exposure from food under existing and proposed tolerances, aggregate exposure is based on the Theoretical Maximum Residue Contribution (TMRC) which is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. The calculated TMRC value using the 99.9th percentile consumption data was 0.006 mg/kg body weight/day for the general U.S. population. This value utilizes only 1.2% of the aRfD for all established and proposed tolerances for halosulfuron-methyl. TMRC is obtained by multiplying the tolerance levels for each commodity by the daily consumption of the food forms of that commodity eaten by the U.S. population and various population subgroups. In conducting this exposure assessment, conservative assumptions were made, e.g., 100% of all commodities will contain halosulfuron-methyl residues and those residues would be at the level of their respective tolerances. This results in a large overestimate of human exposure. Food consumption data from DEEM software (Novigen Sciences, Inc.) were used in the calculation. Field corn and sorghum forage and fodder are fed to animals, thus exposure of humans to residues from these commodities might result if such residues are transferred to meat, milk, poultry or eggs. However, based on the results of animal metabolism and the amount of halosulfuron-methyl expected in animal feeds, it can be concluded that there is no reasonable expectation that residues of halosulfuron-methyl will exceed existing tolerances in meat.

b. *Chronic exposure.* The chronic Reference Dose (cRfD) is 0.1 mg/kg/day. The calculated TMRC value using 99.9th percentile consumption data was 0.000779 mg/kg body weight/day for children 1–6 years, the most exposed subpopulation group. This value utilizes only 0.8% of the CRfD for all established and proposed tolerances for halosulfuron-methyl.

c. *Short-term and intermediate-term exposure.* The short-term NOAEL for females 13 + years and infants and children is 50 mg/kg/day. Comparing the NOAEL with the chronic food exposure from DEEM analysis of 0.00042 mg/kg/day for females 13+ and 0.00090 mg/kg/day for infants and children results in food MOEs of 119,000 and 55,600, respectively. The intermediate-term NOAEL is 10 mg/kg/day, comparing the NOAEL with the chronic food exposure from DEEM analysis of 0.00090 mg/kg/day for children (1–6 years old) results in a food MOE of 11,100.

d. *Chronic risk-carcinogenic.* Halosulfuron-methyl has been classified as a Group E chemical based upon the lack of evidence of carcinogenicity in mice and rats, and has been classified as a not likely human carcinogen.

e. *Drinking water.* There is no Maximum Contaminant Level (MCL) established for residues of halosulfuron-methyl. It is not listed for MCL development or drinking water monitoring under the Safe Drinking Water Act nor is it a target of EPA's National Survey of Wells for Pesticides. Gowan and IR-4 are not aware of any halosulfuron-methyl detections in any wells, ponds, lakes or streams resulting from its use in the United States. The estimated drinking water environmental concentrations (DWEC) in ground water (acute and chronic) is 0.008 µg/L. The estimated DWECs (acute and chronic) for surface water are 4.3 µg/L and 1.1 µg/L, respectively. These estimates are based on a maximum application rate of 0.063 lbs active per acre which may be applied twice per season.

f. *Acute exposure and risk.* Acute drinking water levels of concern (DWLOCs) have been calculated for exposure to halosulfuron-methyl in drinking water for the relevant population subgroups of females 13+ years and infants and children. The acute DWLOC is 15,000 µg/L for females 13+ years and 5,000 µg/L for infants and children. The calculated DWLOCs are significantly higher than the DWECs for ground water (0.008 µg/L) and surface water (4.3 µg/L).

g. *Chronic exposure and risk.* Chronic DWLOCs have been calculated for exposure to halosulfuron-methyl in drinking water for the U.S. population (48 states) and the relevant subgroups of females 13+ years and infants and children. The chronic DWLOC is 3,500 µg/L for the U.S. population, 3,000 µg/L for females 13+ years, and 1,000 µg/L for infants and children. The calculated DWLOCs are significantly higher than the DWECs for ground water (0.008 µg/L) and surface water (1.1 µg/L).

h. *Short and intermediate term exposure and risk.* Short-term and intermediate-term DWLOCs have been calculated for exposure to halosulfuron-methyl in drinking water for the relevant population subgroups. The short-term DWLOC is 10,000 µg/L for females 13+ years and 3,700 µg/L for infants and children. The intermediate-term DWLOC is 590 µg/L for adult males, 57 µg/L for females 13+ years, and 160 µg/L for infants and children. The calculated intermediate-term DWLOCs are significantly higher than the chronic DWECs for surface water (1.1 µg/L). The calculated short-term DWLOCs are significantly higher than the acute DWECs for ground water (0.008 µg/L) and surface water (4.3 µg/L).

i. *Conclusion.* EPA has concluded that potential levels of halosulfuron-methyl in soil and water do not appear to have significant toxicological effects on humans or animals and presents a negligible risk. Based on the very low level of mammalian toxicity, lack of other toxicological concerns and low use rates, there is reasonable certainty that no harm will result from exposure to halosulfuron-methyl via drinking water sources.

2. *Non-dietary exposure.* Halosulfuron-methyl is labeled for use on commercial and residential turf and other non-crop sites. For residential applicators, short-term and intermediate-term exposure may occur. Chronic exposure (>6 months of continuous exposure) are not expected.

i. *Acute exposure and risk.* There is potential for exposure to halosulfuron-methyl by homeowner. However, since endpoints for acute dermal or inhalation were not identified, the use of halosulfuron-methyl on residential non-food sites is not expected to pose an unacceptable acute risk.

ii. *Chronic exposure and risk.* Chronic exposures for residential use of halosulfuron-methyl are not expected and a chronic non-deitary endpoint was not identified, therefore, the use on residential non-food sites is not expected to pose an unacceptable chronic risk.

iii. *Short-term and intermediate-term exposure and risk.*re is potential for short-term or intermediate-term dermal exposure to residential handlers, therefore residential exposure assessments were conducted to assess the following post-application exposure scenarios: (a) Dermal exposure to residues on turf; (b) children's incidental non-dietary ingestion of residues on residential lawn from hand-to-mouth transfer; and (c) children's ingestion of pesticide-treated turfgrass.

The short-term dermal MOE for residential handlers is 4,200 which is significantly greater than the minimum acceptable MOE of 100.

The short-term dermal MOE for exposure from treated lawns for adult males, adult females, and children are 390, 330, and 420, respectively, which are significantly greater than the

minimum acceptable MOE of 100. The intermediate-term dermal MOE for exposure from treated lawns for adult males, adult females, and children are 120, 100, and 130, respectively, which are significantly greater than the minimum acceptable MOE of 100. Therefore the use of halosulfuron-methyl on residential non-food sites is not expected to pose an unacceptable short-term or intermediate-term risk.

The short-term and intermediate- term oral MOE for hand-to-mouth transfer for children are 4,900 and 1,500, respectively, which are significantly greater than the minimum acceptable MOE of 100. Therefore, the use of halosulfuron-methyl on residential non-food sites is not expected to pose an unacceptable short-term or intermediate-term risk.

The short-term and intermediate-term oral MOE for incidental ingestion by children are 210,000 and 66,000, respectively, which are significantly greater than the minimum acceptable MOE of 100. Therefore, the use on residential non-food sites is not expected to pose an unacceptable short-term or intermediate- term risk.

D. Cumulative Effects

Halosulfuron-methyl belongs to the sulfonyl urea class of chemistry. The mode of action of halosulfuron-methyl is the inhibition of the plant enzyme aceto lactase synthetase (ALS), which is essential for the production of required amino acid in plants. Although other registered sulfonyl ureas may have similar herbicidal mode of action, there is no information available to suggest that these compounds exhibit a similar toxicity profile in the mammalian system that would be cumulative with halosulfuron-methyl. Thus, consideration of a common mechanism of toxicity is not appropriate at this time. Gowan is considering only the potential risks of halosulfuron-methyl in its aggregate exposure assessment.

E. Safety Determination

1. *U.S. population*—i. *Acute risk.* Aggregate exposure risk includes exposure from food and water. The risk from acute ''food only'' exposure is less than 2.9% of the RfD for all population groups which is less than the EPA's level of concern. The lowest DWLOC calculated was 5,000 µg/L for infants and children. The calculated DWLOC for females (13+ years) was 15,000 µg/L. For both subgroups, the DWLOC is significantly higher than the DWEC for acute ground water (0.008 g/L) and surface water (4.3 µg/L), therefore, the risk from aggregate exposure to halosulfuron-methyl residues from all anticipated dietary exposure routes does not pose appreciable risks to human health.

ii. *Chronic risk.* Aggregate chronic exposure to halosulfuron-methyl from ''food only'' utilizes less than 1% of the RfD for the most sensitive subgroup, children (1–6 years). The lowest DWLOC calculated was 1,000 µg/L for infants and children which is significantly higher than the DWEC for chronic ground water (0.008 g/L) and surface water (1.1 µg/L). Therefore, the aggregate risk from chronic exposure to halosulfuron-methyl residues from all anticipated dietary exposures does not pose appreciable risks to human health.

iii. *Short-term and intermediate-term risk.*

a. Short-term aggregate exposure takes into account chronic dietary food and water plus short-term residential exposure. For halosulfuron-methyl, the EPA has determined that it is appropriate to aggregate exposure via oral exposure route (food and water) with those via oral and dermal exposure routes from residential uses. The MOEs for ''food only'' and residential exposure routes are 13,859 and 310 for females 13+ years. Short-term DWLOC for females 13+ is 10,000 mu;g/L which is substantially higher than the DWEC for acute surface water (4.3 µg/L). The food only and residential (oral and dermal) MOEs are well above the acceptable short-term aggregate MOE of 100. Therefore, exposure to halosulfuron-methyl residues resulting from current and proposed uses does not pose a short-term aggregate risk.

b. Intermediate-term aggregate exposure takes into account chronic dietary food and water plus intermediate-term residential exposure. The MOEs for ''food only'' and residential exposure routes are 24,000 and 120 for adult males, and 23,800 and 100 for females 13+ years. The intermediate-term DWLOCs are 590 µg/L and 57 µg/L, respectively, for adult males and females 13+. Intermediate-term DWLOCs are substancially higher than the DWEC for chronic surface water (1.1 µg/L). The food only and residential (dermal) MOEs are above the acceptable short-term aggregate MOE of 100. Therefore, exposure to halosulfuron-methyl residues resulting from current and proposed uses does not pose a intermediate-term aggregate risk.

c. Aggregate cancer risk. Halosulfuron-methyl has been classified as a Group E chemical based upon the lack of evidence of carcinogenicity in mice and rats, and has been classified as a not likely human carcinogen.

d. Conclusion. Based upon these risk assessments, Gowan concluded that there is a reasonable certainty that no harm will result from aggregate exposure to halosulfuron-methyl residues resulting from current and proposed uses.

2. *Infants and children.*—i. *Safety factor.* FFDCA section 408 provides that EPA may apply an additional safety factor (up to 10) in the case of threshold effects for infants and children to account for pre-natal and post-natal toxicity and the completeness of the data base. Except for the pending request for a developmental neurotoxicity study, the toxicity data base is complete for halosulfuron-methyl. Based upon reliable toxicity data, the use of an additional 10x safety factor is not warranted. Dietary assessments do not indicate a level of concern for potential risks to infants and children based upon the low use rates of halosulfuron-methyl and that the results of field and animal RAC studies conclude that detectable residues are not expected in human foods.

ii. *Acute risk.* The acute RfD was determined to be 0.5 mg/kg/day based upon the developmental rabbit study. The percent of the RfD occupied is 2.9% for the most sensitive population subgroup, nursing infants (<1 year). The drinking water level of comparison (DWLOC) for acute exposure for infants and children is 5,000 µg/L and is significantly greater than the maximum concentration of halosulfuron-methyl in drinking water (0.008 µg/L in ground water and 4.3 µg/L in surface water).

iii. *Chronic risk.* The chronic RfD was determined to be 0.1 mg/kg/day based upon the chronic dog study. The percent of RfD occupied is 0.9% for the most sensitive subgroup, children (1–6 years old). The DWLOC for chronic exposure for infants and children is 1,000 µg/L and is significantly greater than the maximum concentration of halosulfuron-methyl in drinking water (0.008 µg/L in ground water and 1.1 µg/L in surface water).

iv. *Short-term and intermediate-term risk.* An aggregate exposure estimate and risk assessment was calculated for post-application exposure to halosulfuron-methyl from treated lawns. Short-term MOEs for food, residential oral, and residential dermal are 55,600, 4,900, and 420, respectively, for infants and children. Intermediate-term MOEs for food, residential oral, and residential dermal are 11,100, 1,500, and 130, respectively, for children and infants. The short-term and intermediate-term DWLOCs for infants and children were 3,700 and 160 mu;g/L, respectively, which are substancially higher than the

DWECs for acute surface water (4.3 μg/L) and chronic surface water (1.1 μg/L).

v. *Conclusion.* Therefore, based on complete and reliable toxicity data and the conservative exposure assessment, Gowan concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to halosulfuron-methyl residues with respect to the proposed new uses.

F. International Tolerances

Maximum residue levels have not been established for residues of halosulfuron-methyl on any food or feed crop by the Codex Alimentarius Commission.

[FR Doc. 01–22024 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Meeting of the Advisory Committee on Minority Health

AGENCY: Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice is given of the third meeting.

The Advisory Committee on Minority Health will meet on Thursday, September 20, 2001 from 9 a.m. to 5 p.m., and Friday, September 21, 2001, from 8:30 a.m.–3 p.m. The meeting will be held at the Holiday Inn Georgetown, Mirage I Room, 2101 Wisconsin Avenue, NW., Washington, DC.

The Advisory Committee will discuss racial and ethnic disparities in health, as well as, other related issues.

The meeting is open to the public. There will be an opportunity for public comment which will be limited to five minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least two business days prior to the meeting.

For further information, please contact Ms. Patricia Norris, Office of Minority Health, Rockwall II Building, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852. Phone: 301–443–5084 Fax: 301–594–0767.

Dated: August 23, 2001.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 01–21976 Filed 8–30–01; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Publication of the Executive Summary of the report, ''Ethical and Policy Issues in Research Involving Research Participants'', by the National Bioethics Advisory Commission (NBAC)

SUPPLEMENTARY INFORMATION: The President established the National Bioethics Advisory Commission (NBAC) on October 3, 1995 by Executive Order 12975 as amended. The functions of NBAC are as follows:

(a) Provide advice and make recommendations to the National Science and Technology Council and to other appropriate government entities regarding the following matters:

(1) The appropriateness of departmental, agency or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior; and

(2) applications, including the clinical applications, of that research.

(b) Identify broad principles to govern the ethical conduct of research, citing specific projects only as illustrations for such principles.

(c) Shall not be responsible for the review and approval of specific projects.

(d) In addition to responding to requests for advice and recommendations from the National Science and Technology Council, NBAC also may accept suggestions of issues for consideration from both the Congress and the public. NBAC may also identify other bioethical issues for the purpose of providing advice and recommendations, subject to the approval of the National Science and Technology Council. The members of NBAC are as follows:

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Ethical and Policy Issues in Research Involving Human Participants; Summary

Protecting Research Participants—A Time for Change

Introduction

Protecting the rights and welfare of those who volunteer to participate in research is a fundamental tenet of ethical research. A great deal of progress has been made in recent decades in changing the culture of research to incorporate more fully this ethical responsibility into protocol design and implementation. In the 1960s and 1970s, a series of scandals concerning social science research and medical research conducted with the sick and the illiterate underlined the need to systematically and rigorously protect individuals in research (Beecher 1966; Faden and Beauchamp 1986; Jones 1981; Katz 1972; Tuskegee Syphilis Study Ad Hoc Advisory Panel 1973). However, the resulting system of protections that evolved out of these rising concerns—although an improvement over past practices—is no longer sufficient. It is a patchwork arrangement associated with the receipt of federal research funding or the regulatory review and approval of new drugs and devices. In addition, it depends on the voluntary cooperation of investigators, research institutions, and professional societies across a wide array of research disciplines. Increasingly, the current system is being viewed as uneven in its ability to simultaneously protect the rights and welfare of research participants and promote ethically responsible research.

Research involving human participants has become a vast academic and commercial activity, but this country's system for the protection of human participants has not kept pace with that growth. On the one hand, the system is too narrow in scope to protect all participants, while on the other hand, it is often so unnecessarily bureaucratic that it stifles responsible research. Although some reforms by particular federal agencies and professional societies are under way,[1] it will take the efforts of both the executive and legislative branches of government to put in place a streamlined, effective, responsive, and comprehensive system that achieves the protection of all human participants and encourages ethically responsible research.

Clearly, scientific investigation has extended and enhanced the quality of life and increased our understanding of ourselves, our relationships with others,

and the natural world. It is one of the foundations of our society's material, intellectual, and social progress. For many citizens, scientific discoveries have alleviated the suffering caused by disease or disability. Nonetheless, the prospect of gaining such valuable scientific knowledge need not and should not be pursued at the expense of human rights or human dignity. In the words of philosopher Hans Jonas, ''progress is an optional goal, not an unconditional commitment, and . . . its tempo . . . compulsive as it may become, has nothing sacred about it'' (Jonas 1969, 245).

Since the 1974 formation of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research and the activities in the early 1980s of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, American leaders have consistently tried to enhance the protections for human research participants. The research community has, in large part, supported the two essential protections for human participants: independent review of research to assess risks and potential benefits and an opportunity for people to voluntarily and knowledgeably decide whether to participate in a particular research protocol.

The charter of the National Bioethics Advisory Commission (NBAC), a presidential commission created in 1995, makes clear the Commission's focus: ''As a first priority, NBAC shall direct its attention to consideration of protection of the rights and welfare of human research subjects.'' In our first five years, we focused on several issues concerning research involving human participants, issuing five reports and numerous recommendations that, when viewed as a whole, reflect our evolving appreciation of the numerous and complex challenges facing the implementation and oversight of any system of protections.[2] The concerns and recommendations addressed in these reports reflect our dual commitment to ensuring the protection of those who volunteer for research while supporting the continued advance of science and understanding of the human condition. This report views the oversight system as a whole, provides a rationale for change, and offers an interrelated set of recommendations to improve the protection of human participants and enable the oversight system to operate more efficiently.

Respecting Research Participants

Whether testing a new medical treatment, interviewing people about their personal habits, studying how people think and feel, or observing how they live within groups, research seeks to learn something new about the human condition. Unfortunately, history has also demonstrated that researchers sometimes treat participants not as persons but as mere objects of study. As Jonas observed: ''Experimentation was originally sanctioned by natural science. There it is performed on inanimate objects, and this raises no moral questions. But as soon as animate, feeling beings become the subject of experiment * * * this innocence of the search for knowledge is lost and questions of conscience arise'' (Jonas 1969, 219).

How, then, should people be studied? For over half a century, since the revelations of medical torture under the guise of medical experimentation were described at the Nuremberg Trials,[3] it has been agreed that people should participate in research only when the study addresses important questions, its risks are justifiable, and an individual's participation is voluntary and informed.

The principles underlying the Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research (Belmont Report) (National Commission 1979) have served for over 20 years as a leading source of guidance regarding the ethical standards that should govern research with human participants in the United States. The Belmont Report emphasized that research must respect the autonomy of participants, must be fair in both conception and implementation, and must maximize potential benefits while minimizing possible harms. The report's recommendations provided a coherent rationale for the federal policies and rules that created the current U.S. system of decentralized, independent research review coupled with some degree of federal oversight. But although the Belmont Report is rightly hailed as a key source of guidance on informed consent, assessment of risk, and the injustice of placing individuals (and groups) in situations of vulnerability, the principles the report espouses and the regulations adopted as federal policy 20 years ago have often fallen short in achieving their overarching goal of protecting human research participants. Moreover, since the Belmont Report was published, additional concerns have arisen that require much-needed attention today.

Ensuring Independent Review of Risks and Potential Benefits

A central protection for research participants is the guarantee that someone other than the investigator will assess the risks of the proposed research. No one should participate in research unless independent review concludes that the risks are reasonable in relation to the potential benefits. In the United States, the Institutional Review Board, or IRB, has been the principal structure responsible for conducting such reviews.

Independent review of research is essential because it improves the likelihood that decisions are made free from inappropriate influences that could distort the central task of evaluating risks and potential benefits. Certainly, reviewers should not have a financial interest in the work, but social factors may be just as crucial. Reviewers may feel constrained because they are examining the work of their colleagues or their supervisors, and they should not participate in protocol review unless they are able to separate these concerns from their task. All reviewers who themselves are members of the research community should recognize that their familiarity with research and (perhaps) their predilection to support research are factors that could distort their judgment.

Truly independent and sensitive review requires more involvement of individuals drawn from the ranks of potential research participants or those who can adequately represent the interests of potential research participants.

A critical purpose of independent review is to ensure that risks are reasonable in relation to potential personal and societal benefits. This is a precondition to offering people the opportunity to volunteer, since informed consent alone cannot justify enrollment. When reviewed for risks and potential benefits, research studies must be evaluated in their entirety. Studies often include different components, however, and the risks and potential benefits of each should also be examined separately, lest the possibility of great benefit or monetary enticement in one component cause potential participants or IRBs to minimize or overlook risk in another. No matter what potential benefit is offered to individual participants or society at large, the possibility of benefit from one element of a study should not be used to justify otherwise unacceptable elements.

In our view, IRBs should appreciate that for some components of a study, participants might incur risks with no personal potential benefit, for example, when a nondiagnostic survey is included among the components of a psychotherapy protocol or when placebos are given to some participants in a drug trial. For these elements, there

should be some limitation on the amount of social and physical risk that can be imposed, regardless of the participants' willingness to participate or the monetary (or other) enticement being offered. Further, the possibility of some benefit from one element of a study should not be used to justify otherwise unacceptable elements of research whose potential benefits, if any, accrue, solely to society at large. If aspects of a study present unacceptable risks, protocols should not be approved until these elements are eliminated. If removing the risky component would impair the study as a whole, then the entire study should be redesigned so that each of its elements presents risks that are reasonable in relation to potential benefits.

Other parts of studies can obscure risks, such as when standard medical interventions are compared in a patient population, leading some participants and researchers to discount the risks because they are associated with known therapies. It is essential that participants and investigators not be led to believe that participating in research is tantamount to being in a traditional therapeutic relationship. Regardless of whether there is the possibility or even the likelihood of direct benefit from participation in research, such participation still alters the relationship between a professional and the participant by introducing another loyalty beyond that to the participant, to wit, loyalty to doing good science. It is too often forgotten that even though the researchers may consider participants' interests to be important, they also have a serious, and perhaps conflicting, obligation to science.

Years of experience with the current system of independent review have demonstrated that there are enduring questions about how to arrive at such impartial judgments and how to go about deciding when potential benefits justify risks that are incurred solely by participants or the community from which they come. In recent years, increasing strains on the system have undermined the practice of independent review. IRBs are over-burdened by the volume of research coming before them, a strain that is compounded by concerns about training of IRB members and possible conflicts of interest. In addition, the constantly changing nature of research challenges existing notions about what constitutes risks and potential benefits.

Because IRBs are so central to the current oversight system, they need better guidance on how to review and monitor research, how to assess potential benefits to research participants and their communities, and how to distinguish among levels of risk. This report provides such guidance in the following areas: determining the type of review necessary for minimal risk research; ensuring that research participants are able to make voluntary decisions and are appropriately informed prior to giving consent; providing adequate protections for privacy and confidentiality; identifying appropriate measures needed when participants are susceptible to coercion or are otherwise placed in vulnerable situations; and monitoring ongoing research. In addition, the report recommends that IRB members and staff complete educational and certification programs on research ethics before being permitted to review research studies.

Obtaining Voluntary Informed Consent

Even when risks are reasonable, however, no one should participate in research without giving voluntary informed consent (except in the case of an appropriate authorized representative or a waiver). Investigators must make appropriate disclosures and ensure that participants have a good understanding of the information and their choices, not only at the time of enrollment, but throughout the research. Engaging in this process is one of the best ways researchers can demonstrate their concern and respect for those they aim to enroll in a study. It also serves as the best means for those who do not wish to participate to protect themselves.[4]

Recommendations from our previous reports are reinforced in this report, which emphasizes the process of providing information and ensuring comprehension rather than the form of documentation of the decision to give consent. Both the information and the way it is conveyed—while meeting full disclosure requirements—must be tailored to meet the needs of the participants in the particular research context. In addition, documentation requirements must be adapted for varying research settings, and the criteria for deciding when informed consent is not necessary must be clarified so that participants—rights and welfare are not endangered.

The decision to participate in research must not only be informed, it must be voluntary. Even when risks are reasonable and informed consent is obtained, it may nonetheless be wrong to solicit certain people as participants. Those who are not fully capable of resisting the request to become participants—such as prisoners and other institutionalized or otherwise vulnerable persons—should not be enrolled in studies merely because they are easily accessible or convenient. This historic emphasis on protecting people from being exploited as research participants, however, has failed to anticipate a time when, at least for some areas of medical research, people would be demanding to be included in certain studies because they might provide the only opportunity for receiving medical care for life-threatening diseases.

Making Research Inclusive While Protecting Individuals Categorized as Vulnerable

Vulnerable individuals need additional protection in research. Although certain individuals and populations are more vulnerable as human participants than others, people whose circumstances render them vulnerable should not be arbitrarily excluded from research for this reason alone. This includes those viewed as more open to harm (e.g., children), more subject to coercion (e.g., institutionalized persons), more ''complicated'' (e.g., women, who are considered more biologically complicated than men), or more inconvenient (e.g., women with small children, who are viewed as less reliable research participants due to conflicting demands on time). Calling competent people intrinsically ''vulnerable'' can be both insulting and misleading. It is not their gender or other group designation that exposes them to injury or coercion, but rather their situation that can be exploited by ethically unacceptable research. That is, it is their circumstances, which are situational, that create the vulnerability. At other times it is the intrinsic characteristics of the person—for example, children or those with certain mental or developmental disorders—that make them generally vulnerable in the research setting.

The response, whenever possible, should not be to exclude people from research, but instead to change the research design so that it does not create situations in which people are unnecessarily harmed. To do otherwise is to risk developing knowledge that helps only a subset of the population. To the extent that the results are not generalizable, the potential societal benefits that justify doing the research are attenuated. Research participants must be treated equally and with respect. Whenever possible, research should be designed to encourage the participation of all groups while protecting their rights and welfare.

To accomplish this, we recommend that rather than focusing primarily on

categorizing groups as vulnerable, investigators and IRBs should also recognize and avoid situations that create susceptibility to harm or coercion. Such situations may be as varied as patients being recruited by their own physicians; sick and desperate patients seeking enrollment in clinical trials; participants being recruited by those who teach or employ them; or studies involving participants with any characteristic that may make them less likely to receive care and respect from others (e.g., convicted criminals or intravenous drug users). In these circumstances, rather than excluding whole groups of people, researchers should design studies that reduce the risk of exploitation, whether by using a different method of recruitment, by using a recruiter who shares the participants' characteristics, or by some other technique. This is not always easy. It requires researchers to consider carefully their research design and the potential pool of participants. At times, it will mean anticipating that otherwise seemingly benign situations may become more complex because a particular participant or group of participants will be unusually susceptible to harm or manipulation in this situation. At other times, the nature of the vulnerability may require using a different research design. Ethical research does not avoid complexity. Rather, it acknowledges the full range and realities of the human condition.

Compensating for Harms

Despite all these precautions, however, some research participants might be harmed. Participants who are harmed as a direct result of research should be cared for and compensated. This is simple justice. The fact that they offered to participate in no way alters the view that mere decency calls for us to take care of these volunteers. Unfortunately, this is a greater challenge than it might appear. For those who endure harm while participating in research, it is often very difficult to separate injuries traceable to the research from those that stem from the underlying disease or social condition being studied. For others, appropriate care and compensation would be far beyond the means of the researchers, their sponsors, and their institutions. Two decades ago, the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research called for pilot studies of compensation programs—a recommendation that was not pursued. It is time to reconsider the need for some type of compensation program and to explore the possible mechanisms that could be used were one to be adopted. Regardless of individual motives, research participants are providing a service for society, and justice requires that they be treated with great respect and receive appropriate care for any related injuries. It should always be remembered that it is a privilege for any researcher to involve human participants in his or her research.

Establishing a Comprehensive, Effective, and Streamlined System

In the United States, government regulations, professional guidelines, and the general principles highlighted in the Belmont Report (1979) form the basis of the current system of protections. In the earliest stages of adoption, the federal regulations were fragmented and confusing. Even today, they apply to most—but not all—research funded or conducted by the federal government, but have inconsistent and sometimes no direct application to research funded or conducted by state governments, foundations, or industry. They apply to medical drugs and devices and vaccines approved for interstate sale, but not to some medical innovations that would remain wholly within state borders. And they apply to other research only when the investigators and their institutions volunteer to abide by the rules.

A comprehensive and effective oversight system is essential to uniformly protect the rights and welfare of participants while permitting ethically and scientifically responsible research to proceed without undue delay. A fundamental flaw in the current oversight system is the ethically indefensible difference in the protection afforded participants in federally sponsored research and those in privately sponsored research that falls outside the jurisdiction of the Food and Drug Administration (FDA). As a result, people have been subjected to experimentation without their knowledge or informed consent in fields as diverse as plastic surgery, psychology, and infertility treatment. This is wrong. Participants should be protected from avoidable harm, whether the research is publicly or privately financed. We have repeated this assertion throughout our deliberations, and recommendations in this regard appear in four previous reports (NBAC 1997; NBAC 1999a; NBAC 1999b; NBAC 2001).

In this report, we recommend that the protections of an oversight system extend to the entire private sector for both domestic and international research. A credible, effective oversight system must apply to all research, and all people are entitled to the dignity that comes with freely and knowingly choosing whether to participate in research, as well as to protection from undue research risks. This is consistent with our 1997 resolution that no one should be enrolled in research absent the twin protections of independent review and voluntary informed consent.

Even when current protections apply, the interpretation of the federal regulations can vary unpredictably, depending on which federal agency oversees the research. Even the most basic, common elements of the federal rules took a decade to develop into regulations, because there was no single authority within the government to facilitate and demand cooperation and consistency. There still is no such single authority.[5] This has slowed the diffusion of basic protections and made it almost impossible to develop consistent interpretations of the basic protections or those relevant to especially problematic research, such as studies involving children or the decisionally impaired. Nor has there been a unified response to emerging areas of research, such as large-scale work on medical records and social science databases or on stored human biological materials.

Today's research protection system cannot react quickly to new developments. Efforts to develop rules for special situations, such as research on those who can no longer make decisions for themselves, have languished for decades in the face of bureaucratic hurdles, and there is no reason to believe that efforts to oversee other emerging research areas will be any more efficient. In addition, the current system leaves people vulnerable to new, virtually uncontrolled experimentation in emerging fields, such as some aspects of reproductive medicine and genetic research.

Indeed, some areas of research are not only uncontrolled, they are almost invisible. In an information age, poor management of research using medical records, human tissue, or personal interview data could lead to employment and insurance discrimination, social stigmatization, or even criminal prosecution.[6] The privacy and confidentiality concerns raised by this research are real, but the federal response has often been illusory. There is almost no guidance and certainly no coordination on these topics. The time has come to have a single source of guidance for these emerging areas, one that would be better positioned to effect change across all divisions of the government and private sector, as well

as to facilitate development of specialized review bodies, as needed.

In this report we propose a new independent oversight office that would have clear authority over all other segments of the federal government and extend protections to the entire private sector for both domestic and international research. A single office would decide how to introduce consistency or reforms, and only that office would develop mechanisms to provide specialized review when needed. We recognize the challenges to such a proposal. For example, an independent office might lack the political support accorded an existing cabinet-level department. Although assigning one department, such as the Department of Health and Human Services (DHHS), the role of ''first among equals'' would allow it to advocate forcefully for uniform rules across the government, without special provisions it would not have the authority to require other departments to comply, nor is it certain to escape the temptation to develop rules premised on a traditional, biomedical model rather than the wider range of research to be covered.

Federal research protections should be uniform across all government agencies, academe, and the private sector, but they should be flexible enough to be applied in widely different research settings or to emerging areas of research. Furthermore, any central coordinating body should be open to public input, have significant political or legal authority over research involving human participants—whether in the public or private sector—and have the support of the executive and legislative branches of government.

Education as the Key to Promoting Local Responsibility

Currently, federal protections depend on a decentralized oversight system involving IRBs, institutions, investigators, sponsors, and participants. We endorse the spirit and intent of this approach, specifically its contention that the ethical obligation to protect participants lies first with researchers, their sponsors, and the IRBs that review their research. Protecting research participants is a duty that researchers, research institutions, and sponsors cannot delegate completely to others or to the government. In addition, merely adhering to a set of rules and regulations does not fulfill this duty. Rather, it is accomplished by acting within a culture of concern and respect for research participants.

It is unrealistic to think that ethical obligations can be fully met without guidance and resources. To help researchers and IRBs fulfill their responsibilities, the federal government should promote the development of education, certification, and accreditation systems that apply to all researchers, all IRB members and staff, and all institutions. These tools should help researchers craft and IRBs review studies that pose few problems and to know when their work requires special oversight. Today, investigators and IRBs are rightly confused over issues as basic as which areas of inquiry should be reviewed and who constitutes a human participant.

Education is the foundation of the oversight system and is essential to protecting research participants. In all of our reports, we have highlighted the need to educate all those involved in research with human participants, including the public, investigators, IRB members, institutions, and federal agencies. In Cloning Human Beings (1997), we recommended federal support of public education in biomedical sciences that increasingly affect our cultural values. In Research Involving Persons with Mental Disorders That May Affect Decisionmaking Capacity (1998), we called for practice guidelines and ethics education on special concerns regarding this population. In Ethical and Policy Issues in International Research: Clinical Trials in Developing Countries (2001), we recommended measures to help developing countries build their capacity for designing and conducting clinical trials, for reviewing the ethics and science of proposed research, and for using research results after a trial is completed.

In this report, we again acknowledge the inadequacy of educational programs on research ethics in the United States. This deficiency begins at the highest level within the federal oversight system and extends to the local level at individual institutions. We recommend that investigators and IRB members and staff successfully complete educational programs on research ethics and become certified before they perform or review research, that research ethics be taught to the next generation of scientists, and that research ethics be included in continuing education programs.

Clarifying the Scope of Oversight

Many areas of scientific inquiry are ''research,'' and many of these involve human participants, but only some need federal oversight, while others might be better regulated through professional ethics, social custom, or other state and federal law. For example, certain types of surveys and interviews are considered research, but they can be well managed to avoid harms without federal oversight, as the risks are few and participants are well situated to decide for themselves whether to participate. On the other hand, certain studies of medical records, databases, and discarded surgical tissue are often perceived as something other than human research, even when the information retrieved is traceable to an identifiable person. Such research does need oversight to avoid putting people at risk of identity disclosure or discrimination without their knowledge. Federal policies should clearly identify the kinds of research that are subject to review and the types of research participants to whom protections should apply. When research poses significant risks or when its risks are imposed on participants without their knowledge, it clearly requires oversight. However, meaningless or overly rigid oversight engenders disdain on the part of researchers, creates an impossible and pointless workload for IRBs, and deters ethically sound research from going forward.

Ensuring That the Level of Review Corresponds to the Level of Risk

Even within areas of research that need oversight, many individual studies will involve little or no risk to participants. Although current federal policies allow for some distinction between research involving minimal risk and research involving more than minimal risk, the distinction operates mostly in terms of how the research will be reviewed—that is, how procedures are to be followed. But the distinction should be based on how the research is pursued, how the participants are treated, and how the work is monitored over time. Overall, the emphasis should be on knowing how to protect participants rather than on knowing how to navigate research regulations. Instead of focusing so much on the period during which a research design is reviewed, oversight should also include an ongoing system of education and certification that helps researchers to anticipate and minimize research risks. Oversight should also make it easier for researchers to collaborate with their colleagues here and abroad without the burden of redundant reviews. Research review and monitoring should be intensified as the risk and complexity of the research increase and at all times should emphasize protecting participants rather than following rigid rules. In addition, the review process should facilitate rather than hinder collaborative research among institutions and across

national boundaries, provided that participants are protected.

Providing Resources for the Oversight System

Creating a system that protects the rights and welfare of participants and facilitates responsible research demands political and financial support from the federal government as well as the presence of a central coordinating body to provide guidance and oversee education and accreditation efforts. The oversight system should be adequately funded at all levels to ensure that research continues in a manner that demonstrates respect and concern for the interests of research participants.

Summary of Recommendations

This report proposes 30 recommendations for changing the oversight system at the national and local levels to ensure that all research participants receive the appropriate protections. The adoption of these recommendations, which are directed at all who are involved in the research enterprise, will not only lead to better protection for the participants of research, but will also serve to promote ethically sound research while reducing unnecessary bureaucratic burdens. Achieving these goals will, in turn, restore the respect of investigators for the system used to oversee research, support the public's trust in the research enterprise, and enhance public enthusiasm for all research involving human beings.

Scope and Structure of the Oversight System

The entitlements due to all research participants of a prior independent review of risks and potential benefits and the opportunity to exercise voluntary informed consent are the most basic and essential protections for all research participants. However, not all research participants receive these entitlements and not all are protected by the existing oversight system. The commitment to protect participants should not be voluntary, nor should requirements be in place for only some human research. Extending current protections to all research, whether publicly or privately funded, and making uniform all federal regulations and guidance cannot be accomplished within the current oversight system, in which no entity has the authority to act on behalf of all research participants. Thus, to facilitate the extension of the same protections to all humans participating in research, a unified, comprehensive federal policy promulgated and interpreted by a single office is needed.

Recommendation 2.1: The federal oversight system should protect the rights and welfare of human research participants by requiring 1) independent review of risks and potential benefits and 2) voluntary informed consent. Protection should be available to participants in both publicly and privately sponsored research. Federal legislation should be enacted to provide such protection.

Recommendation 2.2: To ensure the protection of the rights and welfare of all research participants, federal legislation should be enacted to create a single, independent federal office, the National Office for Human Research Oversight (NOHRO), to lead and coordinate the oversight system. This office should be responsible for policy development, regulatory reform (see Recommendation 2.3), research review and monitoring, research ethics education, and enforcement.

Recommendation 2.3: A unified, comprehensive federal policy embodied in a single set of regulations and guidance should be created that would apply to all types of research involving human participants (see Recommendation 2.2).

Determining whether particular research activities involving human participants should be subject to a federal oversight system has been a source of confusion for some time. No regulatory definition of covered research can be provided that has the sensitivity and specificity required to ensure that all research activities that include human participants that should be subject to oversight are always included and all activities that should be excluded from oversight protections are always excluded. Clarification and interpretation of the definition of what constitutes research involving human participants will invariably be required if the oversight system is to work effectively and efficiently. Moreover, there will always be cases over which experts disagree about the research status of a particular activity. One of the important leadership roles the proposed oversight office should fulfill is that of providing guidance on determining whether an activity is research involving human participants and is therefore subject to oversight.

Recommendation 2.4: Federal policy should cover research involving human participants that entails systematic collection or analysis of data with the intent to generate new knowledge. Research should be considered to involve human participants when individuals (1) are exposed to manipulations, interventions, observations, or other types of interactions with investigators or (2) are identifiable through research using biological materials, medical and other records, or databases. Federal policy also should identify those research activities that are not subject to federal oversight and outline a procedure for determining whether a particular study is or is not covered by the oversight system.

The proposed federal office should initiate a process in which representatives from various disciplines and professions (e.g., social science, humanities, business, public health, and health services) contribute to the development of the definition and the list of research activities subject to the oversight system.

Level of Review

Although the definition of research involving human participants should be applied to all disciplines, the risks differ both qualitatively and quantitatively across the spectrum of research. Therefore, the oversight system should ensure that all covered research is subject to basic protections'such as a process of informed consent'with the exceptions of the specified conditions for which these protections can be waived, including protection of privacy and confidentiality and minimization of risks. Because the proposed oversight system may include more research activities, it is more critical than ever that review mechanisms and criteria for various types of research are suited to the nature of the research and the likely risks involved. More specific guidance is needed for review of different types of research, including appropriate review criteria and IRB composition. For example, procedures other than full board review could be used for minimal risk research, and national level reviews could supplement local IRB review of research involving novel or controversial ethical issues.

Recommendation 2.5: Federal policy should require research ethics review that is commensurate with the nature and level of risk involved. Standards and procedures for review should distinguish between research that poses minimal risk and research that poses more than minimal risk. Minimal risk should be defined as the probability and magnitude of harms that are normally encountered in the daily lives of the general population (see Recommendation 4.2). In addition, the federal government should facilitate the creation of special, supplementary review bodies for research that involves novel or controversial ethical issues.

Education, Certification, and Accreditation

Protecting the rights and welfare of research participants is the major ethical obligation of all parties involved in the oversight system, and to provide these protections, all parties must be able to demonstrate competence in research ethics'that is, conducting, reviewing, or overseeing research involving human participants in an ethically sound manner. Such competence entails not only being knowledgeable about relevant research ethics issues and federal policies, but also being able to identify, disclose, and manage conflicting interests for institutions, investigators, or IRBs. Finally, the oversight system must include a sufficiently robust monitoring process to provide remedies for lapses by institutions, IRBs, and investigators.

Recommendation 3.1: All institutions and sponsors engaged in research involving human participants should provide educational programs in research ethics to appropriate institutional officials, investigators, Institutional Review Board members, and Institutional Review Board staff. Among other issues, these programs should emphasize the obligations of institutions, sponsors, Institutional Review Boards, and investigators to protect the rights and welfare of participants. Colleges and universities should include research ethics in curricula related to research methods, and professional societies should include research ethics in their continuing education programs.

Recommendation 3.2: The federal government, in partnership with academic and professional societies, should enhance research ethics education related to protecting human research participants and stimulate the development of innovative educational programs. Professional societies should be consulted so that educational programs are designed to meet the needs of all who conduct and review research.

Educating all parties in research ethics and human participant protections is effective only when it results in the necessary competence for designing and conducting ethically sound research, including analyzing, interpreting, and disseminating results in an ethically sound manner. Such competence, however, cannot be assumed to follow from exposure to an educational course or program. As the complexion of research continues to change and as technology advances, new and challenging ethical dilemmas will emerge. And, as more people become involved in research as investigators or in roles that are specifically related to oversight, it becomes increasingly important for all parties to be able to demonstrate competence in the ethics of research involving human participants.

Although accreditation and certification do not always guarantee the desired outcomes, these programs, which generally involve experts and peers developing a set of standards that represents a consensus of best practices, can be helpful in improving performance. Therefore, the choice of standards for these programs and the criteria for evaluating whether an institution has met them are critically important. Accreditation and certification programs should emphasize providing education and assuring that appropriate protections are in place, while avoiding excessively bureaucratic procedures.

Recommendation 3.3: All investigators, Institutional Review Board members, and Institutional Review Board staff should be certified prior to conducting or reviewing research involving human participants. Certification requirements should be appropriate to their roles and to the area of research. The federal government should encourage organizations, sponsors, and institutions to develop certification programs and mechanisms to evaluate their effectiveness. Federal policy should set standards for determining whether institutions and sponsors have an effective process of certification in place.

Recommendation 3.4: Sponsors, institutions, and independent Institutional Review Boards should be accredited in order to conduct or review research involving human participants. Accreditation should be premised upon demonstrated competency in core areas through accreditation programs that are approved by the federal government.

Assessing and Monitoring Compliance

Assessing institutional, IRB, and investigator compliance can help to ensure that standards are being followed consistently. Current mechanisms for assessment include assurances of compliance issued by DHHS and several other federal departments, site inspections of IRBs conducted by FDA, other types of site inspections for participant protection, and institutional audits. In addition, some institutions have established ongoing mechanisms for assessing investigator compliance with regulations. However, institutions vary considerably in their efforts and abilities to monitor investigator compliance, from those that have no monitoring programs to those that conduct random audits. Assessing the behavior of investigators is an important part of protecting research participants and should be taken seriously as a responsibility of each institution. Investigators, IRBs, and institutions should discuss the many practical issues involved in monitoring investigators as they conduct their research studies and provide input into the regulatory process.

Recommendation 3.5: The process for assuring compliance with federal policy should be modified to reduce any unnecessary burden on institutions conducting research and to register institutions and Institutional Review Boards with the federal government. The assurance process should not be duplicative of accreditation programs for institutions (see Recommendation 3.4).

Recommendation 3.6: Institutions should develop internal mechanisms to ensure Institutional Review Board compliance and investigator compliance with regulations, guidance, and institutional procedures. Mechanisms should be put in place for reporting noncompliance to all relevant parties.

Managing Conflicts of Interest

A research setting that involves human participants necessarily creates a conflict of interest for investigators who seek to develop or revise knowledge by enrolling individuals in research protocols to obtain that knowledge. Overzealous pursuit of scientific results could lead to harm if, for example, investigators design research studies that pose unacceptable risks to participants, enroll participants who should not be enrolled, or continue studies even when results suggest they should have been modified or halted. Conflicts of interest can also exist for IRB members or the institutions in which the research will be conducted. Thus, it is important to address prospectively the potentially harmful effects on participants that conflicts of interest might cause.

Organizations, particularly academic institutions, should become more actively involved in managing investigators' and IRB members' conflicts of interest and increase their efforts for self-regulation in this arena. IRB review of research studies is one method for identifying and dealing with conflicts of interest that might face investigators. By having IRBs review research studies prospectively and follow an IRB-approved protocol, investigators and IRBs together can manage conflict between the investigators' desire to advance scientific knowledge and to protect the

rights and welfare of research participants. Financial and other obvious conflicts for IRB members, such as collaboration in a research study, are often less difficult to identify and manage than some of the more subtle and pervasive conflicts. Guidance should be developed to assist IRBs in identifying various types of conflict.

Recommendation 3.7: Federal policy should define institutional, Institutional Review Board, and investigator conflicts of interest, and guidance should be issued to ensure that the rights and welfare of research participants are protected.

Recommendation 3.8: Sponsors and institutions should develop policies and mechanisms to identify and manage all types of institutional, Institutional Review Board, and investigator conflicts of interest. In particular, all relevant conflicts of interest should be disclosed to participants. Policies also should describe specific types of prohibited relationships.

IRB Membership

Appropriate composition of IRB membership ensures that research studies are reviewed with the utmost regard for protecting the rights and welfare of research participants. Current federal regulations require that each IRB have ''at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution'' (45 CFR 46.107(d); 21 CFR 56.107(d)). The regulations also require that each IRB include ''at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.'' Some have raised the concern of whether only 1 unaffiliated member on an IRB is sufficient to avoid institutional influence, especially when IRBs have 15 to 21 members on average. In addition, unaffiliated members do not have to be present for an IRB to conduct review and approve research studies. Thus, IRBs can approve research with only institutional representation present as long as a nonscientist and a quorum are also present. IRBs should strive to complement their membership by having clearly recognizable members who are unaffiliated with the institutions, members who are nonscientists, and members who represent the perspectives of participants. However, it is difficult to require that IRBs increase the presence and participation of more unaffiliated members to reduce the influence of institutional interests on IRB decisionmaking, because finding them can be difficult. Currently, there are no rules or guidance that describe criteria for meeting the definition of an unaffiliated member, that specify how long such members should serve, or that provide guidance regarding under what circumstances they may be removed or what payment should be provided. Institutions should be careful to select unaffiliated members who are truly separated from the institution, except for their role on the IRB. Procedures for the selection and removal of unaffiliated members should be established in a way that empowers the independent voices of those members. In addition, providing reasonable payment to IRB members who are otherwise unaffiliated with the institution can be a valuable way to strengthen these members' role.

Recommendation 3.9: Federal policy should establish standards and criteria for the selection of Institutional Review Board members. The distribution of Institutional Review Board members with relevant expertise and experience should be commensurate with the types of research reviewed by the Institutional Review Board (see Recommendation 3.10).

Recommendation 3.10: Institutional Review Boards should include members who represent the perspectives of participants, members who are unaffiliated with the institution, and members whose primary concerns are in nonscientific areas. An individual can fulfill one, two, or all three of these categories. For the purposes of both overall membership and quorum determinations 1) these persons should collectively represent at least 25 percent of the Institutional Review Board membership and 2) members from all of these categories should be represented each time an Institutional Review Board meets (see Recommendation 3.9).

Guidance for Assessing Risks and Potential Benefits

In addition to protecting the rights and welfare of research participants, it is equally important to protect them from avoidable harm. Thus, an IRB's assessment of the risks and potential benefits of research is central to determining whether a research study is ethically acceptable. Yet, this assessment can be a difficult one to make, as there are no clear criteria for IRBs to use in judging whether the risks of research are reasonable in terms of what might be gained by the individual or society. IRBs should be able to identify whether a clear and direct benefit to society or the research participants might result from participating in the study. However, IRBs should be cautious in classifying procedures as offering the prospect of direct benefit. In fact, if it is not clear that a procedure also offers the prospect of direct benefit, IRBs should treat the procedure as one solely designed to answer the research question(s). A major advantage of this approach is that it avoids justifying the risks of procedures that are designed solely to answer the research question(s) based on the likelihood that another procedure in the protocol would provide a benefit.

Recommendation 4.1: An analysis of the risks and potential benefits of study components should be applied to all types of covered research (see Recommendation 2.4). In general, each component of a study should be evaluated separately, and its risks should be both reasonable in themselves as well as justified by the potential benefits to society or the participants. Potential benefits from one component of a study should not be used to justify risks posed by a separate component of a study.

Minimal Risk

Determining whether a study poses more than minimal risk is a central ethical and procedural function of the IRB. The definition of minimal risk in federal regulations (45 CFR 46.102(i); 21 CFR 56.102(i)) provides an ambiguous standard by which risks involved in a research study are compared to those encountered in daily life. However, it is unclear whether this applies to those risks found in the daily lives of healthy individuals or those of individuals who belong to the group targeted by the research. If it refers to the individuals to be involved in the research, then the same intervention could be classified as minimal risk or greater than minimal risk, depending on the health status of those participants and their particular experiences. According to this understanding, the standard for minimal risk is a relative one.

This report recommends that IRBs use a standard related to the risks of daily life that are familiar to the general population for determining whether the level of risk is minimal or more than minimal, rather than using a standard that refers to the risks encountered by particular persons or groups. These common risks would include, for example, driving to work, crossing the street, getting a blood test, or answering questions over the telephone. Thus, research would involve no more than minimal risk when it is judged that the level of risk is no greater than that encountered in the daily lives of the general population.

Recommendation 4.2: Federal policy should distinguish between research

studies that pose minimal risk and those that pose more than minimal risk (see Recommendation 2.5). Minimal risk should be defined as the probability and magnitude of harms that are normally encountered in the daily lives of the general population. If a study that would normally be considered minimal risk for the general population nonetheless poses higher risk for any prospective participants, then the Institutional Review Board should approve the study only if it has determined that appropriate protections are in place for all prospective participants.

Evaluating Vulnerability

All segments of society should have the opportunity to participate in research, if they wish to do so and if they are considered to be appropriate participants for a given protocol. However, some individuals may need additional protections before they can fully participate in the research study; otherwise they might be more susceptible to coercion or exploitation. Individuals might be considered vulnerable within the research context because of intrinsic characteristics (e.g., they are children or have mental illness or retardation) or because of the situation in which they find themselves (e.g., they are impoverished, unemployed, or incarcerated). Recognizing various types of vulnerability and providing adequate safeguards can prove challenging for IRBs.

Appropriate and specific safeguards should be established to protect persons who are categorized as vulnerable. Once safeguards are established, investigators should not exclude persons categorized as vulnerable from research involving greater than minimal risk because this would deprive them of whatever potential direct benefits they might receive from the research and deprive their communities and society from the benefit of the knowledge such research might generate.

Recommendation 4.3: Federal policy should promote the inclusion of all segments of society in research. Guidance should be developed on how to identify and avoid situations that render some participants or groups vulnerable to harm or coercion. Sponsors and investigators should design research that incorporates appropriate safeguards to protect all prospective participants.

Emphasizing the Informed Consent Process

Rather than focusing on the ethical standard of informed consent and what is entailed in the process of obtaining informed consent, IRBs and investigators have followed the lead of the federal regulations and have tended to focus on the disclosures found in the consent form. However, from an ethics perspective, the informed consent process, not the form of its documentation, is the critical communication link between the prospective participant and the investigator throughout a study, beginning when the investigator initially approaches the participant. Informed consent should be an active process through which both parties share information and during which the participant at any time can freely decide whether to withdraw from or continue to participate in the research. It is time to place the emphasis on the process of informed consent to ensure that information is fully disclosed, that competent participants fully understand the research in order to make informed choices, and that decisions to participate or not are always made voluntarily.

Recommendation 5.1: Federal policy should emphasize the process of informed consent rather than the form of its documentation and should ensure that competent participants have given their voluntary informed consent. Guidance should be issued about how to provide appropriate information to prospective research participants, how to promote prospective participants' comprehension of such information, and how to ensure that participants continue to make informed and voluntary decisions throughout their involvement in the research.

Waiver of Informed Consent

Obtaining voluntary informed consent should not be a requirement for every research study. In fact, waiving the informed consent process is justifiable in research studies that include no interaction between investigators and participants, such as in studies using existing identifiable data (e.g., studies of records) and in studies in which risks generally are not physical. In these kinds of research, risks are likely to arise from the acquisition, use, or dissemination of information resulting from the study and are likely to involve threats to privacy and breaches in confidentiality. The criteria for waiving informed consent in such instances should be revised, so that if such studies have protections in place for both privacy and confidentiality, IRBs may waive the requirement for informed consent.

Recommendation 5.2: Federal policy should permit Institutional Review Boards in certain, limited situations (e.g., some studies using existing identifiable data or some observational studies) to waive informed consent requirements if all of the following criteria are met:

(a) All components of the study involve minimal risk or any component involving more than minimal risk must also offer the prospect of direct benefit to participants;

(b) The waiver is not otherwise prohibited by state, federal, or international law;

(c) There is an adequate plan to protect the confidentiality of the data;

(d) There is an adequate plan for contacting participants with information derived from the research, should the need arise; and

(e) In analyzing risks and potential benefits, the Institutional Review Board specifically determines that the benefits from the knowledge to be gained from the research study outweigh any dignitary harm associated with not seeking informed consent.

Documentation of Informed Consent

Although the federal regulations may have been intended to reflect a legal standard for documentation of informed consent, NBAC is aware of no case law in which a signed, written consent form is required. To fulfill the substantive ethical standard of informed consent, depending on the type of research proposed, it may be more appropriate to use other forms of documentation, such as audiotape, videotape, witnesses, or telephone calls to participants verifying informed consent and participation in the research study.

Recommendation 5.3: Federal policy should require investigators to document that they have obtained voluntary informed consent, but should be flexible with respect to the form of such documentation. Especially when individuals can easily refuse or discontinue participation, or when signed forms might threaten confidentiality, Institutional Review Boards should permit investigators to use other means of verifying that informed consent has been obtained.

Protecting Privacy and Confidentiality

Privacy and confidentiality are complex and poorly understood concepts in the context of some research. Privacy refers to the ways and circumstances under which investigators access information from participants. Because privacy concerns vary by type and context of research and the culture and individual circumstances of participants, investigators should be well informed

and mindful of the cultural norms of the participants. In addition, investigators should be aware of the various research procedures and methods that can be used to respect privacy. Needed is a clear, comprehensive regulatory definition of privacy along with guidance for protecting privacy in various types of research.

Like privacy concerns, concerns about confidentiality vary by the type and context of the research. No one set of procedures can be developed to protect confidentiality in all research contexts. Thus, IRBs and investigators must tailor confidentiality protections to the specific circumstances and methods used in each specific research study. Further, IRBs and investigators are encouraged to consider the use of strong confidentiality protections, which can also reduce some of the violations associated with privacy. A clear, comprehensive definition of confidentiality is needed, along with guidance for protecting confidentiality in various types of research.

Recommendation 5.4: Federal policy should be developed and mechanisms should be provided to enable investigators and institutions to reduce threats to privacy and breaches of confidentiality. The feasibility of additional mechanisms should be examined to strengthen confidentiality protections in research studies.

Monitoring of Ongoing Research

Continual review and monitoring of research that is in progress is a critical element of the oversight system. Such review is necessary to ensure that emerging data or evidence have not altered the risks/potential benefits assessment so that risks are no longer reasonable. In addition, mechanisms are needed to monitor adverse events, unanticipated problems, and changes to the protocol. IRBs can do a better job in this area with the appropriate guidance and some restructuring of the review and monitoring process.

Currently, the requirement of continuing review is overly broad. The frequency and need for continuing review vary depending on the nature of research, with some protocols not requiring continuing review. In research involving high or unknown risks, the first few trials of a new intervention may substantially affect what is known about the risks and potential benefits of that intervention. Even if the knowledge does not warrant changes in study design, it may warrant changes in the information presented to prospective and enrolled participants.

On the other hand, the ethics issues and participant protections necessary in minimal risk research are unlikely to be affected by developments from within or outside the research—for example, research involving the use of existing data or research that will no longer involve contact with participants because it is in the data analysis phase.

Continuing review of such research should not be required because it is unlikely to provide any additional protection to research participants and merely increases the burden of IRBs. However, because minimal risk research does involve some risk, IRBs may choose to require continuing review. In these cases, other types of monitoring may be more appropriate, such as assessing investigator compliance with the approved protocol or reporting of protocol changes and unanticipated problems. Clarifying the nature of the continuing review requirements would allow IRBs to better focus their efforts on reviewing riskier research and would increase protections for participants where they are most needed.

Recommendation 6.1: Federal policy should describe how sponsors, institutions, and investigators should monitor ongoing research.

Recommendation 6.2: Federal policy should describe clearly the requirements for continuing Institutional Review Board review of ongoing research. Continuing review should not be required for research studies involving minimal risk, research involving the use of existing data, or research that is in the data analysis phase when there is no additional contact with participants. When continuing review is not required, other mechanisms should be in place for ensuring compliance of investigators and for reporting protocol changes or unanticipated problems encountered in the research.

Recommendation 6.3: Federal policy should clarify when changes in research design or context require review and new approval by an Institutional Review Board.

Adverse Event Reporting

Assessing adverse events reports can be a major burden for IRBs and investigators because of the high volume and ambiguous nature of such events and the complexity of the pertinent regulatory requirements. Investigators have reported frustration in attempting to understand what constitutes an adverse event, the required reporting times, and to whom adverse events should be reported. The regulations need to be simplified, and one set of regulations should be available for safety monitoring. Regulations and guidance should be written so that investigators and sponsors understand what constitutes an adverse event, what type of event must be reported within what time period, and to whom it should be reported. In addition, regulations and guidance should be clear regarding whose responsibility it is to analyze and evaluate adverse event reports and should describe the required communication and coordination channels for these reports among IRBs and safety monitoring entities, such as Data Safety Monitoring Boards, investigators, sponsors, and federal agencies.

Recommendation 6.4: The federal government should create a uniform system for reporting and evaluating adverse events occurring in research, especially in multi-site research. The reporting and evaluation responsibilities of investigators, sponsors, Institutional Review Boards, Data Safety Monitoring Boards, and federal agencies should be clear and efficient. The primary concern of the reporting system should be to protect current and prospective research participants.

Review of Cooperative or Multi-Site Research Studies

One of the greatest burdens on IRBs and investigators is the review of multi-site studies. Requiring multiple institutions to review the same protocol is unnecessarily taxing and provides no additional protection to participants. In addition, such review poses problems in the initial stages of review as well as in the continual review and monitoring stages and is especially problematic in the evaluation of adverse events in clinical research. Innovative and creative alternative mechanisms and processes for reviewing protocols in multi-site research are needed. To allow for such projects and to support a change in the current system toward a more flexible review system, federal policy should be clear about the functions that must be performed, but be less restrictive about who performs each function.

Recommendation 6.5: For multi-site research, federal policy should permit central or lead Institutional Review Board review, provided that participants' rights and welfare are rigorously protected.

Compensation for Research-Related Injuries

Participants who volunteer to be in a research study and are harmed as a direct result of that study should be cared for and compensated. However, no adequate database exists that describes the number of injuries or illnesses that are suffered by research

participants, the proportion of these illnesses or injuries that are caused by the research, and the medical treatment and rehabilitation expenses that are subsequently borne by the participants. It may be argued that regardless of the magnitude of the problem, the costs of research injuries should never be borne by participants. If individuals are injured by research participation, those who benefit from the research (e.g., institutions and sponsors) bear some obligation to compensate those who risked and suffered injury on their behalf. At this time, injured research participants alone bear both the cost of lost health and the expense of medical care, unless they have adequate health insurance or successfully pursue legal action to gain compensation from the specific individuals or organizations that were involved in conducting the research.

A comprehensive system of oversight of human research should include a mechanism to compensate participants for medical and rehabilitative costs resulting from research-related injuries.

Recommendation 6.6: The federal government should study the issue of research-related injuries to determine if there is a need for a compensation program. If needed, the federal government should implement the recommendation of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (1982) to conduct a pilot study to evaluate possible program mechanisms.

The Need for Resources

Adopting the recommendations made in this report will generate additional costs for institutions, sponsors, and the federal government (through the establishment of a new federal oversight office). Sponsors of research, whether public or private, should work together with institutions carrying out the research to make the necessary funds available.

Recommendation 7.1: The proposed oversight system should have adequate resources to ensure its effectiveness and ultimate success in protecting research participants and promoting research:

(a) Funds should be appropriated to carry out the functions of the proposed federal oversight office as outlined in this report.

(b) Federal appropriations for research programs should include a separate allocation for oversight activities related to the protection of human participants.

(c) Institutions should be permitted to request funding for Institutional Review Boards and other oversight activities.

(d) Federal agencies, other sponsors, and institutions should make additional funds available for oversight activities.

Future Research

This report raises many questions about ethical issues that cannot be answered because of insufficient or nonexistent empirical evidence. Current thinking about ethical issues in research—such as analysis of risks and potential benefits, informed consent, privacy and confidentiality, and vulnerability—would greatly benefit from additional research. Deserving of more study, for example, are questions regarding the development of effective approaches for assessing cognitive capacity, for evaluating what participants want to know about research, and for determining how to ascertain best practices for seeking informed consent. Clearer and more effective guidance could be developed from a stronger knowledge base. In general, understanding the ethical conduct of research would be advanced by increased interdisciplinary discussion that would include biomedical and social scientists, lawyers, and historians.

Recommendation 7.2: The federal government, in partnership with academic institutions and professional societies, should facilitate discussion about emerging human research protection issues and develop a research agenda that addresses issues related to research ethics.

Notes

1. For example, the Office for Human Research Protections is implementing a new process by which institutions assure future compliance with human participant protections. The Institute of Medicine has recently issued a report on accreditation standards for IRBs (IOM 2001). Public Responsibility in Medicine and Research has established training programs and has co-founded a new organization, the Association for the Accreditation of Human Research Protection Programs.

2. To date, NBAC has issued five reports: Cloning Human Beings (NBAC 1997), Research Involving Persons with Mental Disorders That May Affect Decisionmaking Capacity (NBAC 1998), Ethical Issues in Human Stem Cell Research (NBAC 1999a), Research Involving Human Biological Materials: Ethical Issues and Policy Guidance (NBAC 1999b), and Ethical and Policy Issues in International Research: Clinical Trials in Developing Countries (NBAC 2001).

3. United States v. Karl Brandt et al., Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law 10. Nuremberg, October 1946—April 1949. Volumes I–II. Washington, DC: U.S. Government Printing Office.

4. There are, of course, some circumstances in which consent cannot be obtained and in which an overly rigid adherence to this principle would preclude research that is either benign or potentially needed by the participant him or herself. Thus, NBAC endorses the current exceptions for research that is of minimal risk to participants and for potentially beneficial research in emergency settings where no better alternative for the participants exists. NBAC also urges attention to emerging areas of record, database, and tissue bank research in which consent serves only as a sign of respect and in which alternative ways to respect participants do exist (NBAC 1999b; 21 CFR 50.24). In a previous report, the Commission made recommendations regarding persons who lack decisionmaking capacity and from whom informed consent cannot be obtained (NBAC 1998).

5. Porter, J., Testimony before NBAC. November 23, 1997. Bethesda, Maryland. See McCarthy, C.R., ''Reflections on the Organizational Locus of the Office for Protection from Research Risks.'' This background paper was prepared for NBAC and is available in Volume II of this report.

6. See Goldman, J., and A. Choy, ''Privacy and Confidentiality in Health Research'' and Sieber, J., ''Privacy and Confidentiality: As Related to Human Research in Social and Behavioral Science.'' These background papers were prepared for NBAC and are available in Volume II of this report. See also Ferguson v. City of Charleston 121 S. Ct. 1281. (2001).

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FOR FURTHER INFORMATION ABOUT THE REPORT CONTACT: Marjorie A. Speers, Ph.D., Acting Executive Director, National Bioethics Advisory Commission, or to obtain copies of the report contact the NBAC office at 6705 Rockledge Drive, Suite 700, Bethesda, Maryland 20892–7979, telephone number (301) 402–4242, fax number (301) 480–6900. Copies may also be obtained through the NBAC website: www.bioethics.gov.

Dated: August 27, 2001.

Glen D. Drew,

Acting Executive Director, National Bioethics Advisory Commission

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–01–59]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Preventive Health and Health Services Block Grant, Annual Application and Reports (OMB #0920–0106)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC). In 1994, OMB approved the collection of information provided in the grant applications and annual reports for the Preventive Health and Health Services (PHHS) Block Grant (OMB #0920–0106). This approval expires on November 30, 2001. CDC is requesting OMB clearance for this legislatively mandated information collection until November 30, 2004. The request is to approve the development and adherence to *Healthy People 2010,* the Nation's Health Objectives which was released the Spring of 2000. The PHHS block grant is mandated according to section 1904 to adhere to the Healthy People framework, therefore, the current application and report format was restructured to coincide with 2010.

This information collected through the applications from the official State health agencies is required from section 1905 of the Public Health Service Act. There is a slight change in the proposed information collection from previous years. The changes include more program specific information and the relationship of block funded activities to program strategy. The information collected from the annual reports is required by section 1906. The development of a PHHS block grant web page with data web links from existing federal databases will be used to coincide with the collection of uniform data for the annual report. The availability to collect data through internet accessibility will allow for a more streamlined and efficient use of data processing by the states and will reduce the states burden of duplicate reporting on outcome and risk factor data. The cost to respondents is estimated at $25 per burden hour, a total cost to respondents of $106,750.

Respondents	No. of respondents	No. of responses/ respondent	Average burden per response (in hours)	Total burden (in hours)
Application	61	1	30	1830
Report	61	1	40	2440
Total				4270

Dated: August 23, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–21997 Filed 8–30–01; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–46–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Report of Verified Cases of Tuberculosis (RVCT) OMB No. 0920–0026—Extension—The National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC) proposes to continue data collection for the Report of Verified Case of Tuberculosis (RVCT). This request is for a 1-year extension of clearance. To accomplish the CDC goal of eliminating tuberculosis (TB) in the United States, CDC maintains the national TB surveillance system. The system, initiated in 1953, has been modified several times to better monitor and respond to changes in TB morbidity. The most recent modification was implemented in 1993 when the RVCT was expanded in response to the TB epidemic of the late 1980s and early 1990s and incorporated into a CDC software for electronic reporting of TB case reports to CDC. The expanded system improved the ability of CDC to monitor important aspects of TB epidemiology in the United States, including drug resistance, TB risk factors, including HIV coinfection, and treatment. The timely system also enabled CDC to monitor the recovery of the nation from the resurgence and identify that current TB epidemiology supports the renewed national goal of elimination. To measure progress in achieving this goal, as well as continue to monitor TB trends and potential TB outbreaks, identify high risk populations for TB, and gauge program performance, CDC proposes to extend use of the RVCT.

Data are collected by 60 Reporting Areas (the 50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean) using the RVCT. An RVCT is completed for each reported TB case and contains demographic, clinical, and laboratory information. A comprehensive software package, the Tuberculosis Information Management System (TIMS) is used for RVCT data entry and electronic transmission of TB case reports to CDC. TIMS provides reports, query functions, and export functions to assist in analysis of the data. CDC publishes an annual report summarizing national TB statistics and also periodically conducts special analyses for publication in peer-reviewed scientific journals to further describe and interpret national TB data. These data assist public health officials and policy makers in program planning, evaluation, and resource allocation. Reporting Areas also review and analyze their RVCT data to monitor local TB trends, evaluate program success, and assist in focusing resources to eliminate TB.

No other federal agency collects this type of national TB data. In addition to providing technical assistance for use of the RVCT, CDC also provides Reporting Areas with technical support for the TIMS software. The total annual burden for this data collection is 8,338 hours.

Respondents	Number of respondents	Average responses/respondent	Average burden per response (in hours)
State & Local Health Departments	60	277.92	30/60

Dated: August 24, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation Centers for Disease Control and Prevention.

[FR Doc. 01–21996 Filed 8–30–01; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02009]

National Program To Promote Diabetes Education Strategies in Minority Communities: The National Diabetes Education Program; Notice of Availability Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program for ''National Program to Promote Diabetes Education Strategies in Minority Communities: The National Diabetes Education program.'' This program addresses the ''Healthy People 2010'' focus area of Diabetes.

The purpose of the program is to support National Diabetes Education Program activities that strengthen the capacity of national and regional minority organizations (NMOs/RMOs) to reduce the disproportionate burden of diabetes among high-risk populations (e.g. Black or African-American, Hispanic or Latinos, Asian, Native Hawaiian or Other Pacific Islanders, and American Indian or Alaska Native). These awards will enable NMOs/RMOs to reach their targeted populations with culturally and linguistically appropriate intervention strategies through trusted and valued community-based intervention approaches and delivery channels.

B. Eligible Applicants

Assistance will be provided to national organizations that are private health, education or social service organizations (professional or voluntary); qualify as a non-profit 501(c)3 entity; have affiliate offices or local, state, or regional membership constituencies in five or more geographically distinct communities with a high concentration of the targeted population, and have the capacity and experience to assist their affiliate offices, chapters, and member constituencies. Geographically distinct communities may be located in different states. Affiliate offices and local, state, or regional membership constituencies may NOT apply in lieu of or on behalf of their parent national office. However, this does not exclude affiliates from assisting with the development of the application.

Note: Title 2 of the United States Code, Section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

Tax-Exempt Status

For those applicants applying as a private non-profit organization, proof of tax-exempt status must be provided with the application. Tax-exempt status is determined by the Internal Revenue Service (IRS) Code, Section 501(c)(3). Any of the following is acceptable evidence:

1. A reference to the organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS Code.

2. A copy of a currently valid Internal Revenue Service Tax exemption certificate.

3. A statement from a state taxing body, State Attorney General, or other

appropriate State official certifying that the applicant organization has a nonprofit status and that none of the net earnings accrue to any private shareholders or individuals.

4. A certified copy of the organization's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the organization.

C. Availability of Funds

Approximately $3,000,000 is available in FY 2002 to fund approximately six to eight awards. It is expected that the average award will be $375,000, ranging from $300,000 to $500,000. It is expected that the awards will begin on or about December 1, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may not be expended for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical and therapeutic services. The purchase of equipment is discouraged but will be considered for approval if justified on the basis of being essential to the program and not available from any other source.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Implement strategies for delivering diabetes education messages to targeted populations using a variety of culturally effective community-based approaches and channels.

b. Establish coalitions and partnerships that capitalize on the momentum of ongoing diabetes education efforts.

c. Develop strategies that strengthens health care providers' capacity to competently provide culturally and linguistically appropriate diabetes education and support to diverse racial and ethnic minority populations.

d. Develop program activities that are consistent with acceptable standards for conducting diabetes education programs.

e. Develop an action plan for engaging affiliates, chapters, and Community-Based Organization (CBO) partners to:

(1) Develop and implement creative new community-based intervention strategies designed to improve the knowledge, attitude, skills, and behaviors related to the prevention, early detection, and control of diabetes complications using linguistically and culturally appropriate materials and messages.

(2) establish community-based diabetes coalitions among local organizations that serve the targeted population and actively engage members to identify community needs and resources, using community mobilization models such as Diabetes Today and Planned Approach to Community Health (PATCH).

(3) describe the activities that will be conducted to ensure that proposed activities will work synergistically with existing effective diabetes interventions and strategies.

(4) disseminate user-friendly diabetes education and local diabetes health care resource materials, as well as utilize existing diabetes awareness messages and strategies that are culturally and linguistically appropriate for the targeted population, based on current science.

(5) improve the capacity of the local health care providers to competently provide culturally and linguistically appropriate diabetes information, education, and support to the targeted population through provider training on cultural sensitivity relative to diabetes and other appropriate awareness activities.

(6) collaborate with other programs in the community working with the targeted population, such as the Diabetes Control Programs (DCPs) and the Racial Ethnic Approaches to Community Health (REACH) Projects and other appropriate organizations.

(7) develop a well-designed evaluation plan to monitor progress and measure accomplishments of activities and strategies utilized by the applicant and partner CBOs.

(8) disseminate pertinent program information to appropriate partner organizations and other appropriate agencies and partners at the national, regional, State and local levels.

(9) respond to public inquiries regarding project activities as appropriate.

2. CDC Activities

a. provide periodic updates of national activities related to the control of diabetes in targeted populations.

b. assist in identifying and developing culturally and linguistically appropriate diabetes educational materials for community-based programs that reach the target populations.

c. provide programmatic consultation and guidance related to the development, implementation, evaluation, and dissemination of proposed program activities.

d. collaborate with recipients in the development and dissemination of information.

e. provide technical assistance related to coordination of activities between recipient and other national and community programs.

E. Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 75 double-spaced pages, printed on one side, with one inch margins, and unreduced font. Program definitions and information that can be helpful in completing the application are attached.

1. Background and Need

a. Describe the problem(s) being addressed by the national/regional organization's proposed activities.

b. Describe the need for the proposed activities in the geographical area(s) within which the activities will be implemented.

c. Describe the characteristics of the targeted population relative to their racial and ethnic diversity and knowledge, attitudes, beliefs, and health practices relative to diabetes.

2. Capacity

a. Describe the organization's mission, structure and function to include the following:

(1) Type of constituency; Latino population, Asian-American health providers, and other appropriate populations.

(2) Number of constituents and affiliates.

(3) Location of constituents and affiliates.

(4) How constituents and affiliates work with organization decision makers.

(5) Methods of routine communication with constituents and members.

(6) Description of how this infrastructure will be used to support successful implementation of the proposed program activities.

b. Describe organization's past and present diabetes awareness and education activities. Explain how existing effective diabetes messages will be integrated and how the proposed program activities will expand rather than duplicate present activities.

c. Describe organization's past and present experience and abilities to work on diabetes with affiliates, chapters, or CBOs.

d. Describe past and present collaborative partnerships with public and private sector organizations that serve or have established linkages in the targeted population. Include evidence of collaborations with partners and describe how these partnerships can be used to support the successful implementation of the proposed program activities.

e. Describe the nature and extent of constituent support for past and present organizational activities related to awareness and education activities for the control of diabetes or describe how constituent support will be secured for the proposed program activities.

f. Provide a copy of a letter of commitment from the organization's Board President or appropriate designee, acknowledging their support of the applicant's activities and organization. The letter should address the organization's support and commitment to develop a plan and policy that will be adopted by affiliates, chapters, related-membership organizations, and CBO partners. If a diabetes control policy and plan already exists within the national/regional organization's office, it should be submitted in lieu of a letter of commitment.

g. Provide evidence of national/regional minority organization status as evidence by:

1. Percentage of persons on the governing board that are members of racial or ethnic minority populations.

2. Describe past experience serving racial and ethnic minority populations through its offices, affiliates, or participating minority organizations at the national/regional level for at least 12 months before submission of the application.

3. Objectives

a. Describe the three-year (long-term) specific, measurable, time-phased objectives for the program consistent with the purpose of this program announcement and recipient activities.

b. Describe specific, measurable, time-phased objectives for each budget year (short-term).

4. Program Activities

a. Describe the affiliates, chapters, or types of Community-based organizations that will be involved in the implementation of proposed program activities.

b. Describe the specific activities that will be undertaken to achieve each of the program's objectives during the first year consistent with the recipient activities.

c. Briefly describe the activities planned for budget years two and three.

5. Project Management

a. Submit a work plan that outlines the main implementation steps and activities to be completed by recipient and affiliates, chapters, or partner CBOs by specified targeted dates to achieve the objectives for the budget year. Identify the persons or positions responsible for carrying out the activities.

b. Describe each proposed position for this program that will support this work plan by job title, function, general duties, and the responsibilities of the position. Describe the qualifications for the project coordinator position in terms of education, experience and desired skills. Include the level of effort and allocation of time for each project activity by staff position. Minimal staffing should include a full-time project coordinator and one program assistant.

6. Program Evaluation Plan

Identify methods for attaining measurable, time-phased short and long-term objectives. Identify methods for accomplishing program activities, and monitoring program quality. The evaluation plan should include qualitative and quantitative data collection and assessment methods. As appropriate, this plan should include baseline data for the proposed objectives or the methods that will be used to establish the baseline data; the minimum data to be collected to evaluate the achievement of proposed program objectives; and the systems for collecting and analyzing the data. Data to be reported will be dependent upon the proposed program objectives and activities, however, examples of potential data include, but are not limited to the following:

a. The number of individuals expected to be reached in the targeted population and the plan for evaluating the number actually reached.

b. Information about the national and local health organizations and providers reached and populations served.

c. Number and types of community activities implemented (when, where, and how activities are conducted).

d. Information on the change in knowledge, attitudes, and self-management and/or care utilization practices among people with diabetes.

e. Information on the number of affiliates, chapters, organizations, coalitions and partnerships that are participating in program activities and how activities complement national education efforts.

7. Budget and Narrative Justification

Provide a detailed line-item budget and justification for all operating expenses consistent with the proposed objectives and activities. Provide precise information regarding the purpose of each budget item and provide itemized calculations when appropriate.

Applicants should budget for the following costs:

Out-of-State Travel: Participation in CDC-sponsored training workshops and meetings essential for effective implementation of the diabetes control program. Travel funds should be budgeted for the following meetings:

a. Two persons to attend the CDC Diabetes Translation Conference (3 days) held during the Spring of 2002.

b. One person to attend 1–2 NDEP work group meetings related to program development during 2002 (2 days each meeting).

8. Attachments

Provide these attachments:

1. An organizational chart and one page résumés of current and proposed staff. Include one page job descriptions of proposed staff.

2. A list of applicant's constituents by regional, State, and local organization(s) or a description of each CBO partner.

3. Evidence of collaboration with other organizations that serve the same targeted populations. Include Memorandums of Agreement and letters of support.

4. A description of funding from other sources to conduct similar activities:

a. Describe how funds requested under this announcement will be used differently or in ways that will expand on the funds already received, applied for, or being received.

b. Identify proposed personnel devoted to this project who are supported by other funding sources and the activities they are supporting.

c. Written statement that the funds being requested will not duplicate or supplant funds received from any other sources.

5. Proof of eligibility (see paragraph D, Eligible Applicants).

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available in the application kit and at the following Internet address: <http://forms.pcs.gov.>

On or before October 26, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group.

(Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria (100 Points)

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (10 Points)

Extent to which the applicant demonstrates an understanding of the program's purpose and objectives and describes the target population's characteristics, diabetes burden and needs of the targeted population, and justify the need for the proposed activities.

2. Capacity (20 Points)

Extent to which the applicant describes:

a. The capacity of the applicant's infrastructure to support successful implementation of the proposed program activities in the targeted population.

b. Applicant's relationship with target population.

Note: A primary or direct relationship is most desirous. Secondary relationships that are limited to fund-raising or philanthropy are less desirous.

c. The success of the applicant's past and present experiences in working with the targeted population, conducting diabetes awareness and education activities, collaborating with public and private sector partners and the potential contribution of these experiences to the success of the proposed program activities.

d. The success of the applicant in generating constituent support for past and present organizational activities and the likelihood that strong support can be secured for the proposed program activities.

e. The reach of affiliates and chapters, national and regional organizations, and number of state or jurisdictions covered.

f. Degree to which there is minority representation in the governance of the organization. A minimum of 51 percent of board members from racial or ethnic minority populations is most desirous.

3. Objectives (15 Points)

Extent to which the proposed objectives are specific, time-related, measurable, appropriate for the targeted audience, and consistent with the stated purpose of this program announcement.

4. Program Activities (25 Points)

Extent to which proposed activities are appropriate for the targeted population achievable and that implementation will lead accomplishment of the proposed objectives within the project period.

5. Project Management (20 Points)

(a) Extent to which the work plan outlined is adequate to implement the program within the time-lines described by the positions and individuals identified.

(b) Extent to which the proposed personnel time allocation is sufficient to accomplish the program activities.

6. Program Evaluation Plan (10 Points)

Extent to which the applicant describes an evaluation plan for monitoring the program's progress, quality, and accomplishments relative to achieving the objectives and completing the proposed program activities within the project period.

7. Budget and Justification (Not Scored)

Extent to which the budget is reasonable and consistent with the purpose of the program announcement and proposed objectives and activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Semiannual progress reports;

2. Financial status report, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement in the application kit.

AR–9 Paperwork Reduction Act Requirements

AR–10 Smoke-Free Workplace Requirements

AR–11 Healthy People 2010

AR–12 Lobbying Restrictions

AR–14 Accounting System Requirements

AR–15 Proof of Non-Profit Status

AR–21 Small, Minority, Women-Owned Businesses

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a) and 317(k)(2) [42 U.S.C. 241(a) and 247b (k)(2)] of the Public Health Service Act, as amended. Applicable program regulations are found in 45 CFR Part 74.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address http://www.cdc.gov. Click on ''funding,'' then ''Grants and Cooperative Agreements.''

To obtain business management technical assistance, contact: Nealean Austin, Grants Management Specialist, Grants Management Branch, Centers for Disease Control and Prevention, Program Announcement 02009, 2920 Brandywine Road, Room 3000, MS–E18, Atlanta, GA 30341–4146, Telephone number: 770–488–2745, Email address: nea1@cdc.gov.

For program technical assistance, contact: Catherine Beartusk, Division of Diabetes Translation, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, MS-K–10, Atlanta, GA 30341, Telephone number: 770–488–6031, Email address: kpb4@cdc.gov.

Dated: August 27, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 01–21998 Filed 8–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Study Team for the Los Alamos Historical Document Retrieval and Assessment Project

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Public Meeting of the Study Team for the Los Alamos Historical Document Retrieval and Assessment Project.

Time and Date: 5 p.m.–7 p.m., September 25, 2001.

Place: Radisson Santa Fe Hotel (Board Room), 750 N. St. Francis Drive, Santa Fe, NM 87501, telephone 505–992–5800.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with Department of Energy (DOE) and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) is given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between the ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This Study Team is charged with locating, evaluating, cataloguing, and copying documents that contain information about historical chemical or radionuclide releases from facilities at the Los Alamos National Laboratory since its inception. The purposes of this meeting are to review the goals, methods, and schedule of the project, discuss progress to date, provide a forum for community interaction, and serve as a vehicle for members of the public to express concerns and provide advice to CDC.

Matters To Be Discussed: Agenda items include an update from the National Center for Environmental Health (NCEH) and its contractor regarding the information-gathering project that is underway. This will include discussion of the extent to which access to classified documents has been restored, limitations still in place, and the second draft of the project's historical operations and releases report, which will be issued in September. There will be time for public input, questions, and comments. All agenda items are subject to change as priorities dictate.

For Further Information Contact: Paul G. Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, Building 6, Room T–027, Executive Park Drive (E–39), Atlanta, GA 30329, telephone 404–498–1817, fax 404–498–1811.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: August 27, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–21999 Filed 8–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10028]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* State Health Insurance Assistance Program (SHIP) Client Contact Form; *Form No.:* HCFA–10028 (OMB# 0938–NEW); *Use:* The State Health Insurance Assistance Program (SHIP) Client Contact Form will be completed by SHIP counselors at each counseling event to collect SHIP performance data, which will then be accumulated and analyzed to measure performance; *Frequency:* Semi-annually, Annually; *Affected Public:* State, local, or tribal gov.; *Number of Respondents:* 53; *Total Annual Responses:* 265; *Total Annual Hours:* 132.5. To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: August 15, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–21977 Filed 8–30–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–6401]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection.

Title of Information Collection. Negative Case Action (NCA) Process/Annual Report.

Form No.: CMS–6401 (OMB# 0938–0300).

Use: CMS uses the NCA process to determine the accuracy of ineligible determinations focusing on the reason(s) for denial or the termination of assistance. The results of NCA reviews are used by the States and the Federal government to identify problem areas and plan corrective action initiatives to eliminate error causing situations.

Frequency: Annually.

Affected Public: State, local or tribal gov.

Number of Respondents: 51.

Total Annual Responses: 51.

Total Annual Hours: 6770.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: August 16, 2001.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 01–21978 Filed; 8–30–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1195–N]

Medicare Program; September 17, 2001, Meeting of the Practicing Physicians Advisory Council

AGENCY: Centers for Medicare and Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for September 17, 2001, from 8:30 a.m. until 5 p.m. e.d.t.

ADDRESSES: The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Paul Rudolf, M.D., J.D., Executive Director, Practicing Physicians Advisory Council, Room 435–H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 690–7874. News media representatives should contact the CMS Press Office, (202) 690–6145. Please refer to the CMS Advisory Committees Information Line (1–877–449–5659 toll free)/(410–786–9379 local) or the Internet (http://www.access.gpo.gov/nara/index.html) for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION:

The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Centers for Medicare and Medicaid Services not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare or Medicaid in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Jerold M. Aronson, M.D.; Richard Bronfman, D.P.M.; Joseph Heyman, M.D.; Sandral Hullett, M.D.; Stephen A. Imbeau, M.D.; Angelyn L. Moultrie, D.O.; Derrick K. Latos, M.D. (Pending re-appointment); Dale Lervick, O.D.; Sandra B. Reed, M.D.; Amilu Rothhammer, M.D.; Victor Vela, M.D.; Kenneth M. Viste, Jr., M.D.; and Douglas L. Wood, M.D. The Council Chairperson and three seats on the Council are pending selection.

Council members will be updated on the earlier recommendations.

The agenda will provide for discussion and comment on the following topics:

- Update-Physician Regulatory Issues Team (PRIT) including a discussion of the Medicare and You 2002 Physician Insert, the Clinical Environment Appraisal Program, and the Physicians Issues Project.
- Discussion of the Participating Physicians Fact Sheet.
- Update-Evaluation and Management Documentation Guidelines.

• Documentation Requirements for Teaching Physicians

• Advanced Beneficiary Notice (provider education materials/carrier instructions).

For additional information and clarification on the topics listed, call the contact person in the ''For Further Information Contact'' section of this notice.

Individual physicians or medical organizations that represent physicians wishing to make 5-minute oral presentations on agenda issues should contact the Executive Director by 12 noon, *September 7, 2001,* to be scheduled. Testimony is limited to listed agenda issues only. The number of oral presentations may be limited by the time available. A written copy of the presenter's oral remarks should be submitted to the Executive Director no later than 12 noon, *September 7, 2001,* for distribution to Council members for review prior to the meeting. Physicians and organizations not scheduled to speak may also submit written comments to the Executive Director and Council members. The meeting is open to the public, but attendance is limited to the space available. Individuals requiring sign language interpretation for the hearing impaired or other special accommodation should contact John Lanigan at (202) 690–7418 at least 10 days before the meeting.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 C.F.R. part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 28, 2001.

Thomas A. Scully,

Administrator, Centers for Medicare and Medicaid Services.

[FR Doc. 01–22065 Filed 8–30–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0581]

Agency Information Collection Activities; Announcement of OMB Approval; Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 11, 2001 (66 FR 31146), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0472. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–22012 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0231]

Agency Information Collection Activities; Proposed Collection; Comment Request; Veterinary Adverse Drug Reaction, Lack of Effectiveness, Product Defect Report; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on a proposed collection of certain information by the agency until October 15, 2001. Under the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice is reopening the comment period for a data collection effort to solicit comments on reporting and recordkeeping requirements obligating holders of approved new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) to submit information on adverse drug reactions, lack of effectiveness, and product defects.

DATES: Submit written or electronic comments on the collection of information by October 15, 2001.

ADDRESSES: Submit electronic comments on the collection of information via the internet at: http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. 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: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 29, 2001 (66 FR 29141), FDA published a notice soliciting comments on reporting and recordkeeping requirements associated with 21 CFR part 510. To give interested persons additional time to submit comments on the proposed data collection, the agency is reopening the comment period until October 15, 2001.

Interested persons may submit to the Dockets Management Branch (address above) written comments by October 15, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21967 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0153]

Agency Information Collection Activities; Announcement of OMB Approval; Voluntary Registration of Cosmetic Product Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Voluntary Registration of Cosmetic Product Establishments'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: In the **Federal Register** of June 29, 2001 (66 FR 34685), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0027. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21964 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0607]

Agency Information Collection Activities; Announcement of OMB Approval; General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 11, 2001 (66 FR 31165), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0474. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21965 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0154]

Agency Information Collection Activities; Announcement of OMB Approval; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Color Additive Certification Requests and Recordkeeping'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: In the **Federal Register** of June 29, 2001 (66 FR 34685), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0216. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21966 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0069]

Agency Information Collection Activities; Announcement of OMB Approval; Information From U.S. Processors That Export to the European Community

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Information From U.S. Processors That Export to the European Community'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: In the **Federal Register** of June 5, 2001 (66 FR 30218), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0320. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–22011 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0249]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consumer and Producer Surveys on Economic Issues

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by October 1, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

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: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Consumer and Producer Surveys on Economic Issues

Under section 903(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)), FDA is authorized to conduct research relating to regulated articles and to collect information relating to responsibilities of the agency. Executive Order 12866, the Regulatory Flexibility Act (RFA), and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) direct Federal agencies to conduct regulatory impact analysis, and to consider flexible regulatory approaches. In order to perform the mandatory analysis it is often necessary to survey: (1) Regulated producers to determine existing practices and the changes in those practices likely under various policy options, (2) both consumers and manufacturers to explore attitudes towards policy proposals, and (3) industry experts to solicit expert opinions. FDA is seeking OMB clearance to conduct future surveys to implement Executive Order 12866, RFA, and SBREFA. Participation in the surveys will be voluntary. This request covers regulated entities, such as food processors, dietary supplement manufacturers, health professionals or other experts, and consumers.

FDA will use the information gathered from these surveys to identify current business practices, expert opinion, and consumer or manufacturer attitudes towards existing or proposed policy. FDA projects approximately 2 to 6 surveys per year, with a sample of between 10 and 1,000 respondents each for mail and telephone surveys, and a sample of up to 3,000 respondents for cable or Internet surveys.

In the **Federal Register** of June 15, 2001 (66 FR 32625), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the upper bound burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Type of Survey	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Mail questionnaire	1,000	1	1,000	3	3,000
Phone survey	1,000	1	1,000	0.5	500
Internet or cable survey	3,000	1	3,000	1	3,000
Total					6,500

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on the expected number of respondents necessary to obtain a statistically significant stratification of the average to large size industries—including small business entities covered by FDA regulations—and consumers of regulated products.

Dated: August 24, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–22010 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices 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: Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices 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 24, 2001, from 8:30 a.m. to 5 p.m.

Location: Hilton DC North—Gaithersburg, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD.

Contact: Veronica J. Calvin, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1243, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12514. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will provide advice and recommendations on the types of data and/or labeling needed in premarket notification (510(k)) submissions for glucose test systems to address problems associated with using blood samples from alternate sites, such as the forearm, upper arm, thigh, calf, or base of the thumb. Background information, including the agenda and questions for the committee, will be available to the public on September 21, 2001, on the Internet at http://www.fda.gov/cdrh/panelmtg.html.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 12, 2001. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12 noon and 3 p.m. and 3:30 p.m. on September 24, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before September 12, 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.

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

Dated: August 22, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–21963 Filed 8–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 2001.

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages.

Date and Time: September 10, 2001; 9:00 a.m.–6:00 p.m.; September 11, 2001; 9:00 a.m.–5:30 p.m.

Place: The Doubletree Hotel Park Terrace on Embassy Row, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

The meeting is open to the public.

Agenda items will include, but not be limited to: Welcome; plenary discussion of community-based and interdisciplinary education Committee goals for fiscal year (FY) 2002; guidance provided on an ad hoc basis by Federal program staff from the Division of Interdisciplinary, Community-Based Programs (DICP) and the Division of Medicine and Dentistry (DMD), Bureau of Health Professions (BHPr), Health Resources and Services Administration (HRSA).

Meeting content will be based on the Committee's charge under Section 756 of the Public Health Service Act, including but not limited to the planning and scheduling of Committee goals for FY 2002.

Public comment will be permitted before lunch and at the end of the Committee meeting on September 10, 2001. Oral presentations will be limited to five minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, with a copy of their presentation to: Mr. Leo Wermers, Principal Staff Liaison, Division of Interdisciplinary, Community-Based Programs, Bureau of Health Professions, Health Resources and Services Administration, Room 9–105, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1648.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The Division of Interdisciplinary, Community-Based Programs will notify each presenter by mail or telephone of their assigned presentation time.

Persons who do not file an advance request for a presentation, but wish to make an oral statement may register to do so at the Doubletree Hotel Park Terrace on Embassy Row, Washington, DC on September 10, 2001. These persons will be allocated time as the Committee meeting agenda permits.

Anyone requiring information regarding the Committee should contact Mr. Wermers, Division of Interdisciplinary, Community-Based Programs, Bureau of Health Professions, Health Resources and Services Administration, Room 9–105, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1648.

Dated: August 28, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–22013 Filed 8–30–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Individual National Research Service Award Application and Related Forms

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of Extramural Research, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on April 5, 2001, page 18097 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revisesd, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Individual National Research Service Award Application and Related Forms. *Type of Information Colelction Request:* Revision, OMB 0925–0002, Expiration Date 11/30/01. *Form Numbers:* PHS 416–1, 416–9, 416–5, 416–7, 6031, 6031–1. *Need and Use of Information Collection:* The PHS 416–1 and 416–9 are used by individuals to apply for direct research training support. Awards are made to individual applicants for specified training proposals in biomedical and behavioral research, slected as a result of a national competition. The other related forms (PHS 416–5, 416–7, 6031, 6031–1) are used by these individuals to activate, terminate, and provide for payback of a National Research Service Award. *Frequency of Response:* Applicants may submit applciations for published receipt dates. If awarded, annual progress is reported. Related forms are used at activation, termination, and to provide for payback of a National Research Service Award. *Affected Public:* Individuals or households: Business or other for profit, Not-for-profit institutions; Federal Government; and State, Local or Tribal Government. *Type Respondents:* Adult scientific trainees and professionals. The annual reporting burden is as follows: *Estimated Number of Respondents:*

29,748; *Estimated Number of Responses per Respondent:* 1.0834; *Average Burden Hours Per Response:* 2.658; and *Estimated Total Annual Burden Hours Requested:* 85,679. The annnualized cost to respondents is estimated at $1,985,472 (Using a $35 physician/professor average hourly wage rate, and a $12 trainee average hourly wage rate.) There are no Capital Costs to report. The annual Operating and Maintenance Costs to report are $148,740.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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 those who are to respond, including the use of appropriate automated, electronic mechanical, or other technological collection techniques or other forms of ifnormation technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the esitmated public burden and associated repsonse time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Jan Heffernan, Division of Grants Policy, Office of Policy for Extramural Research Administration, NIH, Rockledge 1 Building, Room 1196, 6705 Rockledge Drive, Bethesda, MD 20892–7974, or call non-toll-free number (301) 435–0940, or E-mail your request, including your request, including your address to: *Heffernj@OD.NIH.GOV*

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before October 1, 2001.

Dated: August 21, 2001.

Carol Tippery,

Acting Director, OPERA, NIH.

[FR Doc. 01–21986 Filed 8–30–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: August 30, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS–13, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Helen R. Sunshine, PhD, Chief, Office of Scientific Review, National Institute of General Medical Sciences, NIH, Natcher Building, Room 1AS–13, Bethesda, MD 20892, 301–594–2881.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: August 24, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21985 Filed 8–30–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Meeting of the Advisory Committee on Alternative Toxicological Methods

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Toxicology Program (NTP) Advisory Committee on Alternative Toxicological Methods, U.S. Public Health Service. The meeting will be held from 9:00 a.m. to adjournment on September 25, 2001 in the Rodbell Auditorium, Rall Building, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, North Carolina. The meeting is open to the public and time is allotted during the meeting for the public to present comments to the Committee and NTP staff on agenda topics. Attendance is limited only by the space available. Individuals who plan to attend and need special assistance are asked to notify the Executive Secretary in advance of the meeting.

Background

Under authority of 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services has established an Advisory Committee on Alternative Toxicological Methods (the Committee). The Committee provides advice to the NTP on the activities and priorities of the NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (the Center) and the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and on ways to foster partnership activities and productive interactions among all stakeholders. The Committee is composed of knowledgeable representatives drawn from academia, industry, public interest organizations, and may include representation from state and federal agencies and the international community, as appropriate [**Federal Register:** September 15, 1997 (Volume 62, Number 178, Page 48290)].

Agenda

The September 25th meeting is open to the public from 9:00 AM to adjournment with attendance limited only by the space available. A draft agenda with tentative schedule is provided below. Primary agenda topics

include updates on recent NTP Center and ICCVAM activities and areas for future priorities and activities.

A detailed agenda with meeting schedule and the Committee roster will be available prior to the meeting on the Center's web site (http://iccvam.niehs.nih.gov) or by contacting the NTP Executive Secretary, Dr. Mary S. Wolfe (National Toxicology Program, P. O. Box 12233, 111 T.W. Alexander Drive, A3–07, NIEHS, Research Triangle Park, North Carolina 27709, telephone: 919–541–3971 and FAX: 919–541–0295). Following the meeting, summary minutes will be posted on the Center's web site (http://iccvam.niehs.nih.gov, see ACATM) or can be obtained by contacting the Executive Secretary. The minutes for past committee meetings are also available on the web.

Public Comment Encouraged

Public input at the meeting is invited and time is set aside for the presentation of public comments on any agenda topic. At least seven minutes will be allotted to each speaker, and if time permits, may be extended to ten minutes. Persons registering to make oral comments are asked to provide their name, affiliation, mailing address, telephone, FAX, e-mail, and sponsoring organization (if any). Each organization is allowed one time slot per agenda topic. To facilitate planning for the meeting, persons interested in providing formal oral comments are asked to notify the Executive Secretary at the address given above. Persons registering to make oral comments are asked, if possible, to provide a copy of their statement to the Executive Secretary by September 19, to enable review by the Committee and NTP staff prior to the meeting. Individuals will also be able to register to give oral comments on-site at the meeting. However, if registering on-site and reading from written text, please bring 25 copies of the statement for distribution to the Committee and NTP staff and to supplement the record.

Persons may also submit written comments in lieu of making oral comments. Written comments should be sent to the Executive Secretary and should be received by September 19, 2001 to enable review by the Committee and NTP staff, as well as to supplement the record. Persons submitting written comments should include with the document their name, affiliation, mailing address, telephone, FAX, e-mail, and sponsoring organization (if any).

Dated: August 23, 2001.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

Draft Agenda (8/18/01)—National Toxicology Program Advisory Committee on Alternative Toxicological Methods

September 25, 2001

9:00 am—Call to Order and Introductions

Updates
- NTP
- NTP Center and ICCVAM Updates

Guidance Document on Using In Vitro Data to Estimate In Vivo Starting Doses for Acute Toxicity (ACTION)
- Public Comments

Report of the International Workshop on In Vitro Methods for Assessing Acute Systemic Toxicity
- Public Comments

12:30 pm—Lunch

1:30 pm

Toxicogenomics as An Alternative Toxicological Test Method: Priorities for Validation and Applications and Their Validation
- Public Comments

NIEHS Extramural SBIR Contracts for Test Method Development and Validation

Other Issues
- International Validation Issues
- Agenda Topics for Next Meeting
- Other Topics

Public Comments

4:30 pm—Adjourn

[FR Doc. 01–21987 Filed 8–30–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Center for Mental Health Services (CMS) National Advisory Council in September 2001.

A portion of the meeting will be open and will include a roll call, general announcements, and discussion about consumer affairs and consumer technical assistance centers, the grant application process, the New Freedom initiative, children and systems of care, financing trends and public mental health services, and the recently released supplement on culture, race and ethnicity to the Surgeon General's Report on mental health.

Public comments are welcome. Please communicate with the individual listed as contact below for guidance. If anyone needs special accommodations for persons with disabilities please notify the contact listed below.

The meeting will also include the review, discussion, and evaluation of grant applications. Therefore a portion of the meeting will be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(3), (4) and (6) and 5 U.S.C. App. 2. and 10 (d).

A summary of the meeting and a roster of Council members may be obtained from Ms. Eileen Pensinger, Executive Secretary, CMHS, Room 17C–27, Parklawn Building, Rockville, Maryland 20857, telephone (301) 443–4823.

Committee Name: CMHS National Advisory Council.

Meeting Date: September 6–7, 2001.

Place: The Double Tree Hotel, 1750 Rockville Pike, Rockville, Maryland.

Type:

Closed: September 6, 2001—8:30 a.m.–12:00 p.m.

Open: September 6, 2001—1:00 p.m.–5:00 p.m.

Open: September 7, 2001—8:30 a.m.–4:00 p.m.

Contact: Eileen S. Pensinger, M.Ed., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 17C–27, Rockville, Maryland 20857, Telephone: (301) 443–4823 and FAX (301) 443–4865.

This notice is being published less than 15 days prior to the meeting due to the urgent need to met timing limitations imposed by the review and funding cycle.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–21968 Filed 8–30–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF INTERIOR

Office of the Secretary

Delaware & Lehigh National Heritage Corridor Commission Meeting

AGENCY: Department of Interior, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware & Lehigh National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Friday, September 14, 2001 Time 1:30 p.m. to 4 p.m.

ADDRESSES: The No. 9 Mine, Wash Shanty, Anthracite Coal Museum, Dock Street, Lansford, PA 18232.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh National Heritage Corridor and State heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

SUPPLEMENTARY INFORMATION: The Delaware & Lehigh National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988 and extended through Public Law 105–355, November 13, 1998.

FOR FURTHER INFORMATION CONTACT: C. Allen Sachse, Executive Director, Delaware & Lehigh National Heritage Corridor Commission, 10 E. Church Street, Room A–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: August 27, 2001.

C. Allen Sachse,

Executive Director, Delaware & Lehigh National Heritage Corridor Commission.

[FR Doc. 01–22000 Filed 8–30–01; 8:45 am]

BILLING CODE 6820–PE–M

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Request for Public Comments on Extension of Existing Information Collection Submitted to OMB for Review Under the Paperwork Reduction Act

A request extending the information collection described below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)). Copies of the proposed collection may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore comments on the proposal should be made within 30 days to assure maximum consideration. Comments and suggestions should be made directly to the Desk Officer for the Interior Department, Office of Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the bureaus, including whether the information will have practical utility;

2. the accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. the quality, utility, and clarity of the information to be collected; and

4. how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: User Survey for National Biological Information Infrastructure (NBII).

OMB Approval No: 1028–0069.

Summary: The collection of information referred herein applies to a voluntary survey that allows visitors to the NBII World-Wide Web site (*www.nbii.gov*) the opportunity to provide feedback on the utility and effectiveness of the NBII operation and contents in meeting their needs.

Estimated Completion Time: 3 minutes.

Estimated Annual Number of Respondents: 3000.

Frequency: Once.

Estimated Annual Burden Hours: 150 hours.

Affected Public: Public and private, individuals and institutions.

For Further Information Contact: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313, or go to the Website *http://www.nbii.gov.*

Dated: August 17, 2001.

Gladys A. Cotter,

Acting Associate Director for Biology.

[FR Doc. 01–21995 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–EQ–01–24 1A]

Information Collections Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On December 11, 2000, the BLM published a notice in the **Federal Register** (65 FR 77386) requesting comments on this proposed collection. The comment period ended on February 9, 2001. The BLM received no comments from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer (1004–0009), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Collection Clearance Officer (WO–630), 1849 C St., NW, Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Land Use Application and Permit (43 CFR 2920).

OMB Approval Number: 1004–0009.

Bureau Form Number: 2920–1.

Abstract: The Bureau of Land Management uses the information to allow State and local governments and private citizens to use, occupy, or develop the public lands under certain conditions. BLM may authorize land uses for agriculture development, residential uses, recreation concessions and business, industrial and commercial uses.

Frequency: Once.

Description of Respondents: Individuals, State and local governments and private citizens.

Estimated Completion Time: Varies from 1 to 120 hours.

Annual Responses: 641.

Cost Recovery Fee Per Response: Could average 0 to $500 (depending on cost recovery fees for processing similar applications, applications that result in a rental that is greater than $250 annually, and the schedule at 43 CFR 2808.3–1.) There is no filing fee.

Annual Burden Hours: 3,140.

Bureau Clearance Officer: Michael Schwartz, (202) 452–5033.

Dated: August 23, 2001.

Michael H. Schwartz,

BLM Information Collection Clearance Office.

[FR Doc. 01–22031 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–84–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 a revision of a currently approved information collection (OMB Control Number 1010–0074).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR), titled ''Coal Washing and Transportation Allowances'' (Forms MMS–4292 and MMS–4293). We are also soliciting comments from the public on this ICR.

DATES: Submit written comments on or before October 1, 2001.

ADDRESSES: Submit written comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0074), 725 17th Street, NW., Washington, DC 20503. Also, submit copies of your written comments to Carol Shelby, Regulatory Specialist, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, Colorado 80225. If you use an overnight courier service, MMS's courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225. You may also submit your comments at our email address mrm.comments@mms.gov. Include the title of the information collection and the OMB control number in the ''Attention'' line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Ms. Shelby at (303) 231–3151 or FAX (303) 231–3385.

FOR FURTHER INFORMATION CONTACT: Carol Shelby, Regulatory Specialist, telephone (303) 231–3151, FAX (303) 231–3385, email Carol.Shelby@mms.gov.

SUPPLEMENTARY INFORMATION:

Title: Coal Washing and Transportation Allowances.

OMB Control Number: 1010–0074.

Bureau Form Number: Forms MMS–4292 and MMS–4293.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. MMS performs the royalty management functions for the Secretary.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of coal from Indian lands, that company or individual agrees to pay the Indian tribe or allottee a share (royalty) of the value received from production from the leased lands. Royalty rates are specified in the lease instrument. To determine whether the amount of royalty tendered represents the proper royalty due, it is first necessary to establish the proper value of the coal that is being sold or otherwise disposed of in some other manner, as well as the proper costs associated with allowable deductions.

The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data that is reported to private and public mineral interest owners and are generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information collected includes data necessary to assure that the royalties that are computed and paid are appropriate.

The product valuation and allowance determination process is essential to assure that Indians receive payment on the proper value of the minerals removed from tribal and allottee land. To determine whether the amount of royalty tendered represents the proper royalty due, it is necessary to establish the proper value of the coal sold, or otherwise disposed of. Of equal importance is the proper determination of costs associated with the allowable deductions from the value of coal.

Under certain circumstances, a lessee may be authorized to deduct certain costs in the calculation of royalties due. An allowance may be granted from royalties to compensate the lessee for the reasonable actual cost of washing the royalty portion of the coal. Also, when the sales point is not in the immediate vicinity of a lease or mine area, an allowance may be granted to compensate the lessee for the reasonable actual cost of transporting the royalty portion of the coal to a sales point not on the lease or mine area. We have developed forms for industry use when reporting or applying for a coal washing or transportation allowance.

Submission of the information in this collection (Forms MMS–4292 and MMS–4293) is necessary when claiming a coal washing or transportation allowance on an Indian lease. MMS is requesting OMB approval for minor revisions necessary to make Forms MMS–4292 and MMS–4293 compatible with our reengineered financial and compliance systems. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: Annually.

Estimated Number and Description of Respondents: 1 Indian lessee.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 4 hours. In estimating the burden, we assumed that respondents perform certain functions, such as records maintenance, in the normal course of their business activities. These functions are considered usual and customary and

therefore are not listed in the following estimate even though records maintenance is an MMS regulatory requirement. The following chart lists the components of the burden estimate.

Citation	Reporting requirement	Burden hour per response	Annual number of responses	Annual burden hour
§ 206.458 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii).	Arm's-length contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4292, Coal Washing Allowance Report * * * Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4292 * * * Arm's-length contracts. * * * the lessee shall submit page one of the initial Form MMS–4292 prior to, or at the same time, as the washing allowance determined pursuant to an arm's-length contract is reported on Form MMS–2014, Report of Sales and Royalty Remittance * * * After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4292 * * * Non-arm's-length or no contract. * * * the lessee shall submit an initial Form MMS–4292 prior to, or at the same time as, the washing allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–2014, Report of Sales and Royalty Remittance * * * For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4292 containing the actual costs for the previous reporting period. If coal washing is continuing, the lessee shall include on Form MMS–4292 its estimated costs for the next calendar year.	2	1	2
§ 206.461 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii).	Arm's-Sales contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4293, Coal Transportation Allowance Report * * * Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4293 * * * Arm's-length contracts. * * * the lessee shall submit page one of the initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to an arm's-length contract is reported on Form MMS–2014, Reports of Sales and Royalty Remittance * * * After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4293 * * * Non-arm's-length or no contract. * * * the lessee shall submit an initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–2014, Report of Sales and Royalty Remittance * * * For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4293 containing the actual costs for the previous reporting period.	2	1	2
Total	.....	4	2	4

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burden.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) 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. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A), 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 public consultation requirements, on November 9, 2000, we published a **Federal Register** notice (65 FR 67399) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We did not receive any comments. We have posted a copy of the ICR at our Internet web site *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm*. We will also provide a copy of the ICR to you without charge upon request.

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. 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 your comments by October 1, 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.

Public Comment Policy: We will post all comments received in response to this notice on our Internet web site at *http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm* for public review. We also make copies of these comments, including names and home addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado.

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 comments. 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.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744.

Dated: August 9, 2001.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 01–22076 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–MR–W

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents prepared for OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA's) and Findings of No Significant Impact (FONSI's), prepared by MMS for proposed oil and gas activities on the Gulf of Mexico OCS during the period 4/24/01 to 7/13/01.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: MMS prepares EA's and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This table lists all proposals for which the Gulf of Mexico OCS Region prepared a FONSI during the period 04/24/01 to 07/13/01.

Activity/operator	Location	Date
Chevron U.S.A., Inc., Development Activity/Pipline Activity, SEA Nos. S–5552, P–13269 and P–13270.	Voisca Knoll Area; Blocks 206, 207, and 251; Leases OCS–G 10926, 13980 and 10930; 30.3 miles off the coast of Alabama.	05/24/01
Chevron U.S.A. Production Co. Development Activity/Pipeline Activity, SEA Nos. N–6899 and P–13170 through P–13177.	Green Canyon Area; Blocks 236 and 237; Leases OCS–G 15562 and 15563; 91 miles south of Terrebonne Parish, Louisiana.	05/02/01
Kerr-McGee Oil and Gas Corp., Development Activity, SEA NO. N–07045.	East Breaks Area, Blocks 602 and 646, 117.5 miles off the coast of Texas.	07/13/01
Gulfstream Natural Gas System, L.L.C., Pipeline Activity, SEA No. P–12373 (G–21459).	Right of Way, OCS–G 21459, From the coastline of Coden, Alabama to the coastline of Port Manatee, Florida, Incorporate Route modifications in Florida middle ground and St. Petersburg areas.	06/01/01
Shell Offshore, Inc., Structure Removal Activity, SEA No. ES/SR 01–008A.	Brazos Area, Block A–19, Lease OCS–G 03936, 36 miles southeast of Matagorda County, Texas and 91 miles southwest of Galveston.	06/05/01
Chevron U.S.A. Inc., Structure Removal Activity, SEA No. ES/SR 01–019A.	South Timbalier Area, Block 69, Lease OCS–G 16422, 27 miles southwest of Fourchon, Louisiana and 18 miles south of Terrebonne Parish, Louisiana.	06/29/01
Ocean Energy, Inc., Structure Removal Activity, SEA No. ES/SR 01–124A.	Mustang Island Area; Block 828; Lease OCS–G 06004; 29 miles east of Nueces County, Texas, 134 miles southeast of Freeport, Texas.	06/27/01
BP America, Inc., Structure Removal Activity, SEA No. ES/SR 01–024.	Mustang Island Area; Block 788; Lease OCS–G 15704; 26 miles southeast of Harbor Island, Texas and 24 miles southeast of Nueces County, Texas.	04/24/01
Dominion Exploration and Production, Structure Removal Activity, SEA No. ES/SR 01–025.	High Island Area (South Addition), Block A570, Lease OCS–G 02390, 175 miles southwest of Intracoastal City, Louisiana and 100 southeast of Galveston County, Texas.	04/24/01
Murphy Exploration and Production Company, Structure Removal Activity, SEA No. ES/SR 01–026.	Ship Shoal Area, Block 134, Lease OCS–G 05201, 40 miles southwest of Cocodrie, Louisiana and 21 miles south-southwest of Terrebonne Parish, Louisiana.	04/25/01
Coastal Oil & Gas Corporation Structure Removal Activity, SEA No. ES/SR 01–027.	Viosca Knoll Area, Block 123, Lease OCS–G 14591, 23 miles south of Baldwin County, Alabama.	04/27/01
Samedan Oil Corporation, Structure Removal Activity, SEA No. ES/SR 01–028.	Eugene Island Area, Block 208, Lease OCS–G 00576, 86 miles southeast of Intracoastal City, Louisiana and 41 miles south-southwest of Terrebonne Parish, Louisiana.	05/03/01
Devon Energy Production Company, L.P., Structure Removal Activity, SEA Nos. ES/SR 01–029, 01–030, 01–031, 01–032 and 01–033.	High Island Area, East and South Addition, Block A325; East Cameron Area, Block 215; West Cameron (South Addition) Area, Block 553; South Marsh Island Area, Blocks 48 and 23; Leases OCS–G 02416, 12839, 04410, 00786 and 00778; 42 to 145 miles off Louisiana coast and 105 miles off Texas coast.	05/23/01

Activity/operator	Location	Date
Blue Dolphin Exploration Company, Structure Removal Activity, SEA Nos. ES/SR 01–034, 01–035, 01–036 and 01–037.	Galveston Area; Blocks 296 and 288; Leases OCS–G 00714; 34 to 35 miles east-southeast of Surfside, Texas and 26 to 27 miles southeast of Galveston County, Texas.	05/23/01
Devon Energy Production Company, L.P., Structure Removal Activity, SEA No. ES/SR 01–039.	South Marsh Island Area, Block 23, Lease OCS–G 778, 64 miles south-southeast of Intracoastal City, Louisiana and 42 miles south-southwest of Iberia Parish, Louisiana.	05/23/01
Pioneer Natural Resources USA, Inc, Structure Removal Activity, SEA Nos. ES/SR 01–040 and 01–041.	South Marsh Island (South Addition) Area, Block 155, Lease OCS–G 04110, 89 miles south of Iberia Parish, Louisiana and 110 miles south-southeast of Intracoastal City, Louisiana.	06/01/01
Samedan Oil Corporation, Structure Removal Activity, SEA Nos. ES/SR 01–042, 01–043, 01–044 and 01–045.	South Timbalier Area, Block 192; Main Pass Area, Block 95 and 89; OCSG 04463, 05242 and 06804; 38 miles south of Terrebonne Parish, Louisiana and 45 miles south of Jackson County, Mississippi.	05/25/01
Walter Oil & Gas Corporation, Structure Removal Activity, SEA Nos. ES/SR 01–046 and 01–047.	Ship Shoal Area, Block 160; Eugene Island Area, Block 78; Leases OCS–G 5547 and 11940; 52 to 76 miles off southwest and west of Fourchon, Louisiana and 14 to 25 miles south and southwest of Terrebonne Parish.	05/23/01
RME Petroleum Company, Structure Removal Activity, SEA Nos. ES/SR 01–048 and 01–049.	Eugene Island Area, Block 70; Ship Shoal Area, Block 204; Leases OCS–G 10719 and 01520; 22 to 81 miles off the Louisiana coast.	06/01/01
RME Petroleum Company, Structure Removal Activity, SEA No. ES/SR 01–050.	Eugene Island Area, Block 118, Lease OCS–G 15242, 23 miles southeast of Terrebonne Parish, Louisiana and 53 miles southeast of Morgan City, Louisiana.	06/01/01
Amerada Hess Corporation, Structure Removal Activity, SEA No. 01–051.	South Timbalier (South Addition) Area, Block 225, Lease OCS–G 05224, 46 miles south of LaFourche Parish, Louisiana and 206 miles southeast of Cameron, Louisiana.	06/11/01
Exxon Mobil Production, Structure Removal Activity, SEA Nos. ES/SR 01–052 and 01–053.	Ship Shoal Area, Block 86; West Delta Area, Block 31; Leases OCS–G 03580 and 00016; 7 to 68 miles off the Louisiana coast.	06/11/01
Tri-Union Development Corporation, Structure Removal Activity, SEA No. ES/SR 01–054.	Brazos Area, Block 476, Lease OCS–G 112374, 12 miles southeast of Matagorda County, Texas and 86 miles southwest of Galveston, Texas.	06/11/01
Shell Exploration & Production Company, Structure Removal Activity, SEA Nos. ES/SR 01–055 and 01–056.	High Island Area, Block A6, Sabine Pass Area, Block 40; Leases OCS–G 04734 and 04745; 13 to 34 miles south and south-southeast of Jefferson County, Texas and 35 to 63 miles southwest of Cameron, Louisiana.	07/12/01
Westport Resources Corporation, Structure Removal Activity, SEA Nos. ES/SR 01–057.	West Cameron Area, Block 181, Lease OCS–G 01971, 28 miles south-southwest of Cameron Parish, Louisiana and 30 miles south-southeast of Cameron, Louisiana.	06/27/01
NCX Company, Inc. Structure Removal Activity, SEA No. ES/SR 01–058.	East Cameron Area, Block 213, Lease OCS–G 04781, 82 miles southeast of Cameron, Louisiana and 62 miles south of Cameron Parish, Louisiana.	06/27/01

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Gulf of Mexico OCS are encouraged to contact MMS at the address or telephone in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: July 27, 2001.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 01–21972 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–404 (Final) and 731–TA–898 and 905 (Final)]

Hot Rolled Steel Products From Argentina and South Africa

Determinations

On the basis of the record[1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Argentina of hot rolled steel products, provided for in subheadings 7208.10.15, 7208.10.30, 7208.10.60, 7208.25.30, 7208.25.60, 7208.26.00, 7208.27.00, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7211. 14.00, 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, and 7211.19.75,[2] of the Harmonized Tariff Schedule of the United States (HTS), that have been found by the Department of Commerce to be subsidized by the Government of Argentina and sold in the United States at less than fair value (LTFV).

The Commission also determines, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from South Africa of hot rolled steel products, provided for in the HTS subheadings listed above, that have been found by the Department of Commerce to be sold in the United States at LTFV.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Certain hot-rolled flat-rolled carbon-quality steel covered by these investigations, including vacuum degassed fully stabilized, high strength low alloy, and the substrate for motor lamination steel, may also enter under the following tariff numbers: 7225.11.00, 7225.19.00, 7225.30.30, 7225.30.70, 7225.40.70, 7225.99.00, 7226.11.10, 7226.11.90, 7226.19.10, 7226.19.90, 7226.91.50, 7226.91.70, 7226.91.80, and 7226.99.00. Subject merchandise may also enter under 7210.70.30, 7210.90.90, 7211.14.00, 7212.40.10, 7212.40.50, and 7212.50.00.

Background

The Commission instituted these investigations effective November 13, 2000, following receipt of a petition filed with the Commission and Commerce on behalf of Bethlehem Steel Corp.; Gallatin Steel Co.; IPSCO Steel, Inc.; LTV Steel Co., Inc., National Steel Corp.; Nucor Corp.; Steel Dynamics, Inc.; U.S. Steel Group of USX Corp.; Weirton Steel Corp; and the labor union representing the organized workers at Weirton Steel Corp. known as the Independent Steelworkers Union. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of hot rolled steel products from Argentina were being subsidized and sold at LTFV within the meaning of sections 703(b) and 733(b) of the Act (19 U.S.C. 1671b(b) and 1673b(b)) and that imports of hot rolled steel products from South Africa were being sold at LTFV within the meaning of section 733(b) of the Act. Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 10, 2001 (66 FR 23950). The hearing was held in Washington, DC, on July 17, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 27, 2001. The views of the Commission are contained in USITC Publication 3446 (August 2001), entitled Hot Rolled steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine: Investigations Nos. 701–TA–404–408 (Final) and 731–TA–898–908 (Final).

By order of the Commission.

Issued: August 28, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22030 Filed 8–30–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2162–01; AG Order No. 2504–2001]

RIN 1115–AE26

Extension of the Designation of Burundi Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Burundi under the Temporary Protected Status (TPS) program will expire on November 2, 2001. This notice extends the Attorney General's designation of Burundi under the TPS program for 12 months until November 2, 2002, and sets forth procedures necessary for nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) with TPS to re-register for the additional 12-month period. Eligible nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who (1) registered during the initial registration period, which ended on November 3, 1998, registered during the re-designation registration period, which ended on November 2, 2000, or registered after that date under the late initial registration provisions; and (2) timely re-registered under each of any subsequent extensions. Nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Burundi is effective November 2, 2001, and will remain in effect until November 2, 2002. The 90-day re-registration period begins August 31, 2001, and will remain in effect until November 29, 2001.

FOR FURTHER INFORMATION CONTACT: Rebecca K. Peters, Residence and Status Services Branch, Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Burundi Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that, at least 60 days before the end of a designation or extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer meets the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C. 1254a(b)(3)(C). With respect to Burundi, such an extension makes TPS available only to persons who have been continuously physically present since November 9, 1999, and have continuously resided in the United States since November 9, 1999.

Why Did the Attorney General Decide To Extend the TPS Designation for Burundi?

On November 4, 1997, the Attorney General designated Burundi under the TPS program for a period of 12 months. 62 FR 59735. The Attorney General has since extended the TPS designation two times and redesignated Burundi once after determining that the conditions warranting such designation continued to be met each time. *See* 65 FR 67404 (Nov. 9, 2000) (extension); 64 FR 61123 (Nov. 9, 1999) (extension and redesignation); 63 FR 59334 (Nov. 3, 1998) (extension).

Since the date of the last extension, the Departments of Justice and State have continued to review conditions in Burundi. The review has resulted in a consensus that a further 12-month extension is warranted. The State Department reports that the armed conflict within Burundi persists: ''While negotiations yielded a framework for a peace in August 2000, no cease-fire is in effect and there are currently no negotiations between the government and rebel leaders. Ethnic violence and divisions over the distribution of power continue.'' Recommendation for Extension of Temporary Protected Status, INS/DOS Consultation for Burundi (July 12, 2001). Recent failed coup attempts by Tutsi military officers underscore the tenuousness of the situation. *Id.* The State Department also reports that one effect of the peace process in the Democratic Republic of

the Congo (DRC) has been to push rebel groups from the DRC into Burundi, further destabilizing the latter. *Id.* Unpredictable rebel attacks and government counter-attacks are prevalent, and serious human rights abuses continue to be committed by both sides. *Id.* The State Department concludes that ''Burundi is insecure throughout, and the prospects for a cease-fire in the near future are uncertain.'' *Id.*

Based on this review, the Attorney General finds that the conditions that prompted designation of Burundi under the TPS program continue to be met. 8 U.S.C. 1254a(b)(3)(A). The Attorney General concludes that the TPS designation for Burundi should be extended for a period of 12 months. 8 U.S.C. 1254a(b)(3)(C). There is an ongoing armed conflict within Burundi, and due to such conflict, requiring the return of aliens who are nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) would pose a serious threat to their personal safety. 8 U.S.C.1254a(b)(1)(A). Furthermore, there exist extraordinary and temporary conditions in Burundi that prevent nationals of Burundi (and aliens having no nationality who last habitually resided in Burundi) from returning home in safety. 8 U.S.C. 1254a(b)(1)(C). Finally, permitting nationals of Burundi to remain temporarily in the United States is not contrary to the national interest of the United States. 8 U.S.C. 1254a(b)(1). On the basis of these findings, the Attorney General concludes that the TPS designation for Burundi should be extended for an additional 12-month period. 8 U.S.C 1254a(b)(3)(C).

If I Currently Have TPS, How Do I Re-Register for an Extension?

If you have already been granted TPS through the Burundi TPS program, your TPS will expire on November 2, 2001. Persons previously granted TPS under the Burundi program may apply for an extension by filing (1) the Form I–821, Application for Temporary Protected Status, without the fee, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches × 1½ inches). To determine whether you must submit the one hundred dollar ($100) filing fee with the Form I–765, see the chart below. Children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted must pay the twenty-five dollar ($25) fingerprint fee upon their next application for extension.

Submit the re-registration package to the Immigration and Naturalization Service (Service) district office that has jurisdiction over your place of residence during the 90-day re-registration period that begins August 31, 2001, and will remain in effect until November 29, 2001.

If	Then
You are applying for employment authorization through November 2, 2002.	You must complete and file: (1) Form I–765, Application for Employment Authorization, with the $100 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file: (1) Form I–765, with no filing fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20, and (2) Form I–765, with no fee.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not necessarily affect disposition of a separate TPS application, though grounds for denying one form of relief may serve as the basis for denying TPS as well. For example, a person who has been convicted of a particularly serious crime is ineligible for both asylum and TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B).

Does This Extension Allow Nationals of Burundi (or Aliens Having No Nationality Who Last Habitually Resided in Burundi) Who Entered the United States After November 9, 1999, To File for TPS?

No. This is a notice of an extension of the TPS designation for Burundi, not a notice of redesignation of Burundi under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States and, thus, does not expand TPS availability to include nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) who have not been continuously physically present in, and have not continuously resided in, the United States since November 9, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2(f)(2). To apply for late initial registration an applicant must:

(1) Be a national of Burundi (or an alien who has no nationality and who last habitually resided in Burundi);

(2) Have been continuously physically present in the United States since November 9, 1999;

(3) Have continuously resided in the United States since November 9, 1999; and,

(4) Be both admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the redesignation registration period from November 9, 1999 through November 2, 2000, he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must register no later than 60 days from the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Burundi Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(1), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Burundi for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Burundi under section 244(b) of the Act is extended for an additional 12-month period from November 2, 2001 to November 2, 2002. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 1,000 nationals of Burundi (or aliens who have no nationality and who last habitually resided in Burundi) who have been granted TPS and who are eligible for re-registration.

(3) In order to be eligible for TPS during the period from November 2,

2001 through November 2, 2002, a national of Burundi (or an alien who has no nationality and who last habitually resided in Burundi) who has already received a grant of TPS under the Burundi TPS designation must re-register for TPS by filing (1) The new Form I–821, Application for Temporary Protected Status, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches × 1½ inches) within the 90-day period beginning on August 31, 2001 and ending on November 29, 2001. There is no fee for a Form I–821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred dollars ($100) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I–765. An applicant who does not request employment authorization must nonetheless file the Form I–765 along with the Form I–821, but is not required to submit the fee. The twenty-five dollar ($25) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2(f)(2).

(4) At least 60 days before this extension terminates on November 2, 2002, the Attorney General will review the designation of Burundi under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 U.S.C. 1254a(b)(3)(A).

(5) Information concerning the Burundi TPS program will be available at local Service offices upon publication of this notice and on the Service website at *http://www.ins.usdoj.gov.*

Dated: August 28, 2001.

Larry D. Thompson,

Acting Attorney General.

[FR Doc. 01–22131 Filed 8–29–01; 2:56 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2164–01; AG Order No. 2505–2001]

RIN 1115–AE26

Extension of the Designation of Sierra Leone Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Sierra Leone under the Temporary Protected Status (TPS) program will expire on November 2, 2001. This notice extends the Attorney General's designation of Sierra Leone under the TPS program for 12 months until November 2, 2002, and sets forth procedures necessary for nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone) with TPS to re-register for the additional 12-month period. Eligible nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who (1) registered during the initial registration period, which ended on November 3, 1998, registered during the re-designation registration period, which ended on November 2, 2000, or registered after that date under the late initial registration provisions; and (2) timely re-registered under each of any subsequent extensions. Nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Sierra Leone is effective November 2, 2001, and will remain in effect until November 2, 2002. The 90-day re-registration period begins August 31, 2001, and will remain in effect until November 29, 2001.

FOR FURTHER INFORMATION CONTACT: Rebecca K. Peters, Residence and Status Services Branch, Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Sierra Leone Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that, at least 60 days before the end of a designation or extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer meets the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C. 1254a(b)(3)(C). With respect to Sierra Leone, such an extension makes TPS available only to persons who have been continuously physically present since November 9, 1999, and have continuously resided in the United States since November 9, 1999.

Why Did the Attorney General Decide To Extend the TPS Designation for Sierra Leone?

On November 4, 1997, the Attorney General designated Sierra Leone under the TPS program for a period of 12 months. 62 FR 59736. The Attorney General has since extended the TPS designation two times and redesignated Sierra Leone once after determining that the conditions warranting such designation continued to be met each time. See 65 FR 67405 (Nov. 9, 2000) (extension); 64 FR 61125 (Nov. 9, 1999) (extension and redesignation); 63 FR 59336 (Nov. 3, 1998) (extension).

Since the date of the last extension, the Departments of Justice and State have continued to review conditions in Sierra Leone. The review has resulted in a consensus that a further 12-month extension is warranted. The State Department reports that the armed conflict within Sierra Leone persists: ''Though characterized by a tenuous ceasefire, and with many combatants entering a disarmament and demobilization program, conflicts and battles between competing elements and factions continue to occur, often causing casualties and deaths among the civilian population.'' Recommendation for Extension of Temporary Protected Status, INS/DOS Consultation for Sierra Leone (July 12, 2001). The United Nations (UN) peacekeeping operation, United Nations Mission in Sierra Leone, is gradually extending its deployment, but many areas of the country are

without effective civil control. *Id.* The State Department also referred to a May 23, 2001 statement by UN Secretary General Kofi Annan, in which he cautioned that conditions for promoting return of refugees from neighboring countries did not exist since portions of Sierra Leone remain in the hands of the Revolutionary United Front and beyond the reach of humanitarian aid organizations. *Id.*

Based on this review, the Attorney General finds that the conditions that prompted designation of Sierra Leone under the TPS program continue to be met. 8 U.S.C.1254a(b)(3)(A). The Attorney General concludes that the TPS designation for Sierra Leone should be extended for a period of 12 months. 8 U.S.C. 1254a(b)(3)(C). There is an ongoing armed conflict within Sierra Leone and, due to such conflict, requiring the return of aliens who are nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone) would pose a serious threat to their personal safety. 8 U.S.C. 1254a(b)(1)(A). Furthermore, there exist extraordinary and temporary conditions in Sierra Leone that prevent nationals of Sierra Leone (and aliens having no nationality who last habitually resided in Sierra Leone) from returning home in safety. 8 U.S.C. 1254a(b)(1)(C). Finally, permitting nationals of Sierra Leone to remain temporarily in the United States is not contrary to the national interest of the United States. 8 U.S.C. 1254a(b)(1). On the basis of these findings, the Attorney General concludes that the TPS designation for Sierra Leone should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS, How Do I Re-Register for an Extension?

If you have already been granted TPS through the Sierra Leone TPS program, your TPS will expire on November 2, 2001. Persons previously granted TPS under the Sierra Leone program may apply for an extension by filing (1) the Form I–821, Application for Temporary Protected Status, without the fee, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches x 1½ inches). To determine whether you must submit the one hundred dollar ($100) filing fee with the Form I–765, see the chart below. Children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted must pay the twenty-five dollar ($25) fingerprint fee upon their next application for extension.

Submit the re-registration package to the Immigration and Naturalization Service (Service) district office that has jurisdiction over your place of residence during the 90-day re-registration period that begins August 31, 2001, and will remain in effect until November 29, 2001.

If	Then
You are applying for employment authorization through November 2, 2002.	You must complete and file: (1) Form I–765, Application for Employment Authorization, with the $100 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file: (1) Form I–765, with no filing fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20, and (2) Form I–765, with no fee.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not necessarily affect disposition of a separate TPS application, though grounds for denying one form of relief may serve as the basis for denying TPS as well. For example, a person who has been convicted of a particularly serious crime is ineligible for both asylum and TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C.1254a(c)(2)(B).

Does This Extension Allow Nationals of Sierra Leone (or Aliens Having No Nationality Who Last Habitually Resided in Sierra Leone) Who Entered the United States After November 9, 1999, To File for TPS?

No. This is a notice of an extension of the TPS designation for Sierra Leone, not a notice of redesignation of Sierra Leone under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States and, thus, does not expand TPS availability to include nationals of Sierra Leone (or aliens having no nationality who last habitually resided in Sierra Leone) who have not been continuously physically present in, and have not continuously resided in, the United States since November 9, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2(f)(2). To apply for late initial registration an applicant must:

(1) Be a national of Sierra Leone (or an alien who has no nationality and who last habitually resided in Sierra Leone);

(2) Have been continuously physically present in the United States since November 9, 1999;

(3) Have continuously resided in the United States since November 9, 1999; and,

(4) Be both admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the redesignation registration period from November 9, 1999 through November 2, 2000, he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must register no later than 60 days from the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Sierra Leone Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(1), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Sierra Leone for TPS continue to be met. 8 U.S.C.1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Sierra Leone under section 244(b) of the Act is extended for an additional 12-month period from November 2, 2001 through November 2, 2002. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 6,102 nationals of Sierra Leone (or aliens who have no nationality and who last habitually resided in Sierra Leone) who have been granted TPS and who are eligible for re-registration.

(3) In order to be eligible for TPS during the period from November 2, 2001 through November 2, 2002, a national of Sierra Leone (or an alien who has no nationality and who last habitually resided in Sierra Leone) who has already received a grant of TPS under the Sierra Leone TPS designation must re-register for TPS by filing (1) the new Form I–821, Application for Temporary Protected Status, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches × 1½ inches), within the 90-day period beginning on August 31, 2001 and ending on November 29, 2001. There is no fee for a Form I–821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred dollars ($100) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I–765. An applicant who does not request employment authorization must nonetheless file the Form I–765 along with the Form I–821, but is not required to submit the fee. The twenty-five dollar ($25) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2(f)(2).

(4) At least 60 days before this extension terminates on November 2, 2002, the Attorney General will review the designation of Sierra Leone under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 U.S.C. 1254a(b)(3)(A).

(5) Information concerning the Sierra Leone TPS program will be available at local Service offices upon publication of this notice and on the Service website at *http://www.ins.usdoj.gov.*

Dated: August 28, 2001.

Larry D. Thompson,

Acting Attorney General.

[FR Doc. 01–22132 Filed 8–29–01; 2:56 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF JUSTICE

Immigratin and Naturalization Service

[INS No. 2163–0901; AG Order No. 2503–092001]

RIN 1115–09AE26

Extension of the Designation of Sudan Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Sudan under the Temporary Protected Status (TPS) program will expire on November 2, 2001. This notice extends the Attorney General's designation of Sudan under the TPS program for 12 months until November 2, 2002, and sets forth procedures necessary for nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) with TPS to re-register for the additional 12-month period. Eligible nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who (1) registered during the initial registration period, which ended on November 3, 1998, registered during the redesignation registration period, which ended on November 2, 2000, or registered after that date under the late initial registration provisions; and (2) timely re-registered under each of any subsequent extensions. Nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) who previously have not applied for TPS may be eligible to apply under the late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Sudan is effective November 2, 2001, and will remain in effect until November 2, 2002. The 90-day re-registration period begins August 31, 2001, and will remain in effect until November 29, 2001.

FOR FURTHER INFORMATION CONTACT: Rebecca K. Peters, Residence and Status Services Branch, Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–094754.

SUPPLEMENTARY INFORMATION:WHAT AUTHORITY DOES THE ATTORNEY GENERAL HAVE TO EXTEND THE DESIGNATION OF SUDAN UNDER THE TPS PROGRAM? Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of a designation or extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer meets the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C. 1254a(b)(3)(C). With respect to Sudan, such an extension makes TPS available only to persons who have been continuously physically present since November 9, 1999, and have continuously resided in the United States since November 9, 1999.

Why Did the Attorney General Decide To Extend the TPS Designation for Sudan?

On November 4, 1997, the Attorney General designated Sudan under the TPS program for a period of 12 months. 62 FR 59737. The Attorney General has since extended the TPS designation two times and redesignated Sudan once after determining that the conditions warranting such designation continued to be met each time. See 65 FR 67407 (Nov. 9, 2000) (extension); 64 FR 61128 (Nov. 9, 1999) (extension and redesignation), 63 FR 59337 (Nov. 3, 1998) (extension).

Since the date of the last extension, the Departments of Justice and State have continued to review conditions in Sudan. The review has resulted in a consensus that a further 12-month extension is warranted. The State Department reports that: ''Civil war continues in Sudan and has reportedly worsened in the past year, with increased fighting and bombings * * * . The 1998 cease-fire is now long defunct, and the [Government of Sudan] has reportedly indiscriminately bombed overwhelmingly civilian populations on an almost weekly basis. There have been substantial human rights abuses by both Government and rebel forces.'' Recommendation for Temporary Protected Status, INS/DOS Consultation for Sudan (July 12, 2001). This has caused extensive displacement of populations. *Id.* The State Department indicates that: ''Insecurity and forced population relocations have destroyed most of the indigenous trading and production systems. The risk of famine continues as fighting impedes relief efforts.'' *Id.*

Based on this review, the Attorney General finds that the conditions that prompted designation of Sudan under the TPS program continue to be met. 8 U.S.C. 1254a(b)(3)(A). There is an

ongoing armed conflict within Sudan and, due to such conflict, requiring the return of aliens who are nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) would pose a serious threat to their personal safety. 8 U.S.C. 1254a(b)(3)(A). Furthermore, there exist extraordinary and temporary conditions in Sudan that prevent nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) from returning home in safety. 8 U.S.C. 1254a(b)(1)(C). Finally, permitting nationals of Sudan to remain temporarily in the United States is not contrary to the national interest or the United States. 8 U.S.C. 1254a(b)(1). On the basis of these findings, the Attorney General concludes that the TPS designation for Sudan should be extended for a period of 12 months.

If I Currently have TPS, How Do I Re-Register for an Extension?

If you have already been granted TPS through the Sudan TPS program, your TPS will expire on November 2, 2001. Persons previously granted TPS under the Sudan program may apply for an extension by filing (1) the Form I–821, Application for Temporary Protection Status, without the fee, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches x 1½ inches). To determine whether you must submit the one hundred dollar ($100) filing fee with the Form I–765, see the chart below. Children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted must pay the twenty-five dollar ($25) fingerprint fee upon their next application for extension.

Submit the re-registration package to the Immigration and Naturalization Service (Service) district office that has jurisdiction over your place of residence during the 90-day re-registration period that begins August 31, 2001 and will remain in effect until November 29, 2001.

If	Then
You are applying for employment authorization through November 2, 2002.	You must complete and file: (1) Form I–765, Application for Employment Authorization, with the $100 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file: (1) Form I–765, with no filing fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20, and (2) Form I–765, with no fee.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. Denial of an application for asylum or any other immigration benefit does not necessarily affect disposition of a separate TPS application, though grounds for denying one form of relief may serve as the basis for denying TPS as well. For example, a person who has been convicted of a particularly serious crime is ineligible for both asylum and TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B).

Does This Extension Allow Nationals of Sudan (or Aliens Having no Nationality Who Last Habitually Resided in Sudan) Who Entered the United States After November 9, 1999, To File for TPS?

No. This is a notice of an extension of the TPS designation for Sudan, not a notice of redesignation of Sudan under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States and, thus, does not expand TPS availability to include nationals of Sudan (or aliens having no nationality who last habitually resided in Sudan) who have not been continuously physically present in, and have not continuously resided in, the United States since November 9, 1999.

Is Late Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2(f)(2). To apply for late initial registration an applicant must:

(1) Be a national of Sudan (or an alien who has no nationality and who last habitually resided in Sudan);

(2) Have been continuously physically present in the United States since November 9, 1999;

(3) Have continuously resided in the United States since November 9, 1999; and

(4) Be both admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Act, and also not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the redesignation registration period from November 9, 1999, through November 2, 2000, he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status; asylum, voluntary departure, or any relief from removal of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must register no later than 60 days from the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Sudan Under the TPS Program.

By the authority vested in me as Attorney General under sections 244(b)(1), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Sudan for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Sudan under section 244(b) of the Act is extended for an additional 12-month period from November 2, 2001 through November 2, 2002. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 1,903 nationals of Sudan (or aliens who have no nationality and who last habitually resided in Sudan) who have been granted TPS and who are eligible for re-registration.

(3) In order to be eligible for TPS during the period from November 2, 2001 to November 2, 2002, a national of Sudan (or an alien who has nationality and who last habitually resided in Sudan) who has already received a grant of TPS under the Sudan TPS designation must re-register for TPS by filing (1) the new Form I–821, Application for Temporary Protected Status, (2) the Form I–765, Application for Employment Authorization, and (3) two identification photographs (1½ inches × 1½ inches), within the 90-day period beginning on August 31, 2001 and ending on November 29, 2001. There is no fee for a Form I–821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred dollars ($100) or a properly documented fee waiver

request, pursuant to 8 CFR 244.20, with the Form I–765. An applicant who does not request employment authorization must nonetheless file the Form I–765 along with the Form I–821, but is not required to submit the fee. The twenty-five dollar ($25) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2(f)(2).

(4) At least 60 days before this extension terminates on November 2, 2002, the Attorney General will review the designation of Sudan under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register** 8 U.S.C. 1254a(b)(3)(A).

(5) Information concerning the Sudan TPS program will be available at local Service offices upon publication of this notice and on the Service website at *http://www.ins.usdoj.gov.*

Dated: August 28, 2001.

Larry D. Thompson,

Acting Attorney General.

[FR Doc. 01–22130 Filed 8–29–01; 2:56 pm]

BILLING CODE 4410–10–M

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 supersedeas 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, NW., Room S–3014, Washington, DC 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. TN010046. See TN010005.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

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 n parentheses following the decisions being modified.

Volume I

New Jersey
NJ010001 (Mar. 2, 2001)

Volume II

None

Volume III

Tennessee
TN010005 (Mar. 2, 2001)
TN010013 (Mar. 2, 2001)
TN010023 (Mar. 2, 2001)
TN010032 (Mar. 2, 2001)
TN010050 (Mar. 2, 2001)
TN010055 (Mar. 2, 2001)
TN010058 (Mar. 2, 2001)

Volume IV

None

Volume V

Iowa
IA010004 (Mar. 2, 2001)

Volume IV

Idaho
D010001 (Mar. 2, 2001)
D010002 (Mar. 2, 2001)
Montana
MT010005 (Mar. 2, 2001)
MT010006 (Mar. 2, 2001)
MT010007 (Mar. 2, 2001)
MT010008 (Mar. 2, 2001)
MT010033 (Mar. 2, 2001)
MT010035 (Mar. 2, 2001)
Oregon
OR010017 (Mar. 2, 2001)
Washington
WA010001 (Mar. 2, 2001)
WA010002 (Mar. 2, 2001)

WA010003 (Mar. 2, 2001)
WA010006 (Mar. 2, 2001)
WA010007 (Mar. 2, 2001)
WA010010 (Mar. 2, 2001)
WA010011 (Mar. 2, 2001)

Volume VII

California
CA010001 (Mar. 2, 2001)
CA010002 (Mar. 2, 2001)
CA010004 (Mar. 2, 2001)
CA010009 (Mar. 2, 2001)
CA010028 (Mar. 2, 2001)
CA010029 (Mar. 2, 2001)
CA010030 (Mar. 2, 2001)
CA010031 (Mar. 2, 2001)
CA010032 (Mar. 2, 2001)
CA010033 (Mar. 2, 2001)
CA010034 (Mar. 2, 2001)
CA010035 (Mar. 2, 2001)
CA010036 (Mar. 2, 2001)
CA010037 (Mar. 2, 2001)
CA010038 (Mar. 2, 2001)
CA010039 (Mar. 2, 2001)
CA010040 (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 23rd day of August 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–21781 Filed 8–30–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before October 1, 2001 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Brooke Dickson, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–6730 or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on June 8, 2001 (66 FR 30954 and 30955). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

OMB number: 3095–0035.
Agency form number: None.
Type of review: Regular.
Affected public: Business or other for-profit, not-for-profit institutions, Federal government.
Estimated number of respondents: 5.
Estimated time per response: 3 hours.
Frequency of response: On occasion.
Estimated total annual burden hours: 15 hours.
Abstract: The information collection is prescribed by 36 CFR 1254.71(e). Respondents are organizations that want to make paper-to-paper copies of archival holdings with their personal copiers. NARA uses the information to determine whether the request meets the criteria in 36 CFR 1254.71(e) and to schedule the limited space available.

Dated: August 27, 2001.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 01–21971 Filed 8–30–01; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–003 and 50–247]

In the Matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit Nos. 1 and 2); Order Approving Transfer of Licenses and Conforming Amendments

I.

The Consolidated Edison Company of New York, Inc., (Con Edison) is the holder of Facility Operating License No. DPR–5, for the Indian Point Nuclear Generating Unit No. 1 (IP1), and Facility Operating License No. DPR–26, for the Indian Point Nuclear Generating Unit No. 2 (IP2). The licenses authorize Con Edison to possess and maintain IP1 and to possess, use, and operate IP2 at steady-state power levels not in excess of 3071.4 megawatts thermal. The IP1 and 2 facilities, which are owned by Con Edison, are located in Westchester County, New York.

II.

Under cover of a letter dated December 12, 2000, Con Edison, Entergy Nuclear Indian Point 2, LLC (Entergy Nuclear IP2) and Entergy Nuclear

Operations, Inc., (ENO) submitted an application requesting approval of a transfer of the above licenses to Entergy Nuclear IP2, the proposed owner of IP1 and IP2, and to ENO, the proposed entity to maintain IP1 and operate IP2, and approval of conforming amendments to the licenses to reflect the transfer. The application was supplemented by letters dated April 12, 2001, from Con Edison and April 16, May 24, June 6, and June 8, 2001, from Entergy Nuclear IP2 and ENO. The application and supplements are collectively referred to herein as the application, unless otherwise noted.

According to the application, Entergy Nuclear IP2 would assume title to both facilities following approval of the proposed license transfers, and ENO would become responsible for the maintenance of IP1 and operation and maintenance of IP2.

Entergy Nuclear IP2, a Delaware limited liability company, is an indirect wholly owned subsidiary of Entergy Corporation, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #3. ENO, a Delaware corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a direct wholly owned subsidiary of Entergy Nuclear Holding Company #2.

The conforming amendments would remove the current licensee from the facility operating licenses and would add Entergy Nuclear IP2 and ENO in its place, as appropriate. In addition, other administrative changes to the licenses would be made to reflect the filing of the application and subject license transfers.

Approval of the transfer of the facility operating licenses and the conforming license amendments was requested pursuant to 10 CFR 50.80 and 50.90. Notice of the request for approval and an opportunity to request a hearing or to submit written comments was published in the **Federal Register** on January 29, 2001 (66 FR 8122). Pursuant to the notice, the Commission received hearing requests dated February 20, 2001, from the Citizens Awareness Network, Inc., and jointly from the Town of Cortlandt Manor, New York, and the Hendrick Hudson School District. These requests are currently pending before the Commission. No written comments as alternatives to hearing requests were submitted.

Pursuant to 10 CFR 2.1316, during the pendency of a hearing, the U.S. Nuclear Regulatory Commission (NRC) staff is expected to promptly proceed with the approval or denial of license transfer requests consistent with the staff's findings in its safety evaluation. Notice of the staff's action shall be promptly transmitted to the Presiding Officer and parties to the proceeding. Commission action on the pending hearing requests is being handled independently of this action.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC shall give its consent in writing. After reviewing the information in the application and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that Entergy Nuclear IP2 and ENO are qualified to be the holders of the licenses to the extent proposed in the application, and that the transfer of the licenses to Entergy Nuclear IP2 and ENO is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter 1; the facilities will operate in conformity with the application, the provisions of the Act and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed license amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied. The findings set forth above are supported by the staff's safety evaluation dated August 27, 2001.

III.

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC §§ 2201(b), 2201(i), 2201(o), and 2234, and 10 CFR 50.80, *It Is Hereby Ordered*, That the transfer of the licenses, as described herein and in the application, to Entergy Nuclear IP2 and ENO is approved, subject to the following conditions:

1. Before the completion of the transfer of the IP1 and IP2 licenses, Entergy Nuclear IP2 and ENO shall provide the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that they have obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

2. On the closing date of the transfer of the licenses, Con Edison shall transfer to Entergy Nuclear IP2 all of the accumulated decommissioning trust funds for IP1 and IP2 and such additional funds to be deposited in the decommissioning trusts for IP1 and IP2 such that the total amount transferred is no less than $430,000,000. Furthermore, Entergy Nuclear IP2 shall either (a) establish a provisional trust for decommissioning funding assurance for IP1 and IP2 in an amount no less than $25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC) or (b) obtain a surety bond for an amount no less than $25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC). The total decommissioning funding assurance provided for IP1 and IP2 by the combination of the decommissioning trusts and the provisional trust or surety bond at the time of transfer of the licenses shall be at a level no less than the amounts calculated pursuant to, and required under, 10 CFR 50.75. The decommissioning trusts, provisional trust, and surety bond shall be subject to or be consistent with the following requirements, as applicable:

(a) Decommissioning Trusts

(i) The decommissioning trust agreement must be in a form acceptable to the NRC.

(ii) With respect to the decommissioning trust funds, investments in the securities or other obligations of Entergy Corporation, or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

(iii) No contribution to the funds that consists of property other than liquid assets shall be permitted.

(iv) The decommissioning trust agreement must provide that no disbursements or payments from the trusts, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the Director of the Office of Nuclear Reactor Regulation 30 days

prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the NRC.

(v) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

(vi) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trusts shall adhere to a ''prudent investor'' standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(b) Provisional Trust

(i) The provisional trust agreement must be in a form acceptable to the NRC.

(ii) Investments in the securities or other obligations of Entergy Corporation or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

(iii) The provisional trust agreement must provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the Director of the Office of Nuclear Reactor Regulation 30 days prior written notice of payment. The provisional trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the NRC.

(iv) The provisional trust agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

(v) The appropriate section of the provisional trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a ''prudent investor'' standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(vi) Use of assets in the provisional trust, in the first instance, shall be limited to the expenses related to decommissioning IP1 and IP2 as defined by the NRC in its regulations and issuances, and as provided in the IP1 and IP2 licenses and any amendments thereto.

(c) Surety Bond

(i) The surety bond agreement must be in a form acceptable to the NRC and be in accordance with all applicable NRC regulations.

(ii) The surety company providing any surety bond obtained to comply with this Order shall be one of those listed by the U.S. Department of the Treasury in the most recent edition of *Circular 570* and shall have a coverage limit sufficient to cover the amount of the surety bond.

(iii) Entergy Nuclear IP2 shall establish a standby trust to receive funds from the surety bond, if a surety bond is obtained, in the event that Entergy Nuclear IP2 defaults on its funding obligations for the decommissioning of IP1 or IP2. The standby trust agreement must be in a form acceptable to the NRC, and shall conform with all conditions otherwise applicable to the decommissioning trust agreement, and with all conditions that would be applicable to the provisional trust above, if established.

(iv) The surety agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

3. Entergy Nuclear IP2 shall take all necessary steps to ensure that the decommissioning trusts are maintained in accordance with the application and the requirements of this Order, and consistent with the safety evaluation supporting this Order.

4. Entergy Nuclear IP2 and ENO shall take no action to cause Entergy Global Investments, Inc., or Entergy International Ltd. LLC or their parent companies to void, cancel, or modify the $55 million contingency commitment to provide funding for the IP1 and IP2 plants as represented in the application without the prior written consent of the Director of the Office of Nuclear Reactor Regulation.

5. After receipt of all required approvals of the transfer of IP1 and IP2, Con Edison shall inform the Director of the Office of Nuclear Reactor Regulation, in writing, of such receipt within 5 business days, and of the date of the closing of the transfer no later than 7 business days prior to the date of the closing. Should the transfer of the licenses not be completed by August 27, 2002, this Order shall become null and void, provided, however, that upon written application and for good cause shown, such date may be extended by order.

It Is Further Ordered that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject license transfers are approved. The amendments shall be issued and made effective at the time the proposed license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application submitted under cover letter dated December 12, 2000, and supplements dated April 12, 2001, submitted by Con Edison, and dated April 16, 2001, May 24, June 6, and June 8, 2001, submitted by Entergy Nuclear IP2 and ENO, and the safety evaluation dated August 27, 2001, which are available for public inspection at the NRC's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and are accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 27th day of August 2001.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 01–22026 Filed 8–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–277 and 50–278]

Exelon Generation Company, LLC (Exelon): Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License Nos. DPR–44 and DPR–56 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating License Nos. DPR–44 and DPR–56, which authorize Exelon Generation Company, LLC (Exelon) to operate Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, at 3458 megawatts thermal. The renewed licenses would authorize the applicant to operate PBAPS Units 2 and 3 for an additional 20 years beyond the period

specified in the current licenses. The current operating licenses for PBAPS Units 2 and 3 expire on August 8, 2013, and July 2, 2014, respectively.

Exelon submitted an application on July 2, 2001, to renew the operating licenses for PBAPS Units 2 and 3. A Notice of Receipt of Application, ''Exelon Generation Company, LLC (Exelon), Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR–44, and DPR–56 for an Additional 20-Year Period,'' was published in the **Federal Register** on July 25, 2001 (66 FR 38753).

The Commission's staff has determined that Exelon has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket Nos. 50–277 and 50–278, for Operating License Nos. DPR–44 and DPR–56, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants'' (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By October 1, 2001, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC Web site at *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 54 and 51, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855–2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. James A. Hutton, Director-Licensing, Exelon Corporation,

200 Exelon Way, Kennett Square, PA 19348.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon of the NRC's Web page at *http://www.nrc.gov.*

A copy of the application to renew the operating licenses for PBAPS Units 2 and 3 is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855–2738, and on the NRC's Web page at *http://www.nrc.gov.* The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

The staff has also verified that copies of the license renewal application for the PBAPS, Units 2 and 3 are also available to local residents at the Harford County Public Library, in Whiteford, Maryland, and the Collinsville Community Library, in Brogue, Pennsylvania.

Dated at Rockville, Maryland, this the 24th day of August 2001.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–21938 Filed 8–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to Renewed Facility Operating License No. DPR–51, issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Unit 1, (ANO–1) located in Pope County, Arkansas.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would revise the existing, or current, Technical Specifications (CTS) for ANO–1 in their entirety, based on the guidance provided in NUREG–1430, ''Standard Technical Specifications, Babcock and Wilcox Plants,'' and in the NRC's regulations, including 10 CFR 50.36, ''Technical specifications.''

The proposed amendment is in accordance with the licensee's application dated January 28, 2000, as supplemented by letters dated August 9 and September 28, 2000, and February 6, March 19, May 1, and August 23, 2001.

The Need for the Proposed Action

It has been recognized that nuclear safety in all nuclear power plants would benefit from an improvement and standardization of plant Technical Specifications (TS). The '' Interim Policy Statement on Technical Specification Improvements for Nuclear Power Plants,'' (52 FR 3788) contained proposed criteria for defining the scope of TS. Later, the NRC's ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' published on July 22, 1993 (58 FR 39132), incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36. In 1995, the NRC published a Final Rule amending 10 CFR 50.36 (60 FR 36953) in which the NRC codified criteria for determining the content of TS. To facilitate the development of standard TS for nuclear power reactors, each power reactor vendor owners' group (OG) and the NRC staff developed standard TS. For ANO–1, the Improved Standard Technical Specifications (ISTS) are in NUREG–1430. This document forms part of the basis for the proposed ANO–1 Improved Technical Specifications (ITS) conversion.

Description of the Proposed Change

The proposed changes to the CTS are based on NUREG–1430 and on guidance provided by the NRC in its Final Policy Statement and subsequent revision to 10 CFR 50.36. The objective of the changes is to completely rewrite, reformat, and streamline the CTS (i.e., to convert the CTS to the ITS). Emphasis is placed on human factors principles to improve clarity and understanding of the TS. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1430, portions of the CTS were also used as the basis for the development of the ANO–1 ITS.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocation changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering, and rewording process reflects the attributes of NUREG–1430 and does not involve technical changes to the existing TS. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG–1430 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant); (b) identifying plant-specific wording for system names, etc.; and (c) changing NUREG–1430 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocation changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Current TS requirements that do not satisfy or fall within any of the four criteria specified in the NRC's policy statement may be relocated to appropriate licensee-controlled documents. The requirements and surveillances for these affected structures, systems, components, or variables would be relocated from the TS to administratively controlled documents such as the quality assurance program, the Final Safety

Analysis Report, the ITS BASES, the Technical Requirements Manual, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing Program, or other licensee-controlled documents. Changes made to these documents would be made pursuant to 10 CFR 50.59, ''Changes, tests, and experiments,'' or other appropriate control mechanisms, and may, within the prescribed limits, be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are often addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes to the TS will not, in and of themselves, impose any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, or components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG–1430 that the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the OGs' comments on the ISTS. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG–1430, thus providing a basis for these revised TS, or, if relaxation of the requirements in the CTS is warranted, based on the justification provided by the licensee.

These administrative, relocation, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different from the requirements in both the CTS and the ISTS (NUREG–1430). These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS Limiting Condition for Operation (LCO) 3.2.3, ''Axial Power Imbalance Operating Limits''—Completion time for power reduction if axial power imbalance not restored to within limits changed to 4 hours from value in NUREG–1430 (2 hours).

2. ITS LCO 3.2.4, ''Quadrant Power Tilt (QPT)''—Revised the completion time for several actions for circumstances where QPT exceeds limits specified in the COLR.

3. ITS LCO 3.4.8, ''RCS [Reactor Coolant System] Loops, MODE 5, Loops Not Filled''—Added a required action to suspend operations involving reduction in RCS water volume if required decay heat removal (DHR) loops were not operable or required DHR loop not in operation.

4. ITS LCO 3.4.11, ''Low Temperature Overpressure Protection (LTOP) System''—Adopted some of the NUREG–1430 required actions and surveillance requirements which are more restrictive than CTS but did not adopt all NUREG–1430 requirements.

5. ITS LCO 3.5.2, ''ECCS [Emergency Core Cooling System]—Operating''—Added a shutdown requirement for a condition where less than 100 percent of the ECCS flow equivalent to a single operable train is available.

6. ITS LCO 3.7.1, ''Main Steam Safety Valves (MSSVs)''—Reformatted to replace figure in NUREG–1430 with a table providing limitations for operation with more than one inoperable MSSV per steam generator.

7. ITS LCO 3.4.13, ''RCS Operational LEAKAGE''—Modified surveillance requirement to specify that the surveillance is not required until after the plant is at or near operating pressure.

8. ITS Administrative Controls 5.5.1, ''Offsite Dose Calculation Manual (ODCM)''—Reference reports by name only instead of NUREG–1430 convention of including report name and associated TS.

9. ITS Administrative Controls 5.2.2, ''Unit Staff''—Reference to specific operator staffing requirements is replaced with a reference to the applicable regulation.

10. ITS LCO 3.6.3, ''Reactor Building Isolation Valves''—Surveillance requirement in NUREG -1430 not adopted for reactor building purge valves since ANO–1 does not have resilient seated valves.

11. ITS LCO 3.6.4, ''Reactor Building Pressure''—Lower limit on reactor building pressure increased to a more restrictive value to be consistent with ECCS analyses and Bases statements in NUREG–1430.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed conversion of the CTS to the ITS for ANO–1, including the beyond-scope issues discussed above. Changes which are administrative in nature have no effect on the technical content of the TS. The increased clarity and understanding these changes bring to the TS are expected to improve the operators control of ANO–1 in normal and accident conditions.

Relocation of requirements from the CTS to other licensee-controlled documents does not change the substance of these provisions requirements themselves. Future changes to these provisions may then be made by the licensee under 10 CFR 50.59 and other NRC-approved control mechanisms which will ensure continued adequate control of their substance. All such relocations would be consistent with the guidelines of NUREG–1430 and 10 CFR 50.36.

Changes involving more restrictive requirements enhance plant safety.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit, or to place an unnecessary burden on the licensee, their removal from the TS is justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic action, or of agreements reached during discussions with the OG, and found to be acceptable for the plant. Generic relaxations contained in NUREG–1430 have been reviewed by the NRC staff and found to be acceptable.

The proposed amendment will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. The changes will not create any new or unreviewed environmental impacts that were not considered in the Final Environmental Statement (FES) related to the operation of ANO–1,

dated February 9, 1973, and the Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding the Arkansas Nuclear One, Unit 1 (NUREG 1437-Supplement 3) published in April 2001. Therefore, there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to potential non-radiological impacts, the proposed amendment does not have a potential to affect any historic sites. It involves features located entirely within the restricted area for the plant defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. It does not increase any discharge limit for the plant. Therefore, there are no significant non-radiological environmental impacts associated with the proposed amendment.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed amendment.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the licensee's application would result in no change in current environmental impacts of ANO–1 operations, but it would prevent the safety benefits to the plant from the conversion to the ITS. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any different resources that those previously considered in the FES or Supplement 3 to NUREG–1437 for ANO–1.

Agencies and Persons Consulted

In accordance with its stated policy, on July 31, 2001, the staff consulted with the Arkansas State official, B. Bevill of the Arkansas Department of Health, regarding the environmental impact of the proposed amendment. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the NRC concludes that the proposed amendment will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated January 28, 2000, as supplemented by letters dated August 9 and September 28, 2000, and February 6, March 19, May 1, and August 23, 2001. Documents may be examined, and/or copied for a fee, at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, http://www.nrc.gov/NRC/ADAMS/index.html. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 27th day of August, 2001.

Dated at Rockville, Maryland, this 27th day of August 2001.

For the Nuclear Regulatory Commission.

Robert A. Gramm,

Chief, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–22027 Filed 8–30–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27434]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 27, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 21, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declaration(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order is issued in the matter. After September 21, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Connecticut Light and Power Company (70–9905)

The Connecticut Light and Power Company (''CL&P''), a wholly owned electric utility subsidiary of Northeast Utilities (''NU''), a public utility holding company, and CL&P Receivables Corporation (''CRC''), a wholly-owned special purpose subsidiary of CL&P, both located at 107 Selden Street, Berlin, Connecticut 06037–5457, have filed a declaration under section 12(c) and rules 46 and 54 of the Act.

By order dated September 29, 1997 (HCAR No. 26761) (''1997 Order''), the Commission authorized CL&P to engage in five transactions in connection with its receivables program (''Program''). Under the 1997 Order, authority was granted for (i) CL&P to organize CRC, (ii) CRC to issue shares of common stock, (iii) CL&P to acquire shares of CRC common stock, (iv) CL&P to make, directly and indirectly, initial and general equity contributions to CRC, and (v) CRC to pay dividends to CL&P from time to time out of capital to achieve the optimum balance of capital to achieve economic efficiency. Transactions (i) through (iv) (with respect to initial equity contributions) have been undertaken and by their nature are permanent, while (v) by its nature is an ongoing process as the Program moves forward. The Program was scheduled to expire on July 11, 2001 and was suspended on that date. In order to extend the Program beyond July 11, 2001, CL&P is now seeking authority to continue the actions set forth in (v) above, and any other aspect of the proposed transactions for which approval may be necessary, through July 8, 2004, the proposed date of expiration of the extended Program.

The Programs consists of two agreements. As extended to July 8, 2004, the Program will continue in place with the same provisions set present. The principal features of the Program are as follows: under the first agreement, between CL&P and CRC (''Company Agreement''), CL&P sells or transfers as equity contributions from time to time

all eligible categories of its billed and unbilled accounts received (''Receivables'') and related assets (''Related Assets'') to CRC. The purchase price paid by CRC for any Receivables and Related Assets takes into account historical loss statistics on CL&P's receivables pool and the purchaser's (''Purchaser'') cost of funds. Under the second agreement (''CRC Agreement''), CRC sells fractional undivided interests (''Receivable Interests'') in the Receivables to the Purchaser from time to time.

The availability of Receivables and Related Assets varies from time to time in accordance with electric energy use by CL&P's customers. As a result of this and certain other factors, the funds CRC has available to make a purchase at any time may not match the cost of Receivables and Related Assets available. The Program includes certain mechanisms to accommodate this mismatch. When the amount of Receivables and Related Assets originated by CL&P exceeds the amount of cash CRC has available, either CRC will make the purchase and owe the balance of the purchase price to CL&P on a deferred basis (the unpaid portion will accrue interest or the purchase price will involve a discount to reflect the deferral), or CL&P will make a capital contribution to CRC in the form of the Receivables and Related Assets for which CRC lacks purchase price funds at that time. Conversely, if CRC develops a substantial cash balance (due to collections of previously transferred Receivables exceeding the balance of newly created Receivable available for purchase), CRC will likely dividend the excess cash to CL&P. These dividends may represent a return of previous capital contributions of CL&P to CRC. Through these mechanisms, CRC does not itself retain substantial cash balances at any time and substantially all cash realized from the collection of the Receivables (net of the costs of the program and any reductions in the outstanding balance of Receivable Interests) is made available to CL&P.

CL&P and CRC will continue to be obligated to reimburse the Purchaser and its agent (''Agent'') for various costs and expenses associated with the Company Agreement and the CRC Agreement upon extension of the Program. CRC will also continue to be required to pay to the Agent certain fees for services in connection with these agreements.

CL&P is working with the parties to the agreements to extend the Program through July 8, 2004. CRC may, following written notice to the Agent, terminate in whole or reduce in part the unused portion of its purchase limit in accordance with the terms and conditions of the CRC Agreement. The CRC Agreement allows the Purchaser to assign all of its rights and obligations under the CRC Agreement (including its Receivable Interests and the obligation to fund Receivable Interests) to other persons. However, any such assignments will not change the nature of the obligations of CL&P or CRC under the Company Agreement and the CRC Agreement.

As described in the declaration, CL&P intends that the above-described transactions will continue to accelerate the receipt of cash collections from accounts receivable in order to meet its short term cash needs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22014 Filed 8–30–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–25140; File No. 812–12470]

United of Omaha Life Insurance Company, et al

August 24, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order pursuant to Section 6(c) of the Investment Company Act of 1940 (the ''Act'') granting exemptions from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order of exemption pursuant to Section 6(c) of the Act to the extent necessary to permit the recapture, under specified circumstances, of credits applied to purchase payments made under certain flexible premium variable annuity contracts that the Companies (defined below) will issue through the Accounts (the ''Policies''), as well as other policies that the Companies may issue in the future through their existing or future separate accounts (''Other Accounts'') that are substantially similar to the Policies in all material respects (''Future Policies''). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. (''NASD'') member broker-dealer controlling or controlled, by or under common control or affiliated with MOIS (defined below), whether existing or created in the future, that serves as distributor or principal underwriter for the Policies or Future Policies (''Affiliated Broker-Dealers'').

APPLICANTS: United of Omaha Life Insurance Company (''United''), Companion Life Insurance Company (''Companion,'' together with United, the ''Companies''), United of Omaha Separate Account C, Companion Life Separate Account C (together with United of Omaha Separate Account C, the ''Accounts''), and Mutual of Omaha Investor Services, Inc. (''MOIS'').

FILING DATE: The application was filed on March 5, 2001 and amended and restated on April 27, 2001, August 20, 2001 and August 23, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, in person or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on September 18, 2001, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, *in care of* Michael E. Huss, Esq., Senior Counsel, United of Omaha Life Insurance Company, Mutual of Omaha Plaza, Omaha, NE 68175.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Senior Counsel, or Keith E. Carpenter, Branch Chief, Division of Investment Management, Office of Insurance Products, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch at 450 Fifth Street, NW., Washington, DC 20549–0102 [tel. (202) 942–8090].

Applicants' Representations

1. United is a stock life insurance company organized under the laws of the State of Nebraska in 1926. It is authorized to sell life insurance and annuities in all states (except New York) and the District of Columbia. United is a wholly owned subsidiary of Mutual of Omaha Insurance Company (''Mutual''),

a mutual life insurance company organized under the laws of the State of Nebraska.

2. Companion is a stock life insurance company organized under the laws of the State of New York. It is authorized to sell life insurance and annuities in Connecticut, New Jersey and New York. Companion is a direct subsidiary of United and an indirect subsidiary of Mutual.

3. United of Omaha Separate Account C was established on December 1, 1993 as a separate account under Nebraska law for the purpose of funding variable annuity policies issued by United. It is a segregated asset account of United and is registered with the Commission as a unit investment trust under the Act.

4. Companion Life Separate Account C was established on February 18, 1994 as a separate account under New York law for the purpose of funding variable annuity policies issued by Companion. It is a segregated asset account of Companion and is registered with the Commission as a unit investment trust under the Act.

5. MOIS is the principal underwriter of the Policies. MOIS is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. The Policies are sold by registered representatives of broker-dealers that have entered into distribution agreements with MOIS, and by registered representatives of MOIS. MOIS is an indirect wholly owned subsidiary of Mutual.

6. The minimum initial purchase payment is $10,000. A Policy owner may make additional purchase payments of at least $500 at any time ($100 if the purchase payment is made by an electronic funds transfer). Additional purchase payments may be made at any time until the Policy anniversary following the Policy owner's 95th birthday.

7. Policy owners can elect an enhanced credit rider to the Policy. If elected, this rider will add the Enhanced Credit, which is equal to the following percentage of purchase payments made during the first seven Policy years.

Policy year of purchase payment	Percentage of purchase payment
1	4
2	3.5
3	3
4	2.5
5	2
6	1.5
7	1
8+	0

8. The Companies will allocate Enhanced Credits pro rata among the fixed and variable investment options available under the Policy in the same ratio as the related purchase payment is allocated. The Companies will fund Enhanced Credits from their general account assets.

9. The annual charge for the enhanced credit rider is .50% of the Policy owner's total accumulation value in the variable and fixed accounts of the Policy. The Companies assess the charge daily on the assets in the investment options to which a Policy owner's purchase payments are allocated. The Companies will discontinue deducting the charge eight years from the date the Policy is issued.

10. The enhanced credit rider can only be elected on the Policy application, and cannot be elected after the Policy is issued. Once the enhanced credit rider is elected, it cannot be cancelled, and will only terminate (i) at the end of the first eight Policy years or (ii) the date the Policy terminates.

11. The Enhanced Credit will be recaptured if the Policy owner exercises the free look provision available under the Policy. In addition, unless prohibited by state low, all or part of the Enhanced Credit will be recaptured if the Policy owner makes a cash surrender or a partial withdrawal in excess of the annual 10% free withdrawal amount during the first seven Policy years. The 10% free withdrawal provision allows a Policy owner to withdraw up to 10% annually of the accumulation value of the Policy without a withdrawal charge or interest adjustment being assessed. The amount of the bonus forfeited will equal the amount of the bonus, multiplied by the amount of the cash surrender or partial withdrawal in excess of the 10% free withdrawal amount, divided by the sum of all purchase payments made under the Policy, multiplied by the percentage of the Enhanced Credit which is not vested. Enhanced Credits that are not vested will be recaptured according to the following schedule:

Policy year	Percentage of enhanced credit recaptured
1	100
2	100
3	75
4	75
5	50
6	50
7	25

12. The amount of any account value, step-up value or roll-up value death benefit will not include any Enhanced Credits given within the twelve months prior to the date of a Policy owner's death.

13. Regardless of whether or not the Enhanced Credit is recaptured, all gains attributable to such Enhanced Credit are part of the Policy owner's Policy value and will not be recaptured.

14. Policy owners can elect to receive a renewal credit to the accumulation value of their Policy at any time after the end of the eighth Policy year and at the end of each renewal credit period thereafter. A renewal credit period is a five-year term that begins on the day a Policy owner elects to receive a renewal credit. The Companies will allocate the renewal credit pro rata among the fixed and variable investment options available under the Policy in same ratio as accumulation value of the Policy is allocated. The Companies will fund the renewal credit from their general account assets.

15. There is no charge for the renewal credit and the Companies will not recapture the renewal credit.

16. The free look period is the 10-day period (or longer if required by state law) during which a Policy owner may return a Policy after it has been delivered and receive a full refund of the Policy accumulation value, less any Enhanced Credits applied. Unless the law requires that the full amount of the purchase payment be refunded, less any withdrawals, the Policy owner bears the investment risk from the time of purchase until he or she returns the Policy and the refund amount may be more or less than the purchase payment the Policy owner made. The Enhanced Credit will be recaptured if the free look provision is exercised.

17. A Policy owner may make withdrawals from the Policy before annuitization. The minimum withdrawal amount is $500. If the enhanced credit rider is elected, any withdrawal in excess of the annual 10% free withdrawal amount during the first seven Policy years will be subject to the recapture of some or all Enhanced Credits applied to the Policy and also may be subject to withdrawal charges and interest adjustments.

18. The withdrawal charge applied to a partial withdrawal or cash surrender will be the applicable withdrawal charge percentage listed below, subject to a maximum of 9% of the sum of all purchases made by the Policy owner. The withdrawal charge percentages for the first eight Policy years are as follows:

Policy year	Percentage of amount withdrawn
1	8
2	8
3	8
4	7
5	7
6	6
7	6
8	5

The withdrawal charges for all Policy years following the eighth Policy year will be 5% during any renewal credit period (which is the five-year term following the date the Policy owner elects to receive the renewal credit). Otherwise, no withdrawal charge is applicable after the eighth Policy year.

19. The interest adjustment may be applied to a cash surrender or partial withdrawal from the Policy's 5-Year Fixed Account or 8-Year Fixed Accounts for amounts in excess of the annual 10% free withdrawal amount. This adjustment is intended to adjust the interest received in these accounts to a market rate of interest. The adjustment will never result in a credited interest rate that will yield less than 3% per annum.

20. Withdrawal charges and interest adjustments will no longer apply as of the first policy anniversary following the annuitant's 90th birthday. In addition, the withdrawal charges and interest adjustments do not apply to (a) any death benefit received under the Policy, (b) when the waiver of withdrawal charges provision of the Policy is exercised and (c) in certain other very limited circumstances set forth in the Policy.

21. The Policy provides for a basic death benefit. An enhanced death benefit is also available. Any Enhanced Credits to the Policy given within the twelve months prior to the date of a Policy owner's death will be recaptured when the death benefit is based on account value, step-up value or roll-up value. However, the accumulation value of the Policy will reflect all gains and losses attributed to all Enhanced Credits to the Policy, including those recaptured.

22. Owners of the Policies may allocate their purchase payments among thirty-one variable investment options and four fixed investment options. Each sub-account of the Accounts is a variable investment option that will invest in shares of a corresponding portfolio of The Alger American Fund, Deutsche Asset Management VIT Funds, Federated Insurance Series, Fidelity Variable Insurance Products Fund, MFS Variable Insurance Trust, Morgan Stanley Universal Institutional Funds, Inc., Pioneer Variable Contracts Trust, Scudder Variable Life Investment Fund, T. Rowe Price Equity Series, Inc., T. Rowe Price Fixed Income Series, Inc. and T. Rowe Price International Series, Inc. or other investment companies.

23. The Companies, at a later day, may decide to create additional subaccounts to invest in any additional funding media as may now or in the future be available. The Companies, from time to time, also may combine or eliminate subaccounts or transfer assets to and from subaccounts.

24. The Policy provides for a death benefit, enhanced death benefit options, annuity benefits and annuity payout options, as well as transfer privileges, dollar cost averaging, asset allocation and other features. In addition to the withdrawal charge and interest adjustment discussed above, the Policy has the following charges: (a) For Policies that have an accumulation value of less than $100,000, an administrative expense charge equal to .15% per annum of the Policy's investment in the subaccounts, deducted on a daily basis; (b) an annual policy fee of $40 for Policies that have an accumulation value of less than $50,000; (c) a mortality and expense risk charge equal to 1.25% per annum of Policy's accumulation value, deducted on a daily basis; (d) a transfer fee of $20 for each transfer after twelve transfers made during a Policy year; (e) if elected, the charge for the enhanced credit rider which is equal to 0.50% per annum of accumulation value of the Policy, deducted on a daily basis for the first eight Policy years; (f) if elected, the charge for the enhanced death benefit rider which is equal to 0.30% per annum of the accumulation value in the subaccounts, deduced on a daily basis; and (g) any applicable state premium tax. In addition, assets invested in the subaccounts are charged with the annual operating expenses of the underlying portfolios.

Applicants' Legal Analysis and Condition

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes or persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants request that the Commission pursuant to Section 6(c) of the Act grant the exemptions requested below with respect to the Policy and any Future Policies issued by the Companies, funded by the Accounts or Other Accounts, and underwritten or distributed by MOIS or Affiliated Broker-Dealers. Applicants undertake that Future Policies will be substantially similar to the Policies in all material respects. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants seek exemptions pursuant to Section 6(c) from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent deemed necessary to permit the Companies to recapture that portion of an Enhanced Credit which is not vested, as described above, in the following instances: (a) When a Policy owner exercises the Policy's free look provision; (b) when a Policy owner makes a cash surrender or a withdrawal in excess of the annual 10% free withdrawal amount within the first seven Policy years; and (c) any Enhanced Credits received within twelve months of the date of death of a Policy owner when the death benefit is based on account value, step-up value or roll-up value.

4. Applicants represent that it is not administratively feasible to track an Enhanced Credit in the Accounts after the Enhanced Credit is applied. Accordingly, the asset-based charges applicable to the Accounts will be assessed against the entire amount held in the Accounts, including the Enhanced Credit, during the free look period and the recapture period. As a result during such periods, the aggregate asset-based charges assessed against a Policy owner's accumulation value, which includes all assets in the sub-accounts and the fixed accounts, including any Enhanced Credit, will be higher than those that would be charged if the Policy owner's accumulation value did not include the Enhanced Credit.

5. Subsection (i) of Section 27 of the Act provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2)(A) provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless such contract is a redeemable security. Section 2(a)(32)

defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent thereof.

6. Applicants assert that the recapture of an Enhanced Credit in the circumstances set forth above would not deprive a Policy owner of his or her proportionate share of the issuer's current net assets. According to the Applicants, a Policy owner's interest in an Enhanced Credit allocated to his or her Policy value upon receipt of a purchase payment made during the seven years of the Policy is not fully vested until the end of the seventh Policy year. Unless and until the full amount of an Enhanced Credit is vested, the Companies retain at least a partial right and interest in the Enhanced Credit, although not in the earnings attributable to that amount. Thus, when the Companies recapture an Enhanced Credit, they are merely retrieving their own assets and the Policy owner has not been deprived of a proportionate share of the applicable Accounts' assets because his or her interest in the Enhanced Credit has not vested.

7. In addition, Applicants assert that permitting a Policy owner to retain an Enhanced Credit under a Policy upon the exercise of the free look provision would not only be unfair, but would also encourage individuals to purchase a Policy, with no intention of keeping it, and return it for a quick profit. Furthermore, the recapture of Enhanced Credits applied to purchase payments made within the first seven Policy years is designed to provide the Companies with a measure of protection against anti-selection. The anti-selection risk is that a Policy owner could collect the Enhanced Credit and then cancel the Policy soon thereafter, thereby leaving the Companies little time to recover the cost of the Enhanced Credit. As noted earlier, the amounts recaptured equal the Enhanced Credits provided by the Companies from their general account assets, and any gain would remain a part of the Policy owner's accumulation value.

8. For the foregoing reasons, Applicants submit that the provisions for recapture of Enhanced Credits under the Policies and Future Policies do not violate Sections 2(a)(32) and 27(i)(2)(A) of the Act. The application of an Enhanced Credit to purchase payments made under the Policies should not raise any questions as to the Companies' compliance with the provisions of Section 27(i). However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from Sections 2(a)(32) and 27(i)(2)(A), to the extent deemed necessary, to permit the recapture of any Enhanced Credit under the circumstances described in this application without the loss of relief from Section 27 provided by Section 27(i).

9. Section 22(c) of the Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by Section 22(a). Rule 22c–1 under the Act prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

10. The Companies' recapture of an Enhanced Credit might arguably be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current accumulation unit value of the Accounts. Applicants contend, however, that the recapture of the Enhanced Credit does not violate Section 22(c) or Rule 22c–1.

11. Applicants argue that the recapture of the Enhanced Credit does not involve either of the problems that Rule 22c–1 was intended to eliminate or reduce, namely (a) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or repurchase at a price above it, and (b) other unfair results, including speculative trading practices. These problems were the result of backward pricing, the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day. Backward pricing allowed investors to take advantage of increases or decreases in net asset value that were not yet reflected in the price, thereby diluting the values of outstanding mutual fund shares.

12. Applicants state that the proposed recapture of the Enhanced Credit does not pose such a threat of dilution. To effect a recapture of an Enhanced Credit, the Companies will redeem interests in a Policy at a price determined on the basis of the current accumulation unit value(s) of the sub-account(s) to which the Policy owner's accumulation value is allocated. The amount recaptured will never exceed the amount of the Enhanced Credit paid out of the Companies' general account assets. Although the Policy owner will be entitled to retain any investment gain attributable to the Enhanced Credit, the amount of that gain will be determined on the basis of the current accumulation unit values of the applicable subaccounts. Thus, no dilution will occur upon the recapture of the Enhanced Credit. Applicants also state that the second harm that Rule 22c–1 was designed to address, namely speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Enhanced Credit.

13. Applicants submit that because neither of the harms that Rule 22c–1 was meant to address is found in the recapture of the Enhanced Credit, Rule 22c–1 and Section 22(c) should not apply to any Enhanced Credit. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Section 22(c) and Rule 22c–1 to the extent deemed necessary to permit them to recapture the Enhanced Credit under the Policies and Future Policies.

14. Applicants represent that the Companies will offer the renewal credit subject to the following conditions:

a. *Election Letter.* In connection with the renewal credit, the Companies will send a letter (the ''Letter'') that prominently discloses in concise plain English that (a) the renewal credit is most suitable for Policy owners who expect to continue their Policies for five or more years, and (b) if he Policy is surrendered or if accumulation value is withdrawn during the five-year renewal credit period, then the Policy owner may be worse off in certain circumstances than if the or she had not elected the renewal credit. The Letter will disclose exactly how a Policy owner who surrenders a Policy or makes a withdrawal during the renewal credit period could be worse off as a result of poor separate account investment performance than if he or she had not elected the renewal credit.

b. *Written Election.* The Companies will send the Letter directly to Policy owners eligible to elect the renewal credit and elections to receive the renewal credit will only be effective upon receipt by the Companies of an election signed by the Policy owner on a duplicate copy of the Letter. The

Companies will distribute such duplicate Letters with election signature forms along with the Letter. If the Letter is more than two pages in length, the Companies will use a separate document to obtain the Policy owner's elections of the renewal credit, which document will prominently disclose in concise plain English the statements required in condition 1 above.

c. *Records.* The Companies will maintain the following separately identifiable records in an easily accessible place for review by the Commission staff: (a) copies of any form of the Letter and any other written materials or scripts for presentations by representatives regarding the renewal credit, including the dates used, (b) records showing the number and percentage (on a calendar quarter basis) of eligible Policy owners that elect the renewal credit, (c) records showing the name and Policy number of each Policy owner who elects a renewal credit, the amount of the Policy owner's accumulation value at the time the renewal credit is elected, the amount of the renewal credit, the Policy owner's name, address, telephone number and date of birth, the date the Policy owner signed the Letter or election form, the signed Letters or separate documents that reflect the Policy owner's election of the renewal credit, and where a commission (or other compensation) is paid to a registered representative on or after the date of the election of the renewal credit, the amount of the commission (or other compensation), and the name of any sales representative involved with the solicitation of the election of the renewal credit or who receives any compensation in connection with the Policy after the date of the election of the renewal credit and her or his CRD number, firm affiliation, telephone number, and branch office address, (d) records of persistency information for Policies whose Policy owners have elected the renewal credit, including the date(s) of any subsequent surrender or withdrawal of accumulation value and the amount of any withdrawal charge, and (e) logs recording any Policy owner complaints about the renewal credit, state insurance department inquiries about the same, or litigation, arbitration or other proceedings regarding the renewal credit. The logs will include the date of the complaint (or of commencement of any proceeding), the name and address of the person making the complaint or commencing the proceeding, the nature of the complaint or proceeding and the persons involved in the complaint or proceeding. The forgoing records will be retained for the longer of: (1) six years after the later of their creation or their last use, or (2) two years after the end of the relevant renewal credit period.

15. Applicants request an order pursuant to Section 6(c) for an exemption from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extent deemed necessary to permit the Companies to recapture Enhanced Credits as described herein. Applicants represent that the Enhanced Credit will be attractive to and in the interest of investors because it will permit Policy owners to put from 104% to 101% of each of their purchase payments in the first seven years of the Policy to work for them in the selected investment options. In addition, the Policy owners will retain any earnings attributable to the Enhanced Credit, as well as the principal amount of the Enhanced Credit once vested.

16. Applicants further submit that the recapture of any Enhanced Credit only applies in relation to the risk of anti-selection against the Companies. Anti-selection can generally be described as a risk that Policy owners obtain an undue advantage. This undue advantage is based on elements of fairness to the Companies and the actuarial and other factors taken into account in designing the Policies and Future Policies. The Companies provide the Enhanced Credit from their general account assets on a guaranteed basis. Thus, they undertake a financial obligation that contemplates the retention of the Policies and Future Policies by their owners over an extended period, consistent with the long-term nature of retirement planning. The Companies generally expect to recover their costs, including Enhanced Credits, over an anticipated duration while a Policy or Future Policy is in force. The right to recapture Enhanced Credits applied to purchase payments made within the first seven Policy years protects the Companies against the risk that a Policy owner will purchase a Policy or Future Policy or make larger or additional payments with the intent to hold the Policy or Future Policy for speculative purposes or for a short period of time.

17. With respect to refunds paid upon the return of a Policy or Future Policy within the free look period, Applicants assert that the amount payable by the Companies must be reduced by the amount of the Enhanced Credit. Otherwise, investors, purchase a Policy or Future Policy for the sole purpose of exercising the free look provision and making a quick profit equal to 4% of their investment.

18. Applicants submit that their request for an order that applies to the Accounts and any Other Accounts established by the Companies, in connection with the issuance of the Policies and Future Policies, is appropriate in the public interest. Such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the Act that has not already been addressed in this application. Having Applicants file additional applications would impair Applicants' ability to take advantage of business opportunities as they arise. Further, if Applicants were required repeatedly to seek exemptive relief with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection thereby.

19. Applicants undertake that Future Policies funded by the Accounts or by Other Accounts, which seek to rely on the order issued pursuant to this application, will be substantially similar to the Policies in all material respects.

Conclusion

For the reasons summarized above, Applicants assert that the requested exemptions are necessary and 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22015 Filed 8–30–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44735; File No. SR–MSRB–2001–06]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Reports of Sales and Purchases, Pursuant to Rule G–14

August 22, 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 August 17, 2001, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change (File No. SR–MSRB–2001–06). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. 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 MSRB has filed with the SEC a proposed rule change to institute an informational service (the ''Service'') that would provide a Daily Comprehensive Report. The transaction information on the Daily Comprehensive Report would come from reports made to the Board by brokers, dealers and municipal securities dealers (''dealers'') under its rule G–14, which governs reports of sales or purchases. This rule currently requires dealers to report essentially all inter-dealer and customer transactions in municipal securities to the Board by midnight of trade date.

The proposed Daily Comprehensive Report (''Report'') would provide the details of municipal securities transactions effected during a single day. Each day's report would include the transactions effected two weeks previously. The proposed Report would be available by a subscription service. On each business day, the Report would be available electronically to subscribers by File Transfer Protocol (FTP) via the Internet. The subscription fee would be $2,000 per year.

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 Board 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 Board has prepared summaries, set forth in Section A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Board has a long-standing policy to increase price transparency in the municipal securities market, with the ultimate goal of disseminating comprehensive and contemporaneous pricing data. Since 1995, the Board has expanded the scope of the public transparency reports in several steps. Each step has provided industry participants and the public successfully more information about the market.[3]

In May, 2001, the Board announced its plan to begin reporting trades in ''real time'' by mid-2003.[4] The implementation of real-time trade reporting is being coordinated with the industry's schedule for migration to an environment of same-day settlement of securities transactions. To attain real-time reporting the Board intends in the future to file an amendment to rule G–14 to require dealers to report their trades within 15 minutes of the time they are effected.

As its next step to increase transparency, the Board is now proposing to disseminate a Daily Comprehensive Report. The proposed Report, to be made available each day, would contain details of all municipal securities transactions that were effected during the day two weeks earlier. Data about each trade on the proposed Report would be similar to that on the current monthly Comprehensive Transaction Report. For each trade, the proposed Report would show the trade date, the CUSIP number of the issue traded, a short issue description, the par value traded, the time of trade reported by the dealer, the price of the transaction, and the dealer-reported yield of the transaction, if any. Each transaction would be categorized as: a sale by a dealer to a customer, a purchase from a customer, or an inter-dealer trade.

Description of Proposed Service

The proposed Service would make the Daily Comprehensive Report available each day to subscribers. Subscribers would access the Report via the Internet and would download copies from the Board's computer using a password-protected FTP account. The Board plans to make a single day's data available to prospective users without charge, so that they may determine whether they wish to subscribe.

The Board is establishing a fee for an annual subscription to the Service of $2,000. The proposed annual fee is structured approximately to defray the Board's costs for production of daily data sets, operation of telecommunications lines, and subscription maintenance.[5]

2. Basis

The Board believes the proposed rule change is consistent with section 15B(b)(2)(C) of the Act, which provides that the Board's rules shall:

> be 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest. * * *

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB 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 Act since it applies equally to all dealers in municipal securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

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 MSRB consents, the Commission will:

[3] The MSRB's Report summarizing prices for issues that are frequently traded on the inter-dealer market began operation in 1995; in 1998, dealer-customer prices were added in a second summary report; in January 2000, a report with details of trades in frequently traded issues was added; and in October 2000, a comprehensive report, covering all transactions effected during the previous month, began operation. *See* Securities Exchange Act Release No. 43426 (October 10, 2000), 65 FR 61367 (October 27, 2000).

[4] *See* ''Real-Time Reporting of Municipal Securities Transactions,'' *MSRB Reports,* Vol. 21, No. 2 (July 2001) at 31–36.

[5] The subscription fee for the current monthly report is also $2,000 annually. Subscribers to the monthly report who prefer the fresher data of the proposed Daily Comprehensive Report will have the option to switch subscriptions to the latter.

(A) by order approve such 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 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. Copies of the submissions, 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 the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–2001–06 and should be submitted by September 21, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22016 Filed 8–30–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3361]

Commonwealth of Kentucky

As a result of the President's major disaster declaration on August 16, 2001, I find that Floyd, Knott, Letcher, Perry and Pike Counties in the Commonwealth of Kentucky constitute a disaster area due to damages caused by severe storms and flooding that occurred on July 27, 2001 and continued through August 21, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 15, 2001 and for economic injury until the close of business on May 16, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Kentucky may be filed until the specified date at the above location: Breathitt, Clay, Harlan, Johnson, Leslie, Magoffin, Martin and Owsley; Buchanan, Dickenson and Wise counties in the Commonwealth of Virginia; and Mingo county in the State of West Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 336111. For economic injury the number is 9M4000 for Kentucky; 9M4100 for Virginia; and 9M4200 for West Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: August 24, 2001.

S. George Camp,

Acting Associate Administrator For Disaster Assistance.

[FR Doc. 01–21991 Filed 8–30–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3348]

State of Louisiana; Amendment #5

In accordance with a notice received from the Federal Emergency Management Agency, dated August 24, 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 September 21, 2001.

All other information remains the same, *i.e.*, the deadline for filing applications for loans for economic injury is March 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 27, 2001.

Herbert L. Mitchell,

Associate Administrator For Disaster Assistance.

[FR Doc. 01–21990 Filed 8–30–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3362]

State of Tennessee

As a result of the President's major disaster declaration on August 16, 2001, I find that Carter, Cocke, Greene, Johnson, Unicoi and Washington Counties in the State of Tennessee constitute a disaster area due to damages caused by severe storms and flooding that occurred on July 27, 2001 and continued through August 22, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 15, 2001 and for economic injury until the close of business on May 16, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Tennessee may be filed until the specified date at the above location: Hamblen, Hawkins, Jefferson, Sevier and Sullivan; Ashe, Avery, Haywood, Madison, Mitchell, Swain, Watauga and Yancey counties in the State of North Carolina; Grayson and Washington counties in the Commonwealth of Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 336211. For economic injury the number is 9M4300

for Tennessee; 9M4400 for North Carolina; and 9M4500 for Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: August 27, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–22054 Filed 8–30–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3760]

60-Day Notice of Proposed Information Collection: Department of State Form DS–1950, Application for Employment (OMB Control Number 1400–0007)

ACTION: 60-day notice of proposed information collection.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Regular.

Originating Office: Bureau of Human Resources, HR/REE/REC.

Title of Information Collection: Department of State Application for Employment.

Frequency: Four application periods per year.

Form Number: DS–1950.

Respondents: U.S. citizens seeking entry into the Department of State Foreign Service and individuals, Sophomore through Graduate level college and university students, seeking participation in the Department's student programs.

Estimated Number of Respondents: 25,000.

Average Hours Per Response: ½ hour per response per part.

Total Estimated Burden: 14,500.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR ADDITIONAL INFORMATION: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Mr. Richard M. Esper, U.S. Department of State, Recruitment Division, 5th Floor, 2401 E Street, N.W., Washington, DC 20522. He may be reached on 202–261–8888.

Dated: July 3, 2001.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 01–22055 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF STATE

[Public Notice 3763]

Culturally Significant Objects Imported for Exhibition Determinations: ''Alberto Giacometti''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit ''Alberto Giacometti,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at The Museum of Modern Art, New York, NY, from on or about October 10, 2001, to on or about January 8, 2002, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: August 24, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22058 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3764]

Culturally Significant Objects Imported for Exhibition Determinations: ''Frans Snyders' Fishmonger's Shop''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, et seq.), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be exhibited ''Frans Snyders' Fishmonger's Shop,'' imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit object at the Russian Ambassador's residence in Washington, DC from on or about September 11, 2001, and at The Museum of Fine Arts, Houston, TX from on or about September 1, 2001 to on or about March 31, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: August 27, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22059 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3765]

Culturally Significant Objects Imported for Exhibition Determinations: ''Pearls''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Pearls,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the American Museum of Natural History, New York, NY from on or about October 13, 2001 to on or about April 15, 2002, the Field Museum, Chicago, IL from on or about June 28, 2002 to on or about January 15, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 27, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22060 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3761]

Culturally Significant Objects Imported for Exhibition Determinations: ''Power and Glory: Medici Portraits From the Uffizi''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit ''Power and Glory: Medici Portraits from the Uffizi,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the exhibit objects at the Pennsylvania Academy of the Fine Arts, Philadelphia, PA, from on or about September 15, 2001, to on or about December 9, 2001, and possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 24, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22056 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3762]

Culturally Significant Objects Imported for Exhibition Determinations: ''Spirit of an Age: Nineteenth Century Paintings From the Nationalgalerie, Berlin''

AGENCY: Department of State.

ACTION: Notice: Correction.

SUMMARY: On May 8, 2001, notice was published on pages 23309–23310 of the **Federal Register** (Volume 66, Number 89) by the Department of State pursuant to Public Notice 3653 relating to the exhibit ''Spirit of an Age: Nineteenth Century Paintings from the Nationalgalerie, Berlin.'' The referenced Notice is hereby corrected to reflect the fact that three works presently in the exhibition at the National Gallery of Art, Washington, DC, will go on to be exhibited at the Metropolitan Museum of Art, New York, NY, as part of another exhibition. Here is replacement language for the May 8, 2001 **Federal Register** Notice: replace '', is in the national interest.'' with ''and the display of three of these exhibit objects at the Metropolitan Museum of Art, New York, NY, from on or about September 11, 2001, to on or about November 11, 2001, is in the national interest. The exhibition or display of these three objects [1. The Solitary Tree (a.k.a. The Morning), 1822; 2. Moonrise over the Sea (a.k.a. The Evening, 1822, and 3. Man and Woman Contemplating the Moon, ca. 1824.] will be part of the Metropolitan Museum of Art's 'Caspar David Friedrich: Moonwatchers' exhibition.'' The **Federal Register** Notice for the remaining objects from abroad for ''Caspar David Friedrich: Moonwatchers'' was published on July 9, 2001, by the Department of State pursuant to Public Notice 3717 (Page 35823, Volume 66, Number 131).

FOR FURTHER INFORMATION CONTACT: For further information, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 27, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22057 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3766]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Look: Images of Glamour and Style (Photographs by Horst and Hoyningen-Huene)''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''The Look:

Images of Glamour and Style (Photographs by Horst and Hoyningen-Huene),'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the Museum of Fine Arts, Boston, MA from on or about October 21, 2001 to on or about January 6, 2002 and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: August 27, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22061 Filed 8–30–01; 8:45 am]

BILLING CODE 4710–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determinations Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Botswana has adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents in connection with shipments of textile and apparel articles and has implemented and follows, or is making substantial progress toward implementing and following, the customs procedures required by the African Growth and Opportunity Act. Therefore, imports of eligible products from Botswana qualify for the textile and apparel benefits provided under the AGOA.

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: James Roth, Deputy Director for African Affairs, Office of the United States Trade Representative, (202) 395–9514.

SUPPLEMENTARY INFORMATION: The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106–200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as ''beneficiary sub-Saharan African countries,'' provided that these countries (1) have adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents, and (2) have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7350 (Oct. 2, 2000), the President designated Botswana as a ''beneficiary sub-Saharan African country.'' Proclamation 7350 delegated to the United States Trade Representative (USTR) the authority to determine whether designated countries have met the two requirements described above. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS). Based on actions that Botswana has taken, I have determined that Botswana has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS and U.S. note 1 to subchapter XIX of chapter 98 of the HTS are each modified by inserting ''Botswana'' in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice. Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See Visa Requirements Under the African Growth and Opportunity Act,* 66 FR 7837 (2001).

Peter F. Algeier,

Acting United States Trade Representative.

[FR Doc. 01–22062 Filed 8–30–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Williams Gateway Airport, Mesa, AZ

AGENCY: Federal Aviation Administration, Transportation.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Williams Gateway Airport Authority, Mesa, Arizona, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and Title 14, Code of Federal Regulations, Part 150 (FAR part 150). These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On May 2, 2000, the FAA determined that the noise exposure maps submitted by the Williams Gateway Airport Authority under FAR part 150 were in compliance with applicable requirements. On August 17, 2001, the Acting Associate Administrator for Airports approved the Williams Gateway Airport Noise Compatibility Program. Twenty of the twenty-three program measures have been approved. Seven measures were approved as voluntary measures, thirteen measures were approved outright, two measures were disapproved pending the submission of additional information and one measure was disapproved for the purposes of part 150.

EFFECTIVE DATE: The effective date of the FAA's approval of the Williams Gateway Airport Noise Compatibility Program is August 17, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Armstrong, Airport Planner, Airports Division, AWP–611.1, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Los Angeles, California 90009–2007. Telephone: (310) 725–3614. Street address: 15000 Aviation Boulevard, Hawthorne, California 90261. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for the Williams Gateway Airport, effective August 17, 2001. Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator who has previously submitted a Noise Exposure

Map, may submit to the FAA, a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with FAR part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in FAR part 150 and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute a FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and a FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division office in Hawthorne, California.

The Williams Gateway Airport authority submitted the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from February 1999 through December 2000 to the FAA on December 16, 1999. The Williams Gateway Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on May 2, 2000. Notice of this determination was published in the Federal Register on May 15, 2000.

The Williams Gateway Airport study contains a proposed Noise Compatibility Program comprised of actions designed for implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 104(b) of the Act. The FAA began its review of the program on February 20, 2001 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-three proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The Acting Associate Administrator for Airports approved the overall program effective August 17, 2001.

Twenty of the twenty-three program measures have been approved. The following seven measures were approved as voluntary measures: Continue Calm Wind Runway 30 L/C/R Use Program; Continue using Runway 12R–30L for Light Piston Aircraft and Runways 12C/L–30C/R for Large Turbojet Aircraft Operations; Continue to Encourage use of NBAA [National Business Aviation Association] Noise Abatement Procedures; Continue to Promote use of AOPA [Aircraft Owner and Pilots Association] Noise Awareness Steps by light single and twin-engine aircraft; Continue to Promote the Departure Procedure for the AANG [Arizona Air National Guard] 161st Air Refueling Wing KC–135 Aircraft and Aircraft less than 12,500 pounds; Develop Helicopter Reporting Points and Arrival and Departure Routes; and, Request Aircraft Using Runway 12R–30L Traffic Pattern To Remain East of the Southern Pacific Railroad. The following thirteen measures were approved outright: Support 161st Air Refueling Wing of the Arizona Air National Guard's efforts to re-engine KC–135 Aircraft; Update General Plans to Reflect the ''Land Use Planning Scenario'' noise contours and Airport Planning Area as a basis for noise compatibility Planning; Retain compatible land use designations for undeveloped land within the Airport Planning Area; Develop a new mixed-use category that does not allow residential within the planned mixed-use areas inside the planning scenario's 60–DNL boundary and immediately north of the airport; Establish noise compatibility guidelines for the review of development projects within the ''planning scenario'' 60 DNL noise contour; Encourage rezoning areas within the ''Planning Scenario'' noise contours and Airport Planning Area (APA) to Match the Compatible land use designations in the general plans; Amend Airport Over flight Zoning Ordinance, reflect planning scenario noise contours and Airport Planning Area (APA), require fair disclosure covenants and amend sound insulation standards; Amend subdivision regulations to require recording of fair disclosure covenants and granting of avigation easements in Airport Planning Area; Amend building codes to add sound insulation standards supporting the Airport Planning Area (APA) over flight zoning requirements; Maintain and update the system for receiving, analyzing, and responding to noise complaints and community outreach; Acquire noise monitors; Review Noise Compatibility Plan implementation; and, Update Noise Exposure Maps and Noise Compatibility Program. The following Two measures were disapproved pending the submission of additional information: Install PAPI–4 Lighting on Runway 12R–30L; and, Encourage Use of AC 91.53A Noise Abatement Departure Procedures by Air Carrier Jets. The following measure was disapproved for the purposes of Part 150: Relocate Instrument Landing System to Runway 30R.

These determinations are set forth in detail in a Record of Approval endorsed by the Acting Associate Administrator for Airports on August 17, 2001. The

Record of Approval, as well as other evaluation materials and the documents comprising the submittal are available for review at the FAA office listed above and at the administrative offices of the Williams Gateway Airport Authority, Mesa, Arizona.

Issued in Hawthorne, California, on August 23, 2001.

Herman C. Bliss,

Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 01–22046 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of availability of Final Environmental Impact Statement for the Chicago Terminal Airspace Project

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: The Federal Aviation Administration (FAA), Great Lakes Region, is issuing this notice to advise the public of the availability of the Final Environmental Impact Statement (FEIS) for the Chicago Terminal Airspace Project (CTAP).

FOR FURTHER INFORMATION CONTACT: Ms. Annette Davis, Federal Aviation Administration, Great Lakes Region, Air Traffic Division, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, (847)–294–8091.

SUPPLEMENTARY INFORMATION: The proposed CTAP changes could affect flights to and from airports within the Chicago region. The project is not associated with any airport development projects and does not require construction of any physical facilities. The changes proposed by CTAP are designed to improve traffic flows and reduce airborne and ground delays. They would enhance safety and efficiency by maximizing controller flexibility and simplifying operations for pilots. CTAP has the potential to enhance air quality by reducing en route mileage. As disclosed in the FEIS, CTAP would not result in significant adverse impacts to any resource category.

Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act set forth that no decision on a proposed action shall be made by a Federal agency until 30 days after the Environmental Protection Agency publishes, in the **Federal Register,** a notice that the FEIS has been filed with them.

The FAA will assess and consider any written correspondence it receives on the CTAP FEIS until close of business, Tuesday, October 9, 2001. Late received correspondence will be considered to the extent feasible. This document will be available during normal business hours at the following locations.:

State of Illinois

Bensenville Public Library 200 S. Church Rd. Bensenville, IL 60106

Des Plaines Public Library 841 Graceland Ave. Des Plaines, IL 60016

Eisenhower Public Library 4652 N. Olcott Ave. Harwood Heights, IL 60656

Elk Grove Village Public Library, 1001 Wellington Ave., Elk Grove Village, IL 60007

Elmhurst Public Library, 211 Prospect Ave., Elmhurst, IL 60126

Franklin Park Public Library, 10311 Grand Ave., Franklin Park, IL 60131

Garfield Ridge Branch Library, 6348 South Archer Ave., Chicago, IL 60638

Harold Washington Library, 400 South State St., 5th Floor, Chicago, IL 60605

Mount Prospect Public Library, 10 S. Emerson St., Mount Prospect, IL 60056

Northlake Public Library, 231 N. Wolf Rd., Northlake, IL 60164

Oriole Park Branch Library, 5201 N. Oketo Ave., Chicago, IL 60656

Park Ridge Public Library, 20 S. Prospect Ave., Park Ridge, IL 60068

Schiller Park Public Library, 4200 Old River Rd., Schiller Park, IL 60176

State of Indiana

Lake County Public Library, 1919 W. 81st Ave., Merrillville, IN 46410–5382

State of Wisconsin

Milwaukee Central Public Library, 814 W. Wisconsin Ave., Milwaukee, WI 53233

Oak Creek Public Library, 8620 S. Howell Ave., Oak Creek, WI 53154

Information is also available on the Internet at the web site address *http://www.faa.gov/ctap.html.*

Issued in Des Plaines, Illinois, on August 23, 2001.

Denis C. Burke,

Manager, Airspace Branch, Air Traffic Division, Great Lakes Region.

[FR Doc. 01–22051 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environmental Impact Statement: Juneau International Airport, Juneau AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental Notice of Intent.

SUMMARY: The Federal Aviation Administration announces incorporation of a new major proposed action into the Environmental Impact Statement (EIS) assessing implementation of projects proposed at the Juneau International Airport.

RESPONSIBLE OFFICIAL: Patricia A. Sullivan, Environmental Specialist, Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue, #14, Anchorage, AK 99513.

WRITTEN COMMENTS: Ken Wallace, Project Manager, SWCA, Inc., 230 South 500 East, Suite 380, Salt Lake City, UT 84102. E-mail: *kwallace@swca.com.*

FOR FURTHER INFORMATION CONTACT: Cathryn Collis, Compliance and Process Coordinator, SWCA, 230 South 500 East, Suite 380, Salt Lake City, UT 84102. Phone (801) 322–4307. E-mail: *ccollis@swca.com*

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration published a Notice of Intent on June 1, 2001 to prepare and consider an EIS for implementation of proposed projects at the Juneau International Airport. Major projects proposed to be assessed in the EIS include: creation of additional Runway Safety Area (RSA) centered about the runway that is 500 feet wide by the length of the runway plus 1,000 feet beyond each runway end; installation of a Medium Approach Lighting System with Rails (MALSR) to improve the approach to Runway 26; construction of a Snow Removal Equipment Building to provide needed storage space for the snow removal fleet; and construction of additional Aviation Development Areas to provide adequate facilities to accommodate the growing demand and tourism needs of helicopters and fixed wing aircraft. A supplemental NOI was subsequently published on August 20, 2001, extending the public scoping comment period through September 30, 2001, and announced that the EIS would also evaluate a proposed new fuel tank farm access road.

Juneau International Airport has identified a number of habitat modification proposals and wildlife

management activities to reduce and control wildlife hazards to aircraft. FAA has reviewed these actions and determined that the pending Wildlife Hazard Management Plan should be evaluated as a major proposed action in the EIS. FAA will continue to accept written comments concerning the scope of the EIS through September 30, 2001. Comments may be submitted in writing to the address identified in **FOR FURTHER INFORMATION CONTACT** or through the comment submittal form found on the project web site at *www.jnu-eis.org.* An additional public scoping meeting will be held in Juneau on September 18, 2001 at the Vocational Training and Resource Center, 3239 Hospital Drive, Juneau, Alaska from 5:00 pm to 9:00 pm.

Issued in Anchorage, Alaska on August 21, 2001.

David S. Stelling,

Acting Manager, Airports Division, AAL–600, Alaskan Region.

[FR Doc. 01–22049 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Surplus Property Release at Grenada Municipal Airport, Grenada, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the City of Grenada to waive the requirement that a 10.04-acre parcel of surplus property, located at the Grenada Municipal Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before October 1, 2001.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to The Honorable J. Mike Hyneman, Mayor of Grenada, Mississippi at the following address: P.O. Box 310, Grenada, MS 38902–0310.

FOR FURTHER INFORMATION CONTACT: David Shumate, Program Manger, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9882. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by City of Grenada, MS to release 10.04 acres of surplus property at the Grenada Municipal Airport. The property will be purchased by Averitt Express which is a trucking company and used as a distribution terminal for their company. The property fronts Air Industrial Park Road and is located in the industrial park where simular businesses exist. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the City of Grenada, Mississippi.

Issued in Jackson, Mississippi, on August 6, 2001.

Wayne Atkinson,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 01–22048 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next Generation Air/Ground Communications System (NEXCOM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next Generation Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on September 19–20, 2001, starting at 9:00 am.

ADDRESSES: The meeting will be held at RTCA, 1828 L Street, Suite 805, Washington, DC. 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street NW, Suite 805, Washington, DC. 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 198 meeting. The agenda will include:

- September 19:
- Opening Plenary Session (Welcome and Introductory Remarks, Review Minutes of Previous Meeting, Introduction of Working Group Chairs and Secretaries)
- Plenary Review of Comments and Concurrence Inputs for Principles of Operations Document.
- September 20:
- Continuation of Plenary Review of Principles of Operations Document
- Review Changes to Terms of Reference
- Closing Plenary Session (Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 22, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–22050 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Capital City Airport, Lansing, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Capital City Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 1, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation

Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111. The application may be reviewed in person at this location.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Thomas W. Schmidt, A.A.E., Executive Director, Capital City Airport at the following address: Capital City Airport, 4100 Capital City boulevard, Lansing, Michigan 48906.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Capital City Airport under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Arlene B. Draper, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7282). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Capital City Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 3, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Capital City Airport was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, not later than November 28, 2001.

The following is a brief overview of the application.

PFC application number: 01–04–C–00– LAN.

Level of the proposed PFC: $4.50.

Proposed charge effective date: July 1, 2005.

Proposed charge expiration date: July 30, 2011.

Total estimated PFC revenue: $8,913,046.00.

Brief description of proposed projects:

Impose and Use: Replace Multi User Flight Information Display System, Replace Security Access Control System, Overlay Taxiway C and End of Runway 24, Reconstruct Terminal Apron, Master Plan/Part 150 Update, Relocate Rental Car Lot, National Pollutant Discharge Elimination System Permit-Mitigation Phases II and III, PFC Consultation Fees, Replace Baggage Claim Equipment, Baggage Claim Expansion.

Impose Only: Reconstruct Taxiway Fillets, Gate Expansion, Purchase and Install Ground Level Loading Bridges.

Class or classes of air carriers which the public agency has requested to be required to collect PFCs: non-scheduled part 135 and air taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Capital City Airport, 23810 Airpark Boulevard, Suite 113, Calumet, Michigan 49913.

Issued in Des Plaines, Illinois, on August 17, 2001.

Gary E. Nielsen,

Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 01–22044 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Cherry Capital Airport, Traverse City, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cherry Capital Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 1, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road Belleville, Michigan 48111. The application may be reviewed in person at this location.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Stephen R. Cassens, Airport Director, Cherry Capital Airport at the following address: Cherry Capital Airport, 1330 Airport Access Road, Traverse City, Michigan 48686.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Cherry Capital Airport under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Arlene B. Draper, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7282). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Cherry Capital Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 3, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Cherry Capital Airport was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, not later than November 29, 2001.

The following is a brief overview of the application.

PFC application number: 01–02–C–00–TVC.

Level of the proposed PFC: $4.50.

Proposed charge effective date: January 1, 2017.

Proposed charge expiration date: September 2, 2017.

Total estimated PFC revenue: $420,019.00.

Brief description of proposed projects:

Use Only: Design and Construct New Airline Terminal Building, Ramp for New Terminal, Taxiway to New Terminal.

Impose and Use: Pavement Sensor System, Terminal Expansion Connector Taxiway, High Intensity Runway Lights Runway 10/28, Terminal Apron Lighting, Snow Removal Equipment Procurement, Taxiway ''D'', Tie-Down Apron, Taxi Streets, Retention Ponds, Expand Equipment Storage Building, Deer Control Fence, Airfield Signs, Taxiway to West Hangar, Master Plan, Bituminous Overlay Taxiway ''A'', ''B'', and ''J'', Holding Apron Runway End

28, Security Fencing, Power Gates, Screen Wall and Blast Deflector, Expansion of Airline Terminal, Rehabilitate South East General Aviation Apron and Airline Loading Bridge, Friction Testing Vehicle Procurement, Jet Bridge for Regional Carrier, Rest Room Addition in Airline Terminal, Beacon Relocation, Preliminary New Terminal Development. Class or classes of air carriers which the public agency has requested to be required to collect PFCs: Part 135 air taxi/commercial operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Cherry Capital Airport, 1330 Airport Access Road, Traverse City, MI 49686.

Issued in Des Plaines, Illinois, on August 17, 2001.

Gary E. Nielsen,

Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 01–22045 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC approvals and disapprovals. In July 2001, there were 15 applications approved. This notice also includes information on one application, approved in May 2001, inadvertently left off the May 2001 notice. Additionally, 27 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Monroe County Board of County Commissioners, Key West, Florida.

Application Number: 01–05–C–00–EYW.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $1,631,431.

Earliest Charge Effective Date: August 1, 2001.

Estimated Charge Expiration Date: April 1, 2004.

Class of Air Carriers Not Required To Collect PFC's:

Non scheduled/on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Key West International Airport (EYW).

Brief Description of Projects Approved for Collection and Use at EYW:

—PFC application and administration.

—Construct general aviation aprons (phases 1 and 2).

—Runway safety area study.

—Terminal modifications.

—Install standby generator.

—Update master plan and airport layout plan.

—Environmental mitigation runway 9.

—Rehabilitate airport beacon tower and replace beacon.

—T-Hangar taxiway development.

—Construct general aviation aircraft apron.

—Runway 9/27 runway protection zone and runway safety area clearing.

—Sealcoat air carrier and general aviation apron.

—Acquire runway protection zone land—runway 27.

Brief Description of Projects Approved for Collection at EYW and Use at Marathon Airport:

—Install precision approach path indicators, runway 7/25.

—Mark runway 7/25.

—Update master plan and airport layout plan.

—Construct T-Hangar taxiways.

—Construct aircraft parking apron.

—Construct aircraft rescue and firefighting building.

—Runway safety area study.

Decision Date: May 31, 2001.

FOR FURTHER INFORMATION CONTACT: Matthew J. Thys, Orlando Airports District Office, (407) 812–6331, ext. 21.

Public Agency: Melbourne Airport authority, Melbourne, Florida.

Application Number: 01–05–C–00–MLB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $1,193,528.

Earliest Charge Effective Date: September 1, 2001.

Estimated Charge Expiration Date: April 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Melbourne International Airport.

Brief Description of Projects Approved for Collection and Use:

—Extend runway 9R/27L.

—Interior service road, phase 1.

—Acquire aircraft loading bridge.

—Wetland inventory and mitigation plan.

—Environmental permitting.

—Acquire flight information display.

—Auxiliary departure lounge.

Decision Date: July 2, 2001.

FOR FURTHER INFORMATION CONTACT: Armando L. Rovira, Orlando airports District Office, (407) 812–6331, ext. 31.

Public Agency: City of Chico, California.

Application Number: 01–04–C–00–CIC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $536,747.

Earliest Charge Effective Date: November 1, 2001.

Estimated Charge Expiration Date: September 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

—Access road and drainage facilities between Fortress Street and aircraft parking apron development including complete engineering design and construction.

—Rehabilitate underground electrical duct and cable system—electrical vault to terminal to air traffic control tower to apron edge.

—Runway 13L/31R pavement rehabilitation.

—Fortress Street overlay and reconstruction.

—Commercial road development—road construction and gate controls—Boeing Avenue, Convair Court, Fairchild Court, Lockheed Court, Piper Court, and Alley Road.

—New airfield sweeper.

—Replace airfield guidance signs and noise abatement signs.

—Overlay runway 13R/31L, overlay taxiway B, D, E, and F between parallel runways.

—Expand T-Hanger area taxiway and connect T-Hanger Taxiway to taxiway A.

—Acquire insulation suits for aircraft rescue and firefighting personnel.

—Airport master plan study.

—Infield grading.

—Extend security fence ditch crossings.

—Improve emergence access and service road to west side of airport.

—Installation of automated weather observation system.

Decision Date: July 3, 2001.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Walker Field Airport Authority, Grand Junction, Colorado.

Application Number: 01–04–00–GJT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $1,730,000.

Earliest Charge Effective Date: April 1, 2003.

Estimated Charge Expiration Date: March 1, 2008.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

—Runway 4/22 runway end identification lights.

—Electrical vault replacement.

Brief Description of Projects Approved for Collection:

—Air carrier ramp expansion.

—Expand terminal building boarding area/concourses/loading bridges.

Decision Date: July 10, 2001.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: Yakima Air Terminal Board, Yakima, Washington.

Application Number: 01–06–U–00–YKM.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue To Be Used in This Decision: $182,313.

Charge Effective Date: June 1, 2000.

Charge Expiration Date: August 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Project Approved for Use:

—Construct west perimeter access/aircraft rescue and firefighting road.

Decision Date: July 10, 2001.

FOR FURTHER INFORMATION CONTACT: Suzanne Lee-Pang, Seattle Airports District Office, (425) 227–2654.

Public Agency: Tweed-New Haven Airport Authority, New Haven, Connecticut.

Application Number: 01–02–C–00–HVN.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $1,963,265.

Earliest Charge Effective Date: October 1, 2001.

Estimated Charge Expiration Date: November 1, 2007.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators, nonscheduled/on-demand air carriers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Tweed-New Haven Airport.

Brief Description of Projects Approved for Collection and Use:

—Aircraft rescue and firefighting building.

—Permitting—runway 2/20 safety areas.

—Master plan update.

—Reconstruction of a portion of runway 14.32.

—Snow removal equipment.

—Terminal apron glycol recovery system study.

—Obstruction removal: phase 1 (analysis).

Brief Description of Projects Approved for Collection:

—Runway protection zone land acquisition.

—Design and construction of runway 2/20 safety areas and extension of taxiway B.

—Perimeter security fencing.

—Rehabilitation of runway 2/20.

Decision Date: July 12, 2001.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Scott, New England Region Airports Division, (781) 238–7614.

Public Agency: Bloomington Normal Airport Authority, Bloomington, Illinois.

Application Number: 01–04–C–00–BMI.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $1,161,019.

Earliest Charge Effective Date: October 1, 2017.

Estimated Charge Expiration Date: June 1, 2018.

Class of Air Carriers Not Required To Collect PFC's:

—Nonscheduled/on-demand operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Central Illinois Regional Airport.

Brief Description of Projects Approved for Collection and Use:

—PFC program development.

—Apron and taxiways—new terminal building.

—Passenger loading bridges—new terminal building.

Decision Date: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Denis Rewerts, Chicago Airports District Office, (847) 294–7195.

Public Agency: Tri-State Airport Authority, Huntington, West Virginia.

Application Number: 01–04–C–00–HTS.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $451,906.

Earliest Charge Effective Date: April 1, 2002.

Estimated Charge Expiration Date: December 1, 2004.

Classes of Air Carriers Not Required To Collect PFC's:

(1) Nonscheduled/on-demand air carriers; and (2) large charter certificated route air carriers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at Tri-State Airport.

Brief Description of Projects Approved for Collection and Use:

—Preparation of PFC application.

—Wildlife/security fencing.

—Reconstruction of taxiway A.

—Airport master plan update.

—Terminal improvements.

—Wildlife hazard assessment.

—Design and rehabilitate runway 12/30.

Decision Date: July 16, 2001.

FOR INFORMATION CONTACT: Larry Clark, Beckley Airports Field Office, (304) 252–6216.

Public Agency: City of Cody, Wyoming.

Application Number: 01–03–C–00–COD.

Application Type: Impose and use a PFC.

PFC level: $4.50.

Total PFC Revenue Approved in this Decision: $294,000.

Earliest Charge Effective Date: March 1, 2002.

Estimated Charge Expiration Date: March 1, 2004.

Class of Air Carriers Not Required To Collect PFC's: Non-scheduled, on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Yellowstone Regional Airport.

Brief Description of Projects Approved for Collection and Use:

—Acquisition of airfield equipment.

—Ramp expansion.

Brief Description of Projects Approved for Use:

—Encasement of irrigation canal.

—Relocation/reconstruction of parallel taxiway.

Decision Date: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: City of San Jose, California.

Application Number: 01–12–C–00–SJC.

Application Type: Impose and use a PFC.

PFC level: $4.50.

Total PFC Revenue Approved in this Decision: $9,407,000.

Earliest Charge Effective Date: February 1, 2008.

Estimated Charge Expiration Date: September 1, 2008.

Class of Air Carriers Not Required To Collect PFC's:

—Nonscheduled/on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at San Jose International Airport.

Brief Description of Project Approved for Collection and Use:

—Runway 12R/30L extension.

Brief Description of Project Approved for Use:

—Runway 12R/30L reconstruction.

Decision Date: July 20, 2001.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: County of Houghton, Hancock, Michigan.

Application Number: 01–08–C–00–CMX.

Application Type: Impose and use a PFC.

PFC level: $3.00.

Total PFC Revenue Approved in this Decision: $254,644.

Earliest Charge Effective Date: August 1, 2001.

Estimated Charge Expiration Date: October 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

—PFC application preparation.

—Rehabilitate runway 13/31 and relocate high intensity runway lights.

Decision Date: July 23, 2001.

FOR FURTHER INFORMATION CONTACT: Arlene Draper, Detroit Airports District Office, (734) 487–7282.

Public Agency: City of Lewiston and Nez Perce County, Lewiston, Idaho.

Application Number: 01–03–C–00–LWS.

Application Type: Impose and use a PFC.

PFC level: $4.50.

Total PFC Revenue Approved in this Decision: $1,171,746.

Earliest Charge Effective Date: October 1, 2006.

Estimated Charge Expiration Date: July 1, 2016.

Class of Air Carriers Not Required To Collect PFC's:

—Nonscheduled air taxi/commercial operators utilizing aircraft having a seating capacity of less than 20 passengers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Lewiston-Nez Perce County Regional Airport.

Brief Description of Projects Approved for Collection and Use:

—Security perimeter fencing.

—Reconstruct a portion of taxiway B, rehabilitate a portion of taxiways A and B.

—Airport signing project.

—Procurement of aircraft rescue and firefighting truck and equipment.

—Master plan.

—Reconstruct taxiway B, phase II and construction of taxiway M.

—Acquisition of a passenger lift device.

—Reconstruct taxiway B, phase II, and rehabilitation of terminal ramp.

—Construction of midfield taxiway and rehabilitation of runway 11/29.

—Security gates.

—Precision approach path indicator installation on runways 11/29 and 8/26.

—Construct safety area for runway 8 approach and Part 77 obstruction removal.

Decision Date: July 24, 2001.

FOR FURTHER INFORMATION CONTACT: Suzanne Lee-Pang, Seattle Airports District Office, (425) 227–2654.

Public Agency: County of Delta, Escanaba, Michigan.

Application Number: 01–06–C–00–ESC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $117,900.

Earliest Charge Effective Date: October 1, 2001.

Estimated Charge Expiration Date: April 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: Air taxis/charters.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 2 percent of the total annual enplanements at Delta County Airport.

Brief Description of Projects Approved for Collection and Use:

—Construct and light (medium intensity taxiway lights) north/south parallel taxiway.

—Design for rehabilitation of runway 9/27.

—Wildlife management plan.

Brief Description of Project Approved for Collection: Construct runway safety area for runway 9.

Decision Date: July 25, 2001.

FOR FURTHER INFORMATION CONTACT: Arlene Draper, Detroit Airports District Office, (734) 487–7282.

Public Agency: Monterey Peninsula Airport District, Monterey, California.

Application Number: 01–07–C–00–MRY.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $381,935.

Earliest Charge Effective Date: October 1, 2001.

Estimated Charge Expiration Date: March 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: Unscheduled Part 135 air taxi operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Monterey Peninsula Airport.

Brief Description of Projects Approved for Collection and Use:

—Acquire aircraft rescue and firefighting equipment.

—Modify aircraft rescue and firefighting vehicle cooling system.

—Lower obstruction to runway 10R obstacle free zone.

—Reconstruct portion of entrance road to north side.

—Purchase runway sweeper.

—Soundproofing, phases 6 and 7.

—Replace terminal fire doors.

—Realign and improve Sky Park-Fred Kane Drive extension.

—Environmental impact report/environmental assessment for Sky Park Drive extension to north side of airport.

Decision Date: July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: San Francisco Airport Commission, San Francisco.

Application Number: 01–01–C–00–SFO.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $112,738,745.

Earliest Charge Effective Date: October 1, 2001.

Estimated Charge Expiration Date: June 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: Nonscheduled/on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at San Francisco International Airport.

Brief Description of Project Approved for Collection and Use:

—Project development costs associated with the reconfiguration of runways.

Decision Date: July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Allegheny County Airport Authority, Pittsburgh, Pennsylvania.

Application Number: 01–01–C–00–PIT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $119,803,191.

Earliest Charge Effective Date: October 1, 2001.

Estimated Charge Expiration Date: October 1, 2006.

Class of Air Carriers Not Required To Collect PFC's: Non-scheduled, on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Pittsburgh International Airport.

Brief Description of Projects Approved for Collection and Use:

—Runway 10L rehabilitation and safety area improvements.

—Expand and upgrade deicing facilities.

—Install non-exclusive baggage devices.

—Residential sound insulation, phases 5 and 6.

—Taxiways F and P rehabilitation.

—Relocate runway 10R/28L electrical field vault.

—Install runway 14/32 lighting and miscellaneous airfield lighting.

—Asphalt/concrete rehabilitation program—taxiways, aprons, aircraft rescue and firefighting road.

—Asphalt/concrete rehabilitation program—terminal roadway.

—Master plan update.

—Acquire snow removal equipment.

—Acquire aircraft rescue and firefighting equipment.

—Acquire Part 107 police equipment.

—Acquire Part 139 airfield equipment.

—Construct Part 139 command center, phase 1.

—Command center and equipment, phase 2.

—Relocation of taxiway E—design.

—Replace airfield sand/chemical storage dome.

—Install midfield heating, ventilation, and air conditioning uninterrupted power supply.

—Construct moving walkway, concourse D.

—Mineral Estates condemnation program.

—Install public roadway signage.

—Install walkway canopies.

—Install public information center.

—Acquire airfield driving training simulator.

—Environmental assessment mitigation.

—Upgrade and expand surface sensor system.

—Improve fire system pumphouse facilities and systems.

—Competition plan.

—PFC application development.

Brief Description of Projects Approved for Collection:

—Widen taxiway Y.

—Construct snow removal equipment storage building.

—Improve runway safety areas for runways 10L/28R and 10R/28L.

—Replace security fence.

Decision Date: July 27, 2001.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sullivan, Harrisburg Airports District Office (717) 730–2832.

AMENDMENTS TO PFC APPROVALS

Amendment No., City, State	Amendment approved date	Original approved Net PFC revenue	Amended approved Net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
*97–02–C–03–DSM Des Moines, IA	05/18/01	$9,786,654	$9,874,583	06/01/02	05/01/02
*98–03–C–02–DSM Des Moines, IA	05/18/01	7,766,744	7,899,744	03/01/05	05/01/04
*99–04–C–01–DSM Des Moines, IA	05/18/01	1,850,000	1,850,000	03/01/06	11/01/04
*00–05–C–01–DSM Des Moines, IA	05/18/01	1,150,000	1,150,000	11/01/06	03/01/05
*98–02–C–01–TXK Texarkana, AR	06/22/01	412,532	412,532	05/01/03	08/01/04
99–08–C–02–SJC San Jose, CA	07/06/01	23,598,000	36,880,000	11/01/02	04/01/03
00–01–C–01–FHR Friday Harbor, WA	07/12/01	NA	NA	11/01/05	11/01/05
96–03–C–01–MEI Meridian, MS	07/16/01	250,620	250,620	06/01/00	06/01/00
97–04–C–02–MEI Meridian, MS	07/16/01	45,000	32,904	12/01/00	10/01/00
98–04–C–01–SEA Seattle, WA	07/16/01	806,157,000	756,657,000	01/01/23	03/01/20
*92–01–C–05–DTW Detroit, MI	07/17/01	1,604,483,000	1,604,483,000	10/01/29	05/01/18
93–01–C–12–ORD Chicago, IL	07/18/01	1,011,764,738	1,225,873,994	04/01/16	10/01/18
95–03–C–05–ORD Chicago, IL	07/18/01	NA	NA	04/01/16	10/01/18
96–05–C–06–ORD Chicago, IL	07/18/01	441,595,749	457,714,130	04/01/16	10/01/18
98–07–C–02–ORD Chicago, IL	07/18/01	52,903,281	54,825,408	04/01/16	10/01/18
01–12–C–01–ORD Chicago, IL	07/18/01	1,486,284,358	1,594,827,790	04/01/16	10/01/18

AMENDMENTS TO PFC APPROVALS—Continued

Amendment No., City, State	Amendment approved date	Original approved Net PFC revenue	Amended approved Net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
**01–11–C–00–SJC San Jose, CA	07/19/01	123,736,491	NA	02/01/08	NA
*97–01–C–01–GPZ Grand Rapids, MN	07/19/01	1,297,059	1,297,059	05/01/31	07/01/21
*93–01–C–01–FNT Flint, MI	07/20/01	32,296,450	31,865,870	09/01/30	01/01/18
97–01–C–02–OKC Oklahoma City, OK	07/20/01	10,121,875	9,259,698	06/01/99	03/01/99
**01–08–C–00–PDX Portland, OR	07/20/01	551,029,000	NA	05/01/16	NA
*95–03–C–02–SEA Seattle, WA	07/23/01	288,930,000	288,930,000	01/01/04	03/01/03
*99–03–C–01–PSC Pasco, WA	07/24/01	740,000	740,000	12/01/03	12/01/02
*93–01–I–01–ALW Walla Walla, WA	07/26/01	1,187,280	3,745,775	11/01/14	10/01/19
97–02–U–01–ALW Walla Walla, WA	07/26/01	NA	NA	11/01/14	10/01/19
*95–01–C–01–MCW Mason City, IA	07/27/01	302,790	302,790	08/01/01	04/01/03
*98–02–C–01–ACT Waco, TX	07/31/01	2,081,400	2,081,400	06/01/03	12/01/08

Notes: 1. The amendments denoted by an asterisk (*) include a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For Des Moines, IA this change is effective on August 1, 2001. For Mason City, IA, Detroit, MI, Flint, MI, Grand Rapids, MN, Portland, OR, Waco, TX, Pasco, WA, Seattle, WA, and Walla Walla, WA, this change is effective on October 1, 2001.

2. The amendments denoted by a double asterisk (**) are amendments which result in a new Record of Decision being issued to consolidate two or more prior Records in order to achieve a uniform PFC level.

Issued in Washington, DC on August 27, 2001.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 01–22043 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application 01–01–C–00–SHD To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Shenandoah Valley Regional Airport, Staunton, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Shenandoah Valley Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 1, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434–4809.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Gregory Campbell, Airport Manager at the following address: Shenandoah Valley Regional Airport, Post Office Box 125, Weyers Cave, VA 24486–0125.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Shenandoah Valley Regional Airport Commission under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Eleanor Schifflin, PFC Program Manager, Regional Office, 1 Aviation Plaza, Jamaica, New York, (718) 553–3354. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Shenandoah Valley Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 14, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Shenandoah Valley Regional Airport Commission was substantially complete within the requirements of section 158.23 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 13, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–01–C–00–SHD.

Level of the proposed PFC: $3.00.

Proposed charge effective date: January 1, 2002.

Proposed charge expiration date: January 1, 2006.

Total estimated PFC revenue: $207,875.

Brief description of proposed project(s):

—Develop PFC Program/Application

—Install MITLs, Airfield Guidance Signs, PAPI

—Design and Construct Apron Expansion

—Design and Rehabilitate General Aviation Apron

—Design and Construct Runway Safety Area—R/W 5

—Acquisition of Snow Removal and Friction Testing Equipment

—Update Airport Layout Plan

—Install Stand-By Emergency Generator

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled Part 135 Air Taxi/Commercial operators and Unscheduled Part 121 Charter operators both classes for hire to the general public.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: 1 Aviation Plaza, Airports Division, AEA–610, Jamaica, New York, 11434–4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Shenandoah Valley Regional Airport Commission.

Issued in Jamaica, New York on August 24, 2001.

Thomas Felix,

Manager, Planning & Programming, Airports Division, Eastern Region.

[FR Doc. 01–22042 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Victoria Regional Airport, Victoria, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 1, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Patrick Rhodes, Manager of Victoria Regional Airport at the following address: Airport Manager, Victoria Regional Airport, 609 Foster Field Drive, Victoria, TX 77904.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On August 15, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 7, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: January 1, 2002.

Proposed charge expiration date: March 1, 2004.

Total estimated PFC revenue: $182,356.

PFC application number: 01–03–C–00–VCT.

Brief description of proposed project(s):

Projects to Impose and Use PFC's;

1. Acquire 1500-gallon ARFF Vehicle.
2. Acquire Runway Sweeper.
3. Update Airport Master Plan.
4. Overlay Runways 12L/30R and 17/35.

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Victoria Regional Airport.

Issued in Fort Worth, Texas on August 16, 2001.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 01–22047 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Agency Information Collection Activities: Submission for OMB Review

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and approval. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on March 16, 2001 (66 FR 15316). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 1, 2001.

ADDRESSES: You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

SUPPLEMENTARY INFORMATION:

Title: Indian Reservation Roads, Program Administration Survey.

OMB Control Number: 2125–0565 (Expiration Date: November 30, 2001).

Abstract: The FHWA and the Bureau of Indian Affairs (BIA) jointly administer the Indian Reservation Roads (IRR) Program. Surveys are conducted of federally recognized tribes to provide feedback regarding their satisfaction with the IRR Program. The collected information is used by the FHWA and the BIA to improve the administration of the IRR program. This survey gathers information from the tribes to assess: (1) overall levels of understanding of the IRR program; (2) involvement in the IRR program; and (3) satisfaction with the IRR program administration and accomplishments. In addition, the survey allows tribes to propose recommendations for improving the operation and administration of the IRR program.

Respondents: Approximately 562 federally recognized tribes.

Estimated Total Annual Burden: It is estimated that each response requires 30 minutes. The surveys are conducted approximately every 2 years (281 biannual burden hours); 141 annual burden hours.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sparrow, 202–366–9483, Department of Transportation, Federal Highway Administration, Federal Lands Highway Core Business Unit, 400 Seventh Street, SW., Washington, DC

20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202–512–1661. Internet users may reach the **Federal Register**'s home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 28, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01–22040 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Greene, Christian and Lawrence Counties, Missouri

AGENCY: Federal Highway Administration (FHWA)

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for improvements to the U.S. 60 highway corridor in Greene, Christian, and Lawrence Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy Casey, Environmental Projects Engineer, FHWA Division Office, 209 Adams Street, Jefferson City, MO 65101; Telephone: (573) 638–2601 or Mr. Henry Hungerbeeler, Director, Missouri Department of Transportation, P.O. Box 270, Jefferson City, Missouri, 65102; Telephone (573) 721–2551.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT), will prepare an EIS on a proposed project to improve the transportation system in Greene, Christian and Lawrence Counties, Missouri.

This proposal is being considered to address existing and future transportation demand on U.S. 60, to address safety issues along existing U.S. 60, and to preserve land for future transportation improvements. Alternatives under consideration include: (1) no build; (2) improving the existing facility; (3) mass transit; (4) Transportation System Management; and (5) off-alignment build alternatives. The proposed project will likely include transportation improvements or transportation corridor preservation on an approximate 20-mile portion of U.S. 60 between the James River Freeway in Greene County, Missouri and a point along U.S. 60 just southwest of Marionville in Lawrence County, Missouri.

A project advisory committee comprised of federal and state agencies, local officials, and those with environmental and other community interests will be established to provide input during development and refinement of alternatives and corridor reservation activities. A series of public meetings and other public involvement activities will be held to engage the regional community in the decision making process. In addition, a public hearing will be held to present the findings of the draft EIS. The draft EIS will be available for public and agency review and comment prior to the public hearing. Agencies having an interest in or jurisdiction regarding the proposed action will be contacted through interagency coordination meetings and mailings. Those who have previously expressed, or are known to have interest in the proposal will receive ample opportunity to comment and provide input.

To ensure that the full range of issues related to this proposed action are addressed and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MoDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program)

Issued on: August 22, 2001.

Peggy J. Casey.

Environmental Projects Engineer, Jefferson City.

[FR Doc. 01–22029 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Humboldt County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed Route 101 project in Humboldt County in the Cities of Eureka and Arcata, and vicinity.

FOR FURTHER INFORMATION CONTACT: R.C. Slovensky, Acting Program Delivery Team Leader, North, Federal Highway Administration, 980 Ninth Street, Suite 400, Sacramento, CA 95814–2724, telephone (916) 498–5774. Kim Floyd, California Department of Transportation Project Manager, P.O. Box 3700, Eureka, CA 95502–3700, telephone (707) 441–5739.

SUPPLEMENTARY INFORMATION: Route 101 is part of the National Highway System and is a principal arterial route. The route is often referred to as the ''lifeline of the North Coast'' since it is the north coast's most important interregional route, serving as the connector to the Santa Rosa/San Francisco metropolitan areas to the south and the State of Oregon to the north. It is heavily used for the transportation of intercity/interstate commerce as well as being the principal route to many north coast recreational areas including State and National parks, rivers, ocean fishing, and beach areas. North of San Francisco, it is the second most heavily traveled non-freeway segment on Route 101 within California.

The proposed project limits extend from the intersection of State Route 255 in City of Eureka to the State Route 255 interchange in the City of Arcata along the Route 101 corridor from KP 127.5 to KP 138.1 (PM 79.2 to PM 85.8) in Humboldt County. The existing Route 101 corridor within these limits consists of two one-way arterials, a four-lane expressway, and a four-lane freeway.

The proposed Eureka-Arcata Corridor Improvement Project consists of the following:

1. Construct an interchange at Route 101 and Indianola Road;

2. Within existing expressway segments, all median crossings would be closed;

3. All existing at-grade access would be restricted to right-turn on/off movements only;

4. Acceleration and deceleration lanes would be lengthened at all access locations if needed;

5. The median width could be reduced.

In addition to the proposed project and No-Build Alternative, alternatives, including upgrade to freeway, that will meet the project purpose and need will be evaluated during the EIS process. Alternatives with substantially higher cost or with extensive environmental impacts will be considered infeasible and not be considered for further study.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A scoping meeting is scheduled from 5 to 8 pm on September 20, 2001 at the Eureka Public Marina Wharfinger Building #1 Marina Way, in Eureka, CA.

Public notice will be given of the time and place of the scoping meeting. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestion are invited from all interested parties. The views of agencies which may have knowledge about historic resources potentially affected by the proposal or interest in the effects of the proposal on historic properties are specifically solicited. Comments or question concerning this proposed action and the EIS should be directed to the FHWA at the address provided above by October 30, 2001.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation Federal programs and activities apply to this program.

Issued on: August 13, 2001.

R. Clayton Slovensky,

Acting Program Delivery Team Leader, North Sacramento, California.

[FR Doc. 01–22028 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–10507]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel RAVEN.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before October 1, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10507. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: RAVEN. Owner: Alexander Mann.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''37.8′ LOA; 20.7′ Beam; 3.1′ Draft; 20 Gross Tons (Certificate of Documentation U.S.C.G.); 16 Net Tons (Certificate of Documentation U.S.C.G.)''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''The intended use for this sailing vessel is to provide 3 hour to five-day sightseeing charters* * * for twelve or fewer passengers.'' ''Operating from the Florida coast, including the Florida Keys, and Gulf of Mexico coastline.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1996. Place of construction: France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''We would like to begin operating in Marco Island Florida. The population triples in the winter and demand appears to be excellent (one of the corporations operating an inspected vessel added an additional craft). Approval of this waiver will have minimal impact on other operators because of the very large market available. This vessel would be the only owner-operated sailboat in the area. We are dedicated to providing customers with an intimate and fun adventure in the beautiful waters and atmosphere, which surrounds the Ten Thousand, Islands. Our 38-foot cruising catamaran is equipped to provide great hospitality and the capacity to tailor every trip to the needs of our passengers. We are able to offer Eco-trips in the backwaters and are determined to provide the most personal sailing experience on the Gulf of Mexico.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''This vessel will have only a positive impact on U.S. shipyards. The vessel will be upgraded and maintained by U.S. yards.''

Dated: August 27, 2001.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–21984 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–472 (Sub–No. 1X)]

Dakota Rail, Inc.—Abandonment Exemption—in McLeod, Carver, and Hennepin Counties, MN

On August 13, 2001, Dakota Rail, Inc. (Dakota Rail), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its entire rail line from milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 (offer of financial assistance (OFA) procedures) and 49 U.S.C. 10905 (public use conditions). In support, Dakota Rail contends that the exemption from these provisions is necessary to avoid delay in the sale of Dakota Rail's stock to McKnight Rail Road, L.L.C. (McKnight),[1] and the anticipated donation by McKnight of portions of the line to various localities. In addition, Dakota Rail states that the town of Mound, located at milepost 32.5, intends to use a portion of the line for highway construction and that this road project would be delayed, if not thwarted, by the OFA process in a case where there is no overriding public need here for continued rail service.

[1] According to Dakota Rail, McKnight is to be formed Illinois Limited Liability Corporation that is the acquisition vehicle for MidAmerica Development & Management Corporation and ELM Investments, L.L.C.

These requests will be addressed in the final decision.

The line does contain federally granted rights-of-way. Any documentation in Dakota Rail's possession will be made available promptly to those requesting it.

In this proceeding, Dakota Rail is proposing to abandon a line that constitutes its entire rail system. When issuing abandonment authority for a railroad line that constitutes the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. *See Northampton and Bath R. Co.—Abandonment,* 354 I.C.C. 784, 785–86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions will be imposed.

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 30, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 20, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–472 (Sub–No. 1X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Louis E. Gitomer, 1455 F Street, NW., Suite 225, Washington, DC 20005. Replies to the Dakota Rail petition are due on or before September 20, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: August 24, 2001.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–21948 Filed 8–30–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Agency Information Collection; Activity Under OMB Review; Reporting the Causes of Airline Cancellations and Delays

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the BTS invites the general public, industry and other governmental parties to comment on air carriers voluntarily reporting on the causes of cancellations and delays of domestic scheduled passenger flights. The voluntary data submission would be used to identify specific problem areas within the national aviation system. By classifying causes of delays into four categories and causes of cancellations into three categories, the Department of Transportation (DOT) would be able to readily identify problem areas within the air transport system. With this knowledge, the DOT should be able to address the airline delays and cancellations within its control.

The DOT is in the process of submitting an emergency request to OMB to allow BTS to collect the voluntary causal data. BTS estimates that participating air carriers will be ready to begin voluntary reporting in early November, thus BTS is seeking

OMB emergency approval rather than the normal approval process established in 5 CFR Part 1320.

The participating air carriers regard their causal data as confidential, proprietary business information; and have agreed to voluntarily submit the data on the condition that the Federal government use the data for internal purposes and not published or released the data to the general public. In addition, the air carriers expressed concerns that, at least initially, there would be technical difficulties with the new voluntary reporting system which could affect the accuracy of the resulting information. While BTS believes that reports on causal data will eventually be useful to airline consumers, this information must be is accurate and reliable. Thus, BTS has agreed to treat the air carriers' voluntary casual data as confidential business information. In order to gather public comment on a delay and cancellation reporting system, BTS is drafting a notice of proposed rulemaking (NPRM) that will propose the framework for a reporting system. Once the NPRM becomes a final rule, BTS intends release and publish causal data.

DATES: Written comments should be submitted by October 1, 2001.

ADDRESSES: Comments should be directed to: Office of Airline Information, K–25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590–0001, FAX NO. 366–3383 or EMAIL *bernard.stankus@bts.gov.*

Comments: Comments should identify the OMB # 2138–NEW. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138–NEW. The postcard will be date/time stamped and returned.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus Office of Airline Information, K–25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4387.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–NEW

Title: Reporting the Causes of Airline Cancellations and Delays.

Form No.: BTS Form 234.

Type Of Review: New collection.

Respondents: Large certificated air carriers that account for at least 1 percent of the domestic scheduled passenger revenues.

Number of Respondents: 10.

Programming Burden Per Respondent: 15 hours.

Total Burden: 150 hours.

Needs and Uses:

Identifying and Reducing Traffic Delays

The DOT would use the causal data collected and processed by BTS to pinpoint and analyze air traffic delays and cancellations that occur under DOT's control. Currently, BTS can identify which flights are delayed or cancelled but, not the cause of the delay or cancellation. By eliminating the delays and cancellations that are caused by extreme weather, the air carrier or by the late arrival of an aircraft of a previous flight, the DOT would be able to focus its attention to solving problem areas within its control.

Reporting Burden for Voluntary Reporting

One of the reporting carriers, that participated in BTS' pilot program on causal data, estimated that it took from 10 to 15 hours to reprogram its reporting system. Once this reprogramming effort was completed, the carrier stated that there was little, if any, additional reporting burden required to submit the monthly on-time reports.

Ashish Sen,

Director, Bureau of Transportation Statistics.

[FR Doc. 01–22041 Filed 8–30–01; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–106–91]

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–106–91 (TD 8563), State Housing Credit Ceiling and Other Rules Relating to the Low-Income Housing Credit (§ 1.42–14).

DATES: Written comments should be received on or before October 30, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: State Housing Credit Ceiling and Other Rules Relating to the Low-Income Housing Credit.

OMB Number: 1545–1423.

Regulation Project Number: PS–106–91.

Abstract: The regulation concerns the low-income housing credit under section 42 of the Internal Revenue Code. The regulation provides rules relating to the order in which housing credit dollar amounts are allocated from each State's housing credit ceiling under section 42(h)(3)(C) and the determination of which States qualify to receive credit from a national pool of credit under section 42(h)(3)(D). The regulation affects State and local housing credit agencies and taxpayers receiving credit allocations, and provides them with guidance for complying with section 42.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, individuals or households, and state, local or tribal governments.

Estimated Number of Respondents: 110.

Estimated Time Per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 275.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a

matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–22074 Filed 8–30–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Matching Agreement

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Matching Program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer program matching records from the VA Compensation, Pension, Education and Rehabilitation (CP&E) Records, VA Personnel and Accounting Integrated Data (PAID), VA Patient Treatment File (PTF), and VA National Patient Care (NPC).

The purpose of the match is to identify any employees receiving pension benefits, unemployability benefits, or medical treatment for non-service connected conditions. VA Office of Inspector General will use this information to initiate an independent verification process to determine eligibility and entitlement to these VA benefits.

Records To Be Matched

The records involved in the match are: VA system of records Compensation, Pension, Education and Rehabilitation Records-VA (58VA21/22) first published at 41 FR 9294 dated March 3, 1976, and last amended at 65 FR 37605 dated June 15, 2000, with other amendments as cited therein; VA system of records Patient Medical Records-VA (24VA136) first published at 40 FR 38095 dated August 26, 1975, and last amended at 63 FR 7196 dated February 12, 1998, with other amendments as cited therein; and VA system of records Personnel and Accounting System-VA (27VA047) first published at 40 FR 38095 dated August 26, 1975, and last amended at 65 FR 44097 dated July 17, 2000, and with other amendments as cited therein.

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Public Law 100–503.

DATES: The match will start no sooner than 30 days after publication in the **Federal Register** and end not more than 18 months after the agreement is properly implemented by VA. The VA Data Integrity Board (DIB) may extend this match for 12 months provided the Agency certifies to the DIB within three months of the ending date of the original match that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Tom Phelps (52CO), Project Manager, Central Office Operations Division, Office of the Inspector General, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565–4553.

SUPPLEMENTARY INFORMATION: This information is required by Title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both Houses of Congress and OMB.

Approved: August 13, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 01–22073 Filed 8–30–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Office

Government Owned Inventions Available for Licensing

AGENCY: Research and Development Office, Veterans Affairs.

ACTION: Notice of Government Owned Inventions Available for Licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government as represented by the Department of Veterans Affairs, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: Mindy Aisen, MD, Department of Veterans Affairs, Director Technology Transfer Program, Research and Development Office, 810 Vermont Avenue, NW, Washington, DC 20420; fax: 202–275–7228; e-mail at mindy.aisen@mail.va.gov.

Any request for information should include the number and title for the revelant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

The inventions available for licensing are:

09/241,987 ''Methods for identifying a Preferred Liver Transplant Donor''.

09/546,860 ''A Novel Solution for the Ex-Vivo Preservation of Cardiovascular Tissue.''

09/570,454 ''Isolation and Characterization of Epidermal Growth Factor-Related Protein.''

09/595,875 ''Antagonism of Immunostimulatory CpG-Oligonucleotides by 4-Aminoquinolines and Other Weak Bases.''

09/746,555 ''N-Terminal D(-) -Pencillamine Peptides as Aldehyde Sequestration Agents.''

09/793,533 ''Method and Compound for Antagonizing Inhibition Effects of Alcohol on Cell Adhesion.''

09/867,521 ''Isolation and Characterization of a Rat Epidermal Growth Factor-Related Protein.''

Dated: August 27, 2001.

Anthony J. Principi,

Secretary, Department of Veterans Affairs.

[FR Doc. 01–22072 Filed 8–30–01; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 66, No. 170

Friday, August 31, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal Plant and Health Inspection Service

9 CFR Parts 54 and 79

[Docket No. 97–093–5]

RIN 0579–AA90

Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program

Correction

In rule document 01–20693, beginning on page 43964, in the issue of Tuesday, August 21, 2001, make the following correction:

On page 43964, in the first column, under the heading **SUMMARY:**, in the last line, ''February 18, 2002'' should read ''February 19, 2002''.

[FR Doc. C1–20693 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1755

RIN 0572–AB41

Telecommunications System Construction Contract and Specifications

Correction

In rule document 01–20120 beginning on page 43310, in the issue of Friday, August 17, 2001, make the following correction:

§ 1755.97 [Corrected]

On page 43314, in the table, under the heading ''Date last issued'', in the second line, ''9/12/01'' should read ''9/17/01''.

[FR Doc. C1–20120 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–829]

Stainless Steel Wire Rod From Korea: Amendment of Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision

Correction

In notice document 01–19779, appearing on page 41550, in the issue of Wednesday, August 8, 2001, make the following correction:

In the first column, under the heading **EFFECTIVE DATE:**, '' August 7, 2001.'' should read ''August 8, 2001.''

[FR Doc. C1–19779 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Proposed Buy American Act Exception for Commercial U.S.-Made End Products

Correction

In notice document 01–19915 beginning on page 41561 in the issue of Wednesday, August 8, 2001, make the following corrections:

1. On page 41561, in the third column, the subject heading should be set forth above.

2. On page 41562, in the first column, in the eighth line, in the **SUPPLEMENTARY INFORMATION:** section, ''supplies in mind'' should read ''supplies mined''.

3. On the same page, in the second column, in the 27th line, ''create'' should read ''creates''.

[FR Doc. C1–19915 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences (NIEHS); National Toxicology Program (NTP); The Revised Draft Up-and-Down Procedure for Assessing Acute Oral Toxicity: Notice of Availability and Request for Public Comments

Correction

In notice document 01–15770 beginning on page 33550, in the issue of Friday, June 22, 2001, make the following corrections:

1. On page 33550, in the third column, in the fifth and sixth line from the bottom of the first paragraph, under the heading

Availability of Revised Draft UDP Documents

the Web site address ''http://iccvam.niehs.nih.gov/methods/updocs/udprpt/udp_ciprop.htm '' should read '' http://iccvam.niehs.nih.gov/methods/udpdocs/udprpt/udp_ciprop.htm''.

2. On page 33551, in the first column, in the fourth line, the Web site address ''http://iccvam.niehs.nih.gov/methods/updocs/udprpt/udp_ciprop.htm'' should read ''http://iccvam.niehs.nih.gov/methods/udpdocs/udprpt/udp_ciprop.htm''.

3. On the same page, in the same column, in the first full paragraph, beginning in the eleventh line, the Web site address ''http://iccvam.niehs.nih.gov/methods/udpdoc/udprpt/udp_ciprop.htm '' should read ''http://iccvam.niehs.nih.gov/methods/udpdocs/udprpt/udp_ciprop.htm ''.

[FR Doc. C1–15770 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Correction

In notice document 01–19946 appearing on page 41914, in the issue of Thursday, August 9, 2001, make the following corrections:

In the first column, under the heading *Summary of Proposal(s):*, ''*(7) Estimated annual number of responses:* 3000.'' should read ''*(7) Estimated annual*

number of respondents: 30.'' and ''*(8) Total annual responses:* 0.'' should read ''*(8) Total annual responses:* 3,000.''

[FR Doc. C1–19946 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–8210]

Agency Information Collection Activities Under OMB Review: OMB Control No. 2126–0011 (Commercial Driver Licensing and Test Standards)

Correction

In notice document 01–21719 beginning on page 45361, in the issue of Tuesday, August 28, 2001, make the following correction:

On page 45361, in the first column, under the heading **DATES:**, in the second line, ''August 27, 2001.'' should read ''September 27, 2001.''

[FR Doc. C1–21719 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK64

Diseases Specific to Radiation-Exposed Veterans

Correction

In proposed rule document 01–19916 beginning on page 41483 in the issue of Wednesday, August 8, 2001, make the following correction:

On page 41483, in the third column, in the first complete paragraph, the third line from the bottom, ''No no presumption'' should read ''no presumption''.

[FR Doc. C1–19916 Filed 8–30–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
August 31, 2001

Part II

General Services Administration

41 CFR Part 301

Federal Travel Regulation; Maximum Per Diem Rates; Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 97]

RIN 3090–AH44

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: An analysis of lodging and meal cost survey data reveals that the listing of maximum per diem rates for locations within the continental United States (CONUS) should be updated to provide for the reimbursement of Federal employees' expenses covered by per diem. This final rule increases/decreases the maximum lodging amounts in certain existing per diem localities, adds new per diem localities, and removes a number of previously designated per diem localities. In an effort to improve the ability of the per diem rates to meet the lodging demands of Federal travelers to high cost travel locations, the General Services Administration (GSA) has integrated the contracting mechanism of the new Federal Premier Lodging Program (FPLP) into the per diem rate-setting process. The FPLP will enhance the Government's ability to better meet its overall room night demand and allow travelers to find lodging close to where they need to conduct business.

DATES: This final rule is effective October 1, 2001, and applies for travel performed on or after October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Joddy Garner, Office of Governmentwide Policy, Travel Management Policy Division, at 202 501–1538.

SUPPLEMENTARY INFORMATION:

A. Background

After an analysis of additional data, GSA has determined that current lodging and meals and incidental expenses (M&IE) allowances for certain localities do not adequately reflect the cost of lodging in those areas. To provide adequate per diem reimbursement for Federal employee travel to those areas, the maximum per diem allowances are changed. Properties in high cost travel areas are under no obligation to provide lodging to Federal travelers at the per diem rate. Thus, GSA established the FPLP to contract directly with properties in high cost travel markets to make available a set number of rooms to Federal travelers at contract rates. For the FPLP destinations, those rates will become effective pending contractual awards. (A listing of the FPLP destinations will follow the per diem rates listing).

In addition, GSA has received notice of the Winter Olympics taking place in Salt Lake City, Utah. Effective January 15 through February 28, 2002, the lodging peak-season rate for Park City, Utah, of $169 will apply to the counties of Weber, Davis, Salt Lake, Summit, and Utah to provide for the reimbursement of Federal employees' expenses covered by the per diem.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Chapter 301

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, 41 CFR chapter 301 is amended as follows:

1. Appendix A to chapter 301 is revised to read as follows:

Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

The maximum rates listed below are prescribed under part 301–11 of this chapter for reimbursement of per diem expenses incurred during official travel within CONUS (the continental United States). The amounts shown in column (a) are the maximums that will be reimbursed for lodging expenses excluding taxes. The M&IE rates shown in column (b) are fixed amounts allowed for meals and incidental expenses covered by per diem. The per diem payment calculated in accordance with part 301–11 of this chapter for lodging expenses plus the M&IE rate may not exceed the maximum per diem rate shown in column (c). Seasonal rates apply during the periods indicated. It is the policy of the Government, as reflected in the Hotel Motel Fire Safety Act of 1990 (Pub. L. 101–391, September 25, 1990 as amended by Pub. L. 105–85, November 18, 1997), referred to as ''the Act'' in this paragraph, to save lives and protect property by promoting fire safety in hotels, motels, and all places of public accommodation affecting commerce. In furtherance of the Act's goals, employees are encouraged to stay in a facility which is fire-safe, i.e., an approved accommodation, when commercial lodging is required. Lodgings that meet the Government requirements are listed on the U.S. Fire Administration's Internet site at *http://www.usfa.fema.gov/hotel/index.cfm.*

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
CONUS, Standard rate:		55		30		85
(Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, for certain relocation subsistence allowances. See parts 302-2, 302-4, and 302-5 of this subtitle.)						
ALABAMA						
Birmingham	Jefferson	59		38		97
Decatur	Morgan	69		30		99
Gulf Shores	Baldwin					
(May 15-September 4)		101		34		135
(September 5-May 14)		64		34		98
Huntsville	Madison	70		38		108
Montgomery	Montgomery	61		38		99
ARIZONA						
Casa Grande	Pinal					
(January 1-April 30)		80		34		114
(May 1-December 31)		65		34		99
Chinle	Apache					
(May 1-October 31)		98		34		132
(November 1-April 30)		55		34		89
Flagstaff	All points in Coconino County not covered under Grand Canyon per diem area					
(May 1-October 31)		67		34		101
(November 1-April 30)		55		34		89
Grand Canyon	All points in the Grand Canyon National Park and Kaibab National Forest within Coconino County					
(May 1-October 21)		106		42		148
(October 22 –April 30)		94		42		136
Kayenta	Navajo					
(April 15-October 15)		98		30		128
(October 16-April 14)		65		30		95
Phoenix/Scottsdale	Maricopa					
(January 1-April 15)		107		42		149
(April 16-May 31)		79		42		121
(June 1-August 31)		59		42		101
(September 1-December 31)		90		42		132
Tucson	Pima County; Davis-Monthan AFB					
(January 1-April 15)		85		38		123
(April 16-December 31)		58		38		96
Yuma	Yuma	68		34		102
ARKANSAS						
Hot Springs	Garland	60		30		90

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Little Rock	Pulaski	72		34		106
CALIFORNIA						
Clearlake	Lake					
(May 5-September 30)		85		30		115
(October 1-May 4)		69		30		99
Contra Costa County	Contra Costa	108		42		150
Death Valley	Inyo	60		46		106
Kern County	Kern County	68		38		106
Los Angeles	Los Angeles; Orange and Ventura Counties; Edwards AFB; Naval Weapons Center and Ordinance Test Station, China Lake (see Santa Monica)	99		46		145
Mammoth Lakes	Mono	70		46		116
Marin County	Marin	108		42		150
Merced	Merced	62		30		92
Modesto	Stanislaus	60		34		94
Monterey	Monterey					
(May 1-October 31)		94		42		136
(November 1-April 30)		75		42		117
Napa	Napa					
(April 1-November 15)		125		42		167
(November 16-March 31)		110		42		152
Oakhurst	Madera					
(May 1-September 30)		79		38		117
(October 1-April 30)		55		38		93
Oakland	Alameda	118		38		156
Ontario/Barstow/Victorville	San Bernardino	84		38		122
Palm Springs	Riverside					
(January 1-May 31)		129		42		171
(June 1-December 31)		84		42		126
Point Arena/Gualala	Mendocino	109		38		147
Sacramento	Sacramento	79		42		121
San Diego	San Diego	99		46		145
San Francisco	San Francisco	159		46		205
San Luis Obispo	San Luis Obispo	79		38		117
San Mateo/Redwood City	San Mateo	134		42		176
Santa Barbara	Santa Barbara	114		38		152
Santa Cruz	Santa Cruz	108		42		150
Santa Monica	City limits of Santa Monica (see Los Angeles)					
(June 1-September 30)		125		38		163
(October 1-May 31)		109		38		147
Santa Rosa	Sonoma	89		42		131
Solano County	Solano; Travis Air Force Base	79		42		121
South Lake Tahoe	El Dorado (see also Stateline, NV)					
(June 1-August 31)		97		42		139
(September 1-May 31)		84		42		126
Sunnyvale/Palo Alto/San Jose	Santa Clara	150		46		196
Tahoe City	Placer	145		42		187
Truckee	Nevada					
(June 15-September 30)		81		42		123

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(October 1-June 14)		63		42		105
Visalia	Tulare	69		38		107
West Sacramento	Yolo	69		30		99
Yosemite National Park	Mariposa					
(May 1-September 30)		114		46		160
(October 1-April 30)		82		46		128
COLORADO						
Aspen	Pitkin					
(January 1-April 30)		145		46		191
(May 1-December 31)		89		46		135
Boulder	Boulder	93		42		135
Colorado Springs	El Paso					
(May 15-September 15)		73		38		111
(September 16-May 14)		59		38		97
Cortez	Montezuma	69		34		103
Crested Butte	City limits of Crested Butte (see Gunnison County)					
(November 15-April 15)		97		42		139
(April 16-June 15)		58		42		100
(June 16-November 14)		71		42		113
Denver	Denver, Adams, and Arapahoe	112		42		154
Durango	La Plata					
(May 15-September 30)		99		38		137
(October 1-May 14)		70		38		108
Fort Collins	Larimer (except Loveland)	76		34		110
Glenwood Springs	Garfield					
(May 15-October 15)		95		30		125
(October 16-May 14)		55		30		85
Gunnison	Gunnison (except Crested Butte)					
(May 15-September 30)		70		34		104
(October 1-May 14)		55		34		89
Jefferson County	Jefferson	94		34		128
Loveland	City limits of Loveland (see Larimer County)	69		30		99
Montrose	Montrose	69		34		103
Pueblo	Pueblo					
(June 1-September 30)		72		34		106
(October 1-May 31)		58		34		92
Silverthorne/Keystone	Summit	170		38		208
Steamboat Springs	Routt	59		38		97
Telluride	San Miguel					
(December 20-September 30)		147		46		193
(October 1-December 19)		85		46		131
Trinidad	Las Animas	62		30		92
Vail	Eagle					
(December 1-March 31)		200		46		246
(April 1-November 30)		105		46		151
CONNECTICUT						
Bridgeport/Danbury	Fairfield	109		38		147

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Hartford	Hartford	120		42		162
Lakeville/Salisbury	Litchfield	95		38		133
Middlesex County	Middlesex	78		30		108
New Haven	New Haven	87		38		125
New London/Groton	New London					
(May 1-October 31)		107		34		141
(November 1-April 30)		79		34		113
Putnam/Danielson	Windham	56		30		86
DELAWARE						
Dover	Kent					
(May 25-September 4)		75		34		109
(September 5-May 24)		64		34		98
Lewes	Sussex	120		42		162
Wilmington	New Castle					
(April 1-September 30)		109		34		143
(October 1-March 31)		99		34		133
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland). (See also Maryland and Virginia.)		119		46		165
FLORIDA						
Altamonte Springs	Seminole	71		38		109
Bradenton	Manatee					
(January 1-April 30)		65		30		95
(May 1-December 31)		55		30		85
Cocoa Beach	Brevard	105		34		139
Daytona Beach	Volusia					
(February 1-August 31)		90		38		128
(September 1-January 31)		69		38		107
Fort Lauderdale	Broward					
(December 15-April 30)		100		42		142
(May 1-December 14)		69		42		111
Fort Myers	Lee					
(January 15-April 15)		70		42		112
(April 16-January 14)		55		42		97
Fort Pierce	Saint Lucie					
(December 15-April 30)		70		46		116
(May 1-December 14)		55		46		101
Fort Walton Beach	Okaloosa					
(May 1-October 31)		110		38		148
(November 1-April 30)		80		38		118
Gainesville	Alachua	61		34		95
Gulf Breeze	Santa Rosa					

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(May 1-September 30)		115		38		153
(October 1-April 30)		59		38		97
Jacksonville/Mayport	Duval; Mayport Naval Station	65		34		99
Key West	Monroe					
(January 1-April 30)		180		46		226
(May 1-December 31)		109		46		155
Kissimmee	Osceola					
(February 1-April 30)		77		34		111
(May 1-January 31)		64		34		98
Lakeland	Polk	71		34		105
Leesburg	Lake					
(November 1-April 15)		68		30		98
(April 16-October 31)		55		30		85
Miami	Dade					
(January 1-April 15)		89		42		131
(April 16-December 31)		75		42		117
Naples	Collier					
(December 16-April 15)		109		38		147
(April 16-December 15)		69		38		107
Ocala	Marion	59		30		89
Orlando	Orange	95		42		137
Palm Beach (also the cities of Boca Raton, Delray Beach , Jupiter, Palm Beach Gardens, Palm Beach Shores, Singer Island and West Palm Beach)	Palm Beach					
(January 1-April 30)		129		46		175
(May 1-December 31)		70		46		116
Panama City	Bay	74		38		112
Pensacola	Escambia	60		30		90
Punta Gorda	Charlotte					
(December 15-April 15)		75		38		113
(April 16-December 14)		55		38		93
Sarasota	Sarasota					
(January 1-April 30)		80		38		118
(May 1-December 31)		70		38		108
Sebring	Highlands	64		30		94
St. Augustine	St. Johns	65		38		103
Stuart	Martin	57		38		95
Tallahassee	Leon	65		34		99
Tampa/St. Petersburg	Pinellas and Hillsborough					
(January 1-April 30)		105		38		143
(May 1-December 31)		89		38		127
Vero Beach	Indian River					
(December 15-April 15)		99		38		137
(April 16-December 14))		59		38		97
GEORGIA						
Albany	Dougherty	57		34		91
Athens	Clarke	69		34		103

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Atlanta	Fulton and Gwinnett	93		38		131
Clayton County	Clayton	64		30		94
Cobb County	Cobb	78		34		112
Columbus	Muscogee	63		34		97
Conyers	Rockdale	69		34		103
DeKalb County	DeKalb	78		34		112
Savannah	Chatham	71		38		109
IDAHO						
Boise	Ada	61		38		99
Coeur d'Alene	Kootenai	56		34		90
Ketchum	Blaine (except Sun Valley)					
(May 1-November 30)		84		42		126
(December 1-April 30)		74		42		116
McCall	Valley	62		38		100
Sun Valley	City limits of Sun Valley (see Blaine County)	149		42		191
ILLINOIS						
Aurora	Kane (except Elgin)	66		30		96
Chicago	Cook and Lake	155		46		201
Du Page County	Du Page	89		38		127
Elgin	City limits of Elgin (see Kane County)	60		30		90
Rockford	Winnebago	60		30		90
INDIANA						
Carmel	Hamilton	65		38		103
Ft. Wayne	Allen	58		30		88
Indianapolis	Marion County; Fort Benjamin Harrison	70		42		112
Lafayette	Tippecanoe	59		30		89
Michigan City	La Porte	65		34		99
Nashville	Brown					
(April 1-November 15)		75		38		113
(November 16-March 31)		59		38		97
South Bend	St. Joseph	61		34		95
Valparaiso/Burlington Beach	Porter	89		34		123
IOWA						
Cedar Rapids	Linn	60		34		94
Des Moines	Polk	67		34		101
KANSAS						
Kansas City/Overland Park	Wyandotte and Johnson	85		38		123
Wichita	Sedgwick	59		38		97
KENTUCKY						
Covington	Kenton	80		38		118
Lexington	Fayette	65		30		95
Louisville	Jefferson	69		38		107
LOUISIANA						
Baton Rouge	East Baton Rouge Parish	78		38		116

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Gonzales	Ascension Parish	59		34		93
Lake Charles	Calcasieu Parish	70		34		104
New Orleans/St. Bernard	Orleans, St. Bernard, Plaquemine and Jefferson Parishes					
(January 1-May 31)		139		42		181
(June 1-December 31)		89		42		131
Shreveport/Bossier City	Caddo	60		38		98
Slidell	St. Tammany	65		30		95
St. Francisville	West Feliciana	75		38		113
MAINE						
Bar Harbor	Hancock					
(June 15-October 15)		110		38		148
(October 16-June 14)		89		38		127
Bath	Sagadahoc					
(May 1-October 31)		61		34		95
(November 1-April 30)		55		34		89
Kennebunk/Kittery/Sanford	York					
(June 15-October 31)		129		38		167
(November 1-June 14)		69		38		107
Portland	Cumberland					
(July 1-October 31)		119		38		157
(November 1-June 30)		79		38		117
Rockport	Knox					
(July 1-August 26)		87		42		129
(August 27-June 30)		55		42		97
Wiscasset	Lincoln					
(July 1-October 31)		99		38		137
(November 1-June 30)		72		38		110
MARYLAND						
(For the counties of Montgomery and Prince George's, see District of Columbia.)						
Annapolis	Anne Arundel	90		42		132
Baltimore	Baltimore	110		42		152
Columbia	Howard	110		42		152
Frederick	Frederick	65		30		95
Grasonville	Queen Annes	75		38		113
Harford County	Harford County	104		38		142
Lexington Park/ Leonardtown/Lusby	St. Marys and Calvert	66		34		100
Ocean City	Worcester					
(June 15-October 31)		144		46		190
(November 1-June 14)		59		46		105
St. Michaels	Talbot	100		42		142
MASSACHUSETTS						
Andover	Essex	109		38		147
Boston	Suffolk	159		46		205
Cambridge	Middlesex (except Lowell)	159		46		205

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Falmouth	City limits of Falmouth					
(June 1-September 30)		105		38		143
(October 1-May 31)		70		38		108
Hyannis	Barnstable	94		38		132
Lowell	City limits of Lowell (except Cambridge) (see Middlesex County)	99		34		133
Martha's Vineyard	Dukes					
(June 1-October 15)		150		46		196
(October 16-May 31)		85		46		131
Nantucket	Nantucket					
(June 15-October 15)		150		46		196
(October 16-June 14)		75		46		121
New Bedford	City limits of New Bedford (see Bristol County)					
(May 15-October 15)		75		34		109
(October 16-May 14)		65		34		99
Northampton	Hampshire	72		34		106
Pittsfield	Berkshire	65		38		103
Plymouth	Plymouth					
(June 15-October 15)		119		34		153
(October 16-June 14)		99		34		133
Quincy	Norfolk	74		38		112
Springfield	Hampden	99		34		133
Taunton	Bristol (except New Bedford)	74		30		104
Worcester	Worcester	79		34		113
MICHIGAN						
Ann Arbor	Washtenaw	75		38		113
Berrien County	Berrien	59		30		89
Charlevoix	Charlevoix					
(June 1-August 31)		105		38		143
(September 1-May 31)		59		38		97
Detroit	Wayne	109		46		155
East Lansing/Lansing	Ingham	65		38		103
Frankenmuth	Saginaw	69		34		103
Frankfort	Benzie	62		34		96
Gaylord	Otsego	65		38		103
Grand Rapids	Kent	62		34		96
Holland	Ottawa	60		34		94
Leland	Leelanau	75		34		109
Mackinac Island	Mackinac	165		46		211
Midland	Midland	72		34		106
Mount Pleasant	Isabella	65		34		99
Muskegon	Muskegon					
(May 1-August 31)		79		30		109
(September 1-April 30)		59		30		89
Ontonagon	Ontonagon	65		30		95
Petoskey	Emmet					
(June 1-October 31)		65		38		103
(November 1- May 31)		55		38		93
Pontiac/Troy	Oakland	94		38		132

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Auburn Hills	Bay	94		38		132
Sault Ste Marie	Chippewa					
(May 15-October 15)		63		34		97
(October 16-May 14)		55		34		89
South Haven	Van Buren	76		34		110
Traverse City	Grand Traverse	125		42		167
Warren	Macomb	79		34		113
MINNESOTA						
Anoka County	Anoka y	65		34		99
Dakota County	Dakota	80		34		114
Duluth	St. Louis					
(June 1-October 31)		85		42		127
(November 1-May 31)		56		42		98
Minneapolis/St. Paul	Hennepin County and Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), and Ramsey County	95		46		141
Rochester	Olmsted	73		34		107
MISSISSIPPI						
Bay St. Louis	Hancock					
(April 1-October 31)		69		38		107
(November 1-March 31)		55		38		93
Biloxi/Gulfport	Harrison	72		38		110
Robinsonville	Tunica	59		34		93
MISSOURI						
Branson	Taney					
(April 1-December 31)		62		34		96
(January 1-March 31)		55		34		89
Hannibal	Marion	57		30		87
Jefferson City	Cole	60		30		90
Kansas City	Jackson, Clay and Kansas City International Airport	85		42		127
Osage Beach	Camden	89		30		119
Platte	Platte (except Kansas City International Airport)	61		34		95
Springfield	Greene	63		30		93
St. Louis	St. Louis and St. Charles	90		46		136
MONTANA						
Big Sky	Gallatin (except West Yellowstone)	125		46		171
Polson/Kalispell	Lake and Flathead					
(June 1-September 15)		64		30		94
(September 16-May 31)		55		30		85
West Yellowstone	City limits of West Yellowstone (see Gallatin County)					
(June 1-September 30)		92		34		126
(October 1-May 31)		55		34		89

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
NEBRASKA						
Omaha	Douglas	63		38		101
NEVADA						
Incline Village/Crystal Bay	City limits of Incline Village and Crystal Bay					
(May 15-September 15)		99		38		137
(September 16-May 14)		79		38		117
Las Vegas	Clark County; Nellis AFB	79		38		117
Stateline	Douglas (see also South Lake Tahoe, CA)	129		42		171
NEW HAMPSHIRE						
Concord	Merrimack					
(May 1-October 31)		68		34		102
(November 1-April 30)		58		34		92
Conway	Carroll	89		38		127
Durham	Strafford	89		30		119
Hanover/Sullivan County	Grafton and Sullivan	95		42		137
Laconia	Belknap	73		34		107
Manchester	Hillsborough	89		34		123
Newington	Rockingham County; Pease AFB (except Portsmouth)					
(July 1-October 31)		81		42		123
(November 1-June 30)		65		42		107
Portsmouth	City limits of Portsmouth (see Rockingham County)					
(January 1-October 15)		85		42		127
(October 16-December 31)		69		42		111
NEW JERSEY						
Atlantic City	Atlantic					
(June 1-November 30)		149		42		191
(December 1-May 31)		109		42		151
Cape May	Cape May (except Ocean City)					
(June 1- November 30)		155		42		197
(December 1 - May 31)		95		42		137
Cherry Hill/Camden/ Moorestown	Camden and Burlington	74		42		116
Eatontown	Monmouth County; Fort Monmouth; (except Freehold)	84		38		122
Edison	Middlesex (except Piscataway)	169		30		199
Flemington	Hunterdon	80		34		114
Freehold	City limits of Freehold (see Monmouth County)	85		34		119
Millville	Cumberland	58		30		88
Newark	Essex, Bergen, Hudson and Passaic	125		42		167
Ocean City	City limits of Ocean City (see Cape May County)					
(June 15-September 15)		215		38		253
(September 16-June 14)		80		38		118
Parsippany/Picatinney Arsenal/Dover	Morris	114		38		152
Piscataway/Belle Mead	Somerset; and City limits of Piscataway	144		38		182

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Princeton/Trenton	Mercer	139		42		181
Tom's River	Ocean					
(May 15-September 15)		89		38		127
(September 16-May 14)		79		38		117
Union County	Union	107		38		145
NEW MEXICO						
Albuquerque	Bernalillo	65		38		103
Cloudcroft	Otero					
(June 1-October 31)		74		30		104
(November 1-May 31)		65		30		95
Los Alamos	Los Alamos	71		34		105
Santa Fe	Santa Fe	99		46		145
Taos	Taos	75		34		109
NEW YORK						
Albany	Albany	96		42		138
The Bronx/Brooklyn/Queens	The boroughs of The Bronx, Brooklyn and Queens	170		46		216
Buffalo	Erie	78		42		120
Glens Falls	Warren					
(June 1-September 30)		74		34		108
(October 1-May 31)		55		34		89
Ithaca	Tompkins	69		34		103
Kingston	Ulster	79		38		117
Lake Placid	Essex					
(June 15-October 15)		86		38		124
(October 16-June 14)		59		38		97
Manhattan	The borough of Manhattan	198		46		244
Nassau County/Great Neck	Nassau	190		42		232
Niagara Falls	Niagara					
(May 1-October 31)		89		34		123
(November 1-April 30)		55		34		89
Nyack/Palisades	Rockland					
(April 1-September 30)		67		38		105
(October 1-March 31)		57		38		95
Owego	Tioga	73		30		103
Poughkeepsie	Dutchess	74		38		112
Rochester	Monroe	83		42		125
Saratoga Springs	Saratoga					
(July 1-October 31)		95		38		133
(November 1-June 30)		75		38		113
Staten Island	Richmond	120		42		162
Suffolk County	Suffolk	149		38		187
Syracuse	Onondaga	70		34		104
Tarrytown	Westchester (except White Plains)	114		42		156
Waterloo/Romulus	Seneca					
(June 15-September 15)		89		34		123
(September 16-June 14)		69		34		103
Watkins Glen	Schuyler	59		34		93
West Point	Orange	121		34		155

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
White Plains	City limits of White Plains (see Westchester County)	165		42		207
NORTH CAROLINA						
Atlantic Beach	Carteret					
(June 1-August 31)		64		30		94
(September 1-May 31)		55		30		85
Chapel Hill	Orange	80		38		118
Charlotte	Mecklenburg	71		38		109
Cherokee	Swain					
(April 1-October 31)		62		30		92
(November 1-March 31)		55		30		85
Fayetteville	Cumberland	63		34		97
Greensboro	Guilford	87		38		125
Kill Devil	Dare					
(May 1-September 30)		114		38		152
(October 1-February 28)		75		38		113
(March 1-April 30)		55		38		93
New Bern/Havelock	Craven	62		34		96
Raleigh	Wake	74		38		112
Research Triangle Park/Durham	Durham	85		42		127
Wilmington	New Hanover					
(April 1-September 15)		65		34		99
(September 16-March 31)		58		34		92
Winston-Salem	Forsyth	64		38		102
NORTH DAKOTA (See footnote 5)						
OHIO						
Akron	Summit	72		38		110
Bellevue	Huron	72		30		102
Cambridge	Guernsey	60		34		94
Cincinnati	Hamilton and Warren	69		46		115
Cleveland	Cuyahoga	86		42		128
Columbus	Franklin	75		38		113
Dayton	Montgomery, Wright-Patterson AFB	65		30		95
Fairborn	Greene	66		34		100
Geneva	Ashtabula	59		34		93
Hamilton	Butler	59		34		93
Lancaster	Fairfield	66		30		96
Port Clinton/Oak Harbor	Ottawa					
(June 1-September 5)		95		34		129
(September 6-May 31)		69		34		103
Sandusky	Erie					
(May 1-September 5)		85		38		123
(September 6-April 30)		55		38		93
Toledo	Lucas	69		30		99
OKLAHOMA						

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Oklahoma City	Oklahoma	65		38		103
OREGON						
Ashland	Jackson	59		42		101
Beaverton	Washington	59		38		97
Bend	Deschutes					
(June 1-September 30)		69		38		107
(October 1-May 31)		59		38		97
Clackamas	Clackamas	66		34		100
Crater Lake	Klamath	74		38		112
Eugene	Lane (except Florence)	62		38		100
Florence	City limits of Florence (see Lane County)	80		34		114
Gold Beach	Curry	58		30		88
Lincoln City/Newport	Lincoln	65		34		99
Portland	Multnomah	77		38		115
Seaside	Clatsop					
(July 1-August 31)		79		34		113
(September 1-June 30)		59		34		93
PENNSYLVANIA						
Allentown	Lehigh	62		30		92
Chester/Radnor/Essington	Delaware (except Wayne)	75		34		109
Easton	Northampton	69		34		103
Erie	Erie	65		30		95
Gettysburg	Adams					
(May 1-October 31)		82		34		116
(November 1-April 30)		55		34		89
Harrisburg	Daulphin (except Hershey)	79		42		121
Hershey	City limits of Hershey (see Daulphin County)					
(June 1-September 15)		125		42		167
(September 16-May 31)		55		42		97
King of Prussia/Ft. Washington/Bala Cynwyd	Montgomery					
(April 1-November 30)		119		42		161
(December 1-March 31)		99		42		141
Lancaster	Lancaster					
(May 1-October 31)		70		38		108
(November 1-April 30)		60		38		98
Malvern/Downington/Valley Forge	Chester	83		38		121
Mechanicsburg	Cumberland	74		34		108
Philadelphia	Philadelphia	118		46		164
Pittsburgh	Allegheny	79		46		125
Reading	Berks	75		38		113
Scranton	Lackawanna	60		30		90
Warminster	Bucks County; Naval Air Development Center	75		42		117
Wayne	City limits of Wayne (see Delaware County)	100		42		142
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville	79		38		117
Newport	Newport					

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(April 1-December 31)		111		42		153
(January 1-March 31)		79		42		121
North Kingstown	Washington	89		30		119
Providence	Providence	89		42		131
SOUTH CAROLINA						
Aiken	Aiken	65		30		95
Charleston/Berkeley County	Charleston and Berkeley	99		42		141
Columbia	Richland	65		30		95
Greenville	Greenville	65		38		103
Hilton Head	Beaufort					
(March 15-September 30)		95		42		137
(October 1-March 14)		75		42		117
Myrtle Beach	Horry County; Myrtle Beach AFB					
(March 1-November 30)		99		42		141
(December 1-February 28)		59		42		101
SOUTH DAKOTA						
Custer	Custer					
(June 15-August 19)		70		30		100
(August 20-June 14)		55		30		85
Hot Springs	Fall River					
(June 15-October 15)		108		30		138
(October 16-June 14)		79		30		109
Rapid City	Pennington					
(May 15-September 30)		99		34		133
(October 1-May 14)		55		34		89
Sturgis	Mead					
(June 15-August 15)		79		30		109
(August 16-June 14)		55		30		85
TENNESSEE						
Alcoa/Townsend	Blount	63		34		97
Gatlinburg	Sevier					
(May 1-October 31)		78		38		116
(November 1-April 30)		70		38		108
Memphis	Shelby	70		38		108
Murfreesboro	Rutherford	57		30		87
Nashville	Davidson	82		42		124
Williamson County	Willamson	60		30		90
TEXAS						
Amarillo	Potter	57		30		87
Arlington	Tarrant	77		34		111
Austin	Travis	80		38		118
Bryan	Brazos (except College Station)	60		30		90
College Station	City limits of College Station (see Brazos County)	69		34		103
Corpus Christi	Nueces	59		38		97
Dallas	Dallas	89		46		135
El Paso	El Paso	78		38		116

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Fort Davis	Jeff Davis	68		30		98
Fort Worth	City limits of Fort Worth	94		38		132
Galveston	Galveston	76		42		118
Granbury	Hood	60		30		90
Houston	Harris County; L.B. Johnson Space Center and Ellington AFB.	73		42		115
Killeen	Bell	59		30		89
Laredo	Webb	70		30		100
McAllen	Hidalgo	70		34		104
Plano	Collin	70		34		104
San Antonio	Bexar	91		42		133
South Padre Island	Cameron					
(March 1-August 15)		91		38		129
(August 16-February 28)		70		38		108
Waco	McLennan	57		30		87
UTAH						
Bullfrog	Garfield	73		30		103
Cedar City	Iron	59		34		93
Moab	Grand					
(March 15-October 31)		90		34		124
(November 1-March 14)		55		34		89
Ogden/Layton/Davis County	Weber and Davis					
(January 15-February 28)		169		34		203
(March 1-January 14)		69		34		103
Park City	Summit					
(December 15-March 31)		169		46		215
(April 1-December 14)		79		46		125
Provo	Utah					
(January 15-February 28)		169		38		207
(March 1-October 31)		69		38		107
(November 1-January 14)		60		38		98
Salt Lake City	Salt Lake and Dugway Proving Ground and Tooele Army Depot					
(January 15-February 28)		169		42		211
(March 1-January 14)		75		42		117
VERMONT						
Burlington/St. Albans	Chittenden and Franklin	89		38		127
Manchester	Bennington	68		42		110
Middlebury	Addison	68		38		106
Montpelier	Washington	62		30		92
White River Junction	Windsor					
(September 15-October 31)		90		34		124
(November 1-September 14)		55		34		89
VIRGINIA						
(For the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see District of Columbia.)						
Charlottesville*		60		42		102

Per diem locality: Key city[1]	County and/or other defined location [2], [3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Colonial Heights*		77		30		107
Lynchburg*		64		38		102
Manassas/Woodbridge	Prince William	84		34		118
Richmond*	Chesterfield and Henrico Counties, also Defense Supply Center	77		38		115
Roanoke*		59		34		93
Virginia Beach*	Virginia Beach (also Norfolk, Portsmouth and Chesapeake)*					
(April 1-October 31)		109		38		147
(November 1-March 31)		55		38		93
Wallops Island	Accomack					
(June 1-September 5)		89		34		123
(September 6-May 31)		69		34		103
Williamsburg*	Williamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*					
(April 1-October 31)		99		38		137
(November 1-March 31)		59		38		97
Wintergreen	Nelson	125		46		171
*Denotes independent cities.						
WASHINGTON						
Anacortes	Skagit and Island	64		38		102
Bremerton	Kitsap	61		34		95
Everett	Snohomish (except Lynnwood)	59		38		97
Friday Harbor	San Juan					
(May 1-September 30)		95		42		137
(October 1-April 30)		65		42		107
Lynnwood	City limits of Lynnwood (see Snohomish County)	89		34		123
Ocean Shores	Grays Harbor					
(April 1-September 30)		82		38		120
(October 1-March 31)		55		38		93
Olympia/Tumwater	Thurston	58		38		96
Port Angeles	City limits of Port Angeles (see Clallam County)	65		38		103
Port Townsend	Jefferson	79		34		113
Seattle	King	109		46		155
Sequim	Clallam (except Port Angeles)					
(June 29 -September 1)		62		34		96
(September 2 -June 28)		55		34		89
Spokane	Spokane	63		38		101
WEST VIRGINIA						
Berkeley Springs	Morgan	69		34		103
Charleston	Kanawha	78		38		116
Martinsburg/Hedgesville	Berkeley	59		30		89
Morgantown	Monongalia	66		34		100
Shepherdstown	Jefferson	79		38		117
Wheeling	Ohio	71		34		105

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
WISCONSIN						
Brookfield	Waukesha	66		38		104
Green Bay	Brown	59		34		93
Lake Geneva	Walworth					
(June 1-September 4)		85		38		123
(September 5-May 31)		66		38		104
Madison	Dane	62		38		100
Milwaukee	Milwaukee	95		42		137
Racine	Racine	80		30		110
Sheboygan	Sheboygan	59		30		89
Sturgeon Bay	Door					
(May 15-October 15)		81		34		115
(October 16-May 14)		56		34		90
Wisconsin Dells	Columbia					
(June 1-September 30)		85		38		123
(October 1-May 31)		55		38		93
WYOMING						
Cody	Park					
(May 15-October 15)		98		30		128
(October 16-May 14)		55		30		85
Jackson	Teton					
(November 1-September 15)		115		42		157
(September 16-October 31)		69		42		111

[1] Unless otherwise specified, the per diem locality is defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."

[2] Per diem localities with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties (unless otherwise listed separately)."

[3] When a military installation or Government-related facility (whether or not specifically named) is located partially within more than one city or county boundary, the applicable per diem rate for the entire installation or facility is the higher of the two rates which apply to the cities and/or counties, even though part(s) of such activities may be located outside the defined per diem locality.

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be reviewed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Office of Governmentwide Policy, Attn: Travel Management Policy Division (MTT), Washington, DC 20405. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the location.

[5] The standard CONUS rate of $85 ($55 for lodging and $30 for M&IE) applies to all per diem localities in the State of North Dakota.

Note: Recognizing that all locations are not incorporated cities, the term "city limits" has been used as a general phrase to denote the commonly recognized local boundaries of the location cited.

Attachment A to Appendix A of Chapter 301

The FY 2002 per diem rate will not change until FPLP contracts are active in the following locations:

Huntsville, AL
Montgomery, AL
Phoenix/Scottsdale, AZ
Sierra Vista, AZ
Tucson, AZ
Los Angeles, CA
Monterey, CA
Sacramento, CA
San Diego, CA
San Francisco, CA
Colorado Springs, CO
Washington, DC Metropolitan Area
Jacksonville/Mayport, FL
Miami, FL
Tampa/St. Petersburg, FL
Atlanta, GA
Cobb County, GA
Dekalb County, GA
Savannah, GA
Indianapolis, IN
Kansas City/Overland Park, KS
New Orleans, LA
Annapolis, MD
Baltimore, MD
Columbia, MD
Harford County, MD
Lexington Park/Leonardtown/Lusby, MD
Detroit, MI
Minneapolis/St. Paul, MN
Albuquerque, NM
Cincinnati, OH
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Philadelphia, PA
Pittsburgh, PA
Charleston, SC
Memphis, TN
Arlington, TX
Austin, TX
Dallas, TX
El Paso, TX
Ft. Worth, TX
Houston, TX
Killeen, TX
San Antonio, TX
Salt Lake City, UT (will change only for the Olympics)
Richmond, VA
Virginia Beach, VA
Seattle, WA

Dated: August 23, 2001.

Stephen A. Perry,

Administrator of General Services.

[FR Doc. 01–21808 Filed 8–30–01; 8:45 am]

BILLING CODE 6820–34–P

Federal Register

Friday,
August 31, 2001

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–35]

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.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 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 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: **AIR FORCE:** Ms. Barbara Jenkins, Air Force Real Estate Agency, Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; **ENERGY:** Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; **NAVY:** Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; **VA:** Mr. Anatolij Kushnir, Director, Asset & Enterprise Development Service, 181B, Department of Veterans Affairs, 811 Vermont Avenue, NW., Room 419, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: August 24, 2001.

Mark R. Johnston,

Deputy Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program, Federal Register Report for 8/31/01

Suitable/Available Properties

Buildings (by State)

California

Bldg. 604
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 605
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 611
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 612
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 613
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 614
Point Arena Air Force Station
Co: Mendocino CA 95648–5000
Landholding Agency: Air Force
Property Number: 18199010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 615

Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 616
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 617
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 618
Point Arena Air Force Station
Co: Mendorino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Colorado

Bldg. 964
Former Lowry AFB
Denver Co: CO 80220-Landholding Agency: Air Force
Property Number: 18199930016
Status: Unutilized
Comment: 14,495 sq. ft., local land use controls, most recent use—child care/kitchen facility

Idaho

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

CPP657, CPP669, CPP686
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41200110001
Status: Excess
Comment: 8000 sq. ft., bldgs. connected, possible asbestos/lead paint, most recent use—offices, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Massachusetts

Bldg. 001
Air Natl Guard Station 50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940001
Status: Excess
Comment: 37,557 sq. ft., most recent use—shops/vehicle maintenance

Bldg. 002
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940002
Status: Excess
Comment: 5,580 sq. ft., most recent use—office/shops

Bldg. 003
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940003
Status: Excess
Comment: 3,840 sq. ft., most recent use—warehouse

Bldg. 004
Air Natl Guard Station 50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940004
Status: Excess
Comment: 225 sq. ft., most recent use—shop

Bldg. 005
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940005
Status: Excess
Comment: 8000 sq. ft., most recent use—warehouse

New Mexico

Bldgs. 847, 6600
Kirtland AFB
Albuquerque Co: Bernalilo NM 87185–
Landholding Agency: Energy
Property Number: 41200020021
Status: Excess
Comment: 4053 sq. ft. & 1501 sq. ft., needs rehab, presence of asbestos, off-site use only

New York

Bldg. 1452 & 297 acres
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft. on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint

Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos

Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Landholding Agency: Air Force
Property Number: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres

Pennsylvania

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–

Landholding Agency: VA
Property Number: 97199210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab

Bldg. 3, VAMC 1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

LAND (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area

Iowa

40.66 acres
VA Medical Center 1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Maryland

VA Medical Center 9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Nebraska

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199810027
Status: Unutilized
Comment: 11 acres

Texas

Land
Olin E. Teague Veterans Center 1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

BUILDINGS (by State)

Colorado

Bldg. 9023
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730010
Status: Underutilized
Comment: 4112 sq. ft., most recent use—preschool

Bldg. 9027
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730011
Status: Underutilized
Comment: 4112 sq. ft., most recent use—child care center

Idaho

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840008
Status: Unutilized
Comment: 1890 sq. ft., no plumbing facilities, possible asbestos/ lead paint, most recent use—office

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199630001
Status: Unutilized
Comment: 1219 sq. ft., most recent use—sleeping quarters, presence of asbestos, off-site use only

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230005
Status: Underutilized
Comment: 4135 sq. ft. 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places

Iowa

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process

Maine

Dow Pines Rec Site
Great Pond Co: Hancock ME 04408–
Landholding Agency: Air Force
Property Number: 18200040005
Status: Excess
Comment: 12 bldgs. totaling 19012 sq. ft. on approx. 376 acres, (5 cabins, bathhouse, rec bldg, lodges)

Montana

VA MT Healthcare 210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

New Hampshire

Bldg. 127
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage

Wisconsin

Bldg. 2
VA Medical Center 5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

LAND (by State)

Iowa

38 acres
VA Medical Center 1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center 5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–-
Location:
Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center 1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Suitable/To Be Excessed

Buildings (by State)

New York

Bldg. 1
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530051
Status: Excess
Comment: 1750 sq. ft., 1 story wood frame, needs rehab, most recent use—storage

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530055
Status: Excess
Comment: 8252 sq. ft., 1 story concrete block, most recent use—storage

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage

South Carolina

5 Bldgs.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 101 Vector Ave., 112, 114, 116, 118 Intercept Ave.
Landholding Agency: Air Force
Property Number: 18199830035
Status: Unutilized
Comment: 1433 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 102 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830036
Status: Unutilized
Comment: 1545 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 103 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830037
Status: Unutilized
Comment: 1445 sq. ft. + 346 sq. ft. carport, lead base paint/exterior most recent use—residential

18 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 104–107 Vector Ave., 108–111, 113, 115, 117, 119 Intercept Ave., 120–122 Radar Ave.
Landholding Agency: Air Force
Property Number: 18199830038
Status: Unutilized
Comment: 1265 sq. ft. + 353 sq. ft. carport, lead base paint/exterior most recent use—residential

LAND (by State)

New York

14.90 Acres
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group

Unsuitable Properties

BUILDINGS (by State)

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area
Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010296
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010298
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010299

Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010300
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010301
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010303
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010307
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010309
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010310
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010311
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010312
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010313
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010314
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010315
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010317
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010318
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010319
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010320
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010321
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010322
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010323
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010324
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010325
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010326
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010327
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1055
Cape Lisburne Air Force Station

21 CSG/DEER
Elmendorf AFb Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010328
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010329
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010330
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010331
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010332
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010333
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010334
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010335
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010336
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010337
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010338
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010339
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010433
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199440011
Status: Unutilized
Reasons: Floodway, Secured Area.

Bldg. 142
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199520015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520024
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520025
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520026
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520027
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520028
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520029
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 3045
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530017
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530023
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199540001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 52–651
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199740004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 132
Tin City Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 1001, 211
Murphy Dome AF Station
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1551
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810030
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 1771
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199820001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 34–570

Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199830008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 19
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 20
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 338
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 560
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 612
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency Air Force
Property Number: 18199840016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 618
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 643
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 649
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 114
Indian Mountain Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 34–636
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone Secured Area, Extensive deterioration

Bldg. 34–638
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 140
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 145
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 310
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 27
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 30
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 42
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 212
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 213
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 223
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 452
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 502
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840033
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 503
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 522
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840035
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 587
Eareckson Air Station

Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 588
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 598
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840038
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 605
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 613
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 614
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 615
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 616
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 617
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 624
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 700
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 718
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 727
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 731
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 751
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 753
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840051
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1001
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1005
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840053
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1010
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840054
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1025
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1030
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840056
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3016
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840057
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3062
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840058
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3063
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840059
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 32–189
Elmendorf Air Force Base
Anchorage Co: AK 99506–3230
Landholding Agency: Air Force
Property Number: 18199920001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area, Extensive deterioration

Bldg. 4893
Elmendorf AFB
Elmendorf AFB Co: AK 99506-Landholding Agency: Air Force
Property Number: 18199930001
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 4905
Elmendorf AFB
Elmendorf AFB Co: AK 99506-Landholding Agency: Air Force
Property Number: 18199930002
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 4913
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930003
Status: Unutilized

Reasons: Within airport runway clear zone Secured Area

Bldg. 5887
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 10449
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930005
Status: Unutilized
Reason: Secured Area

Bldg. 12759
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 4305
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 15379
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 15526
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030005
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 15534
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030006
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 20174
Elmendorf AFB
Anchorage Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200030009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10549
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200120001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area Extensive deterioration

Bldg. 11634
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200120002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 14545
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200120003
Status: Unutilized
Reason: Secured Area

Bldg. 16504
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200120004
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 18199340049
Status: Unutilized
Reason: Within airport runway clear zone

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010193
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 502 63 ABG/DE
Norton Air Force Base
Lorton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010196
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010197
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010233
Status: Unutilized
Reason: Secured Area

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010234
Status: Underutilized
Reason: Secured Area

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010235
Status: Unutilized
Reason: Secured Area

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010236
Status: Unutilized
Reason: Secured Area

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010546
Status: Unutilized
Reason: Secured Area

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010547
Status: Unutilized
Reason: Secured Area

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010548
Status: Unutilized
Reason: Secured Area

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010549
Status: Unutilized
Reason: Secured Area

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force

Property Number: 18199130360
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 18199230020
Status: Underutilized
Reason: Secured Area

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310015
Status: Unutilized
Reason: Secured Area

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310030
Status: Unutilized
Reason: Secured Area

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199330016
Status: Unutilized
Reason: Secured Area

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340003
Status: Unutilized
Reasons: Electrical Power Generator Bldg., Secured Area

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340006
Status: Unutilized
Reason: Secured Area

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340007
Status: Unutilized
Reason: Secured Area

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340008
Status: Unutilized
Reason: Secured Area

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340028
Status: Unutilized
Reason: Secured Area

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 13003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 13222
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 815
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1850
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1853
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1856
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1865
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1874
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1875
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1877
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–

Landholding Agency: Air Force
Property Number: 18199630047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1885
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1898
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06445
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 21160
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06437
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10715
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01630
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01797
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01830
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01852
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11345
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 14019
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 14026
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 22300
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199730002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 08412
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740006
Status: Unutilized
Reason: Secured Area

Bldg. 11153
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740007
Status: Unutilized
Reason: Secured Area

Bldgs. 2–11, 20–21
Edwards AFB
P-Area Housing
Edwards AFB Co: Kern CA 93524–
Landholding Agency: Air Force
Property Number: 18199810029
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1681
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01839
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06519
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06526
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11167
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11168
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 13024
Vandenberg AFB

Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200030010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 6436
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200040001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 10600
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200120005
Status: Unutilized
Reason: Secured Area

Bldg. 10605
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200120006
Status: Unutilized
Reason: Secured Area

Bldg. 16109
Vandenberg AFB
Santa Barbara Co: CA 93437–
Landholding Agency: Air Force
Property Number: 18200120007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00884
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200130001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 13607
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200130002
Status: Unutilized
Reason: Extensive deterioration

Colorado

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 18199530046
Status: Underutilized
Reason: Secured Area

Bldg. 9214
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730012
Status: Underutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 8412
Air Force Academy
El Paso Co: CO 80840–2400
Landholding Agency: Air Force
Property Number: 18200120008
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 440
Buckley AFB
Aurora Co: Arapahoe CO 80011–
Landholding Agency: Air Force
Property Number: 18200130003
Status: Unutilized
Reason: Secured Area

Bldg. 441
Buckley AFB
Aurora Co: Arapahoe CO 80011–
Landholding Agency: Air Force
Property Number: 18200130004
Status: Unutilized
Reason: Secured Area

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540001
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540002
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199540003
Status: Underutilized
Reasons: Contamination, Secured Area

Bldg. 2
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610039
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 7
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610040
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 31–A
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610041
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 33
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 41199610042
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 727
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 729
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 779
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 780B
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 782
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 783
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 784(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 785
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 786
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–

Landholding Agency: Energy
Property Number: 41199910011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 787(A–D)
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 875
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 880
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 886
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 308A
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 788
Rocky Flats Env. Tech. site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199910017
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 888
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 714 A/B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930021
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 717
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930022
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 770
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930023
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930024
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930025
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 771C
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930026
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 772–772A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930027
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 773
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 774
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 776
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 777
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 778
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 712–712A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 713–713A
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 771 TUN
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Structure 776A–781
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200010007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 111, 111B
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200030001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 125
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 333
Rocky Flats Env. Tech. Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 762
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 762A
Rocky Flats Env. Tech Site

Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 792
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 792A
Rocky Flats Env. Tech Site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41200120006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Connecticut

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reason: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reason: Secured Area

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reason: Extensive deterioration

Florida

Bldg. 575
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199320004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Extensive Deterioration, Secured Area

Bldg. 921
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199430002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

23 Family Housing
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 18199520006
Status: Excess
Reason: Within airport runway clear zone

Bldg. 240
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 18199520007
Status: Excess
Reason: Extensive deterioration

Bldg. 307
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710022
Status: Unutilized
Reason: Secured Area

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710023
Status: Unutilized
Reason: Secured Area

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 10831
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710033
Status: Unutilized
Reason: Secured Area

Facility No. 15500
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710038
Status: Unutilized
Reason: Secured Area

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199710045
Status: Unutilized
Reason: Extensive deterioration

Bldg. 744
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3008
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3010
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 12709
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 08807
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820013
Status: Unutilized
Reason: Secured Area

Facility 44608
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199830006
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 12577
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12576
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12534
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12533
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12528
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 9281
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 9280
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 609
Eglin AFB
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility 1737
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920002
Status: Underutilized
Reason: Secured Area

Bldg. 1704
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–
Landholding Agency: Air Force
Property Number: 18199930007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Facility 90330
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199940008
Status: Unutilized
Reason: Secured Area

Bldg. 72905
Cape Canaveral AFS
Brevard Co: FL 32907–
Landholding Agency: Air Force
Property Number: 18200020006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 935
Patrick AFB
Patrick AFB Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18200030011
Status: Unutilized
Reason: Secured Area

Facility 990
Patrick AFB
Patrick AFB Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18200030012
Status: Unutilized
Reason: Secured Area

Bldg. 146
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130070
Status: Underutilized
Reason: Secured Area

Bldg. 679
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130071
Status: Underutilized
Reason: Secured Area

Bldg. 680
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130072
Status: Unutilized
Reason: Secured Area

Bldg. 743
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130073
Status: Unutilized
Reason: Secured Area

Bldg. 782
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130074
Status: Underutilized
Reason: Secured Area

Bldg. 782A
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130075
Status: Unutilized
Reason: Secured Area

Bldg. 1082
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130076
Status: Underutilized
Reason: Secured Area

Bldg. 1536
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130077
Status: Unutilized
Reason: Secured Area

Bldg. 1567
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130078
Status: Unutilized
Reason: Secured Area

Bldg. 1735
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130079
Status: Underutilized
Reason: Secured Area

Bldg. 1813
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130080
Status: Unutilized
Reason: Secured Area

Bldg. 2666
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130081
Status: Unutilized
Reason: Secured Area

Bldg. 3278
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130082
Status: Unutilized
Reason: Secured Area
Reason: Secured Area

Bldg. 3378
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130083
Status: Unutilized
Reason: Secured Area

Bldg. 3589
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130084
Status: Underutilized

Reason: Secured Area

Georgia

Bldgs. 1180–1185
Robins AFB
Warner Robins Co: GA 31098–2207
Landholding Agency: Air Force
Property Number: 18200010005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 274
Robins AFB
Warner Robins Co: GA
Landholding Agency: Air Force
Property Number: 18200130005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 311
Robins AFB
Warner Robins Co: GA
Landholding Agency: Air Force
Property Number: 18200130006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 930
Robins AFB
Warner Robins Co: GA
Landholding Agency: Air Force
Property Number: 18200130007
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2071
Robins AFB
Warner Robins Co: GA
Landholding Agency: Air Force
Property Number: 18200130008
Status: Unutilized
Reason: Extensive deterioration

Guam

Andersen South
Andersen Admin. Annex
360 housing units & a commercial structure
Mangilao GU 96923–
Landholding Agency: Air Force
Property Number: 18199840009
Status: Underutilized
Reason: Secured Area

Idaho

Bldg 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 923
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 604
Mountain Home Air Force Base
Pine Street
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199040857
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone

Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 18199520008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 101
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840002
Status: Unutilized
Reason: Extensive deterioration

Bldg. PBF–621
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610001
Status: Unutilized
Reason: Secured Area

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reason: Secured Area

Bldg. CPP–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610004
Status: Unutilized
Reason: Secured Area

Bldg. CPP–650
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610005
Status: Unutilized
Reason: Secured Area

Bldg. CPP–608
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610006
Status: Unutilized
Reason: Secured Area

Bldg. TAN–660
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610007
Status: Unutilized
Reason: Secured Area

Bldg. TAN–636
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610008
Status: Unutilized
Reason: Secured Area

Bldg. TAN–609
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610009
Status: Unutilized
Reason: Secured Area

Bldg. TAN–670
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610010
Status: Unutilized
Reason: Secured Area

Bldg. TAN–661
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610011
Status: Unutilized
Reason: Secured Area

Bldg. TAN–657
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610012
Status: Unutilized
Reason: Secured Area

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reason: Secured Area

Bldg. TAN–637
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610014
Status: Unutilized
Reason: Secured Area

Bldg. TAN–635
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610015
Status: Unutilized
Reason: Secured Area

Bldg. TAN–638
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610016
Status: Unutilized
Reason: Secured Area

Bldg. TAN–651
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610017
Status: Unutilized
Reason: Secured Area

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–

Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reason: Secured Area

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reason: Secured Area

Bldg. PBF–616
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610020
Status: Unutilized
Reason: Secured Area

Bldg. PBF–617
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610021
Status: Unutilized
Reason: Secured Area

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610022
Status: Unutilized
Reason: Secured Area

Bldg. PBF–624
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610023
Status: Unutilized
Reason: Secured Area

Bldg. PBF–625
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610024
Status: Unutilized
Reason: Secured Area

Bldg. PBF–629
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610025
Status: Unutilized
Reason: Secured Area

Bldg. PBF–604
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610026
Status: Unutilized
Reason: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reason: Secured Area

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reason: Secured Area

TAN 602, 631, 663, 702, 724
Idaho Natl Engineering & Environmental Lab
Test Area North
Scovile Co: Butte ID 83415–
Landholding Agency: Energy
Property Number: 41199830002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

8 Bldgs.
Idaho Natl Engineering & Environmental Lab
Test Reactor North
Scovile Co: Butte ID 83415–
Location: TRA 643, 644, 655, 660, 704–706, 755
Landholding Agency: Energy
Property Number: 41199830003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310009
Status: Unutilized
Reason: Fuel pump station

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310010
Status: Unutilized
Reason: Pump station

Kansas

Bldg. 2703
Forbes Field
Topeka KS
Landholding Agency: Air Force
Property Number: 18199820018
Status: Unutilized
Reason: Extensive deterioration

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 18199140015
Status: Unutilized
Reason: Secured Area

Weeks Island Facility
New Iberia Co: Iberia Parish LA 70560–
Landholding Agency: Energy
Property Number: 41199610038
Status: Underutilized
Reason: Secured Area

Maryland

Bldg. 3542
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810010
Status: Unutilized
Reason: Secured Area

Bldg. 3543
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810011
Status: Unutilized
Reason: Secured Area

Bldg. 1226
Andrews AFB
Camp Springs Co: Prince George's MD 20762–
Landholding Agency: Air Force
Property Number: 18200040002
Status: Unutilized
Reason: Secured Area

Bldg. 3781
Andrews AFB
Andrews AFB Co: Princes George's MD 20762–
Landholding Agency: Air Force
Property Number: 18200130009
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 3782
Andrews AFB
Andrews AFB Co: Princes George's MD 20762–
Landholding Agency: Air Force
Property Number: 18200130010
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. 3783–1, 3783–2
Andrews AFB
Andrews AFB Co: Princes George's MD 20762–
Landholding Agency: Air Force
Property Number: 18200130011
Status: Excess
Reasons: Secured Area, Extensive deterioration

Massachusetts

Bldg. 110
Otis Air National Guard
Otis Co: MA 02542–5028
Landholding Agency: Air Force
Property Number: 18199940009
Status: Unutilized
Reason: Secured Area

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Michigan

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010810
Status: Excess
Reason: Sewage treatment and disposal facility

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010831
Status: Excess
Reason: Water well

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010832
Status: Excess
Reason: Water well

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010875
Status: Excess
Reason: Gasoline Station

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010876
Status: Excess
Reason: Gasoline Station

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010877
Status: Excess
Reason: Pump lift station

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010878
Status: Excess
Reason: Gasoline station

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010889
Status: Excess
Reason: Sewer pump facility

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010890
Status: Excess
Reason: Water pump station

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 181
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630013
Status: Unutilized
Reason: Secured Area

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 827
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630018
Status: Unutilized
Reason: Secured Area

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630019
Status: Unutilized
Reason: Secured Area

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630020
Status: Unutilized
Reason: Secured Area

Facility 1025

Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630021
Status: Unutilized
Reason: Secured Area

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630022
Status: Unutilized
Reason: Secured Area

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630025
Status: Unutilized
Reason: Secured Area

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630029
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1585
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630033
Status: Unutilized
Reason: Secured Area

Facilities 246, 248, 252–254
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

7 Facilities
Selfridge Air National Guard
#240, 242, 244, 245, 247, 250, 251
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facilities 237, 238
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710041
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

5 Facilities
Selfridge Air National Guard
#228, 230, 232, 234, 236
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710042
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 114
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710043
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 114
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930009
Status: Unutilized
Reason: Secured Area

Bldg. 318
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930010
Status: Unutilized
Reason: Secured Area

Mississippi

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration

Montana

Bldg. 23
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720030
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 24
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720031
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 35
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720033
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 22
Great Falls IAP
Great Falls Co: Cascade MT 59404–5570
Landholding Agency: Air Force
Property Number: 18199820019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1881
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18200130012
Status: Unutilized
Reason: Secured Area

Nebraska

Offutt Communications Annex-#3
Offutt Air Force Base

Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 18199210006
Status: Unutilized
Reason: Former sewage lagoon

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230021
Status: Unutilized
Reason: Extensive deterioration

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230022
Status: Unutilized
Reason: Extensive deterioration

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240007
Status: Unutilized
Reason: Secured Area

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240008
Status: Unutilized
Reason: Secured Area

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240009
Status: Unutilized
Reason: Secured Area

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240010
Status: Unutilized
Reason: Secured Area

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240011
Status: Unutilized
Reason: Secured Area

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240012
Status: Unutilized
Reason: Secured Area

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320058
Status: Excess
Reason: Generator

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320059
Status: Excess
Reason: Contamination

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320060
Status: Excess
Reason: Contamination

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320061
Status: Excess
Reason: Contamination

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320062
Status: Excess
Reason: Contamination

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320063
Status: Excess
Reason: Contamination

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320064
Status: Excess
Reason: Contamination

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320065
Status: Excess
Reason: Contamination

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320066
Status: Excess
Reason: Contamination

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320067
Status: Excess
Reason: Contamination

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320068
Status: Excess
Reason: Contamination

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320069
Status: Excess
Reason: Contamination

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320070
Status: Excess
Reason: Contamination

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320071
Status: Excess
Reason: Contamination

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320072
Status: Excess
Reason: Contamination

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320073
Status: Excess
Reason: Contamination

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320074
Status: Excess
Reason: Contamination

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320075
Status: Excess
Reason: Contamination

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320076
Status: Excess
Reason: Contamination

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–

Landholding Agency: Air Force
Property Number: 18199320077
Status: Excess
Reason: Contamination

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320078
Status: Excess
Reason: Contamination

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320079
Status: Excess
Reason: Contamination

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320080
Status: Excess
Reason: Contamination

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320081
Status: Excess
Reason: Contamination

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320082
Status: Excess
Reason: Contamination

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320083
Status: Excess
Reason: Contamination

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320084
Status: Excess
Reason: Contamination

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320085
Status: Excess
Reason: Contamination

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320086
Status: Excess
Reason: Contamination

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320087
Status: Excess
Reason: Contamination

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320088
Status: Excess
Reason: Contamination

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320089
Status: Excess
Reason: Contamination

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320090
Status: Excess
Reason: Contamination

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320091
Status: Excess
Reason: Contamination

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320092
Status: Excess
Reason: Contamination

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320093
Status: Excess
Reason: Contamination

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320094
Status: Excess
Reason: Contamination

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320095
Status: Excess
Reason: Contamination

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320096
Status: Excess
Reason: Contamination

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320097
Status: Excess
Reason: Contamination

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320098
Status: Excess
Reason: Contamination

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320099
Status: Excess
Reason: Contamination

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510021
Status: Unutilized
Reason: Secured Area

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510022
Status: Unutilized
Reason: Secured Area

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720028
Status: Underutilized
Reasons: Floodway, Secured Area

Bldg. 675
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720029
Status: Unutilized
Reasons: Floodway, Secured Area

New Hampshire

Bldg. 117
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 129
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 5210
Newington POL DFS
Newington Co: Rockingham NH 03801–
Landholding Agency: Air Force
Property Number: 18199920010
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 155
Pease Air National Guard
Newington Co: Rockingham NH 03803–
Landholding Agency: Air Force
Property Number: 18199930011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 124
New Boston Air Force Station
New Boston Co: Hilsboro NH 03070–5125
Landholding Agency: Air Force
Property Number: 18200030013
Status: Unutilized
Reason: Secured Area

Bldg. 125
New Boston Air Force Station
New Boston Co: Hilsboro NH 03070–5125
Landholding Agency: Air Force
Property Number: 18200030014
Status: Unutilized
Reason: Secured Area

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199130333
Status: Unutilized
Reason: Secured Area

Bldg. 21
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240032
Status: Unutilized
Reason: Secured Area

Bldg. 98
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240034
Status: Unutilized
Reason: Secured Area

Bldg. 324
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240035
Status: Unutilized
Reason: Secured Area

Bldg. 598
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240036
Status: Unutilized
Reason: Secured Area

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240037
Status: Unutilized
Reason: Secured Area

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240038
Status: Unutilized
Reason: Secured Area

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240039
Status: Unutilized
Reason: Secured Area

Bldg. 1096
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240040
Status: Unutilized
Reason: Secured Area

Facility 321
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240041
Status: Unutilized
Reason: Secured Area

Facility 75115
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240042
Status: Unutilized
Reason: Secured Area

Bldg. 874
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320041
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area

Bldg. 1258
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320042
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area

Bldg. 134
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430014
Status: Unutilized
Reason: Secured Area

Bldg. 640
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430015
Status: Unutilized
Reason: Secured Area

Bldg. 703
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430016
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 813
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430017
Status: Unutilized
Reason: Secured Area

Bldg. 821
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430018
Status: Unutilized
Reason: Secured Area

Bldg. 829
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430019
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 867
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430020
Status: Unutilized
Reason: Secured Area

Bldg. 884
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430021
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 886
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430022
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 908
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430023
Status: Unutilized
Reason: Secured Area

Bldg. 599
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510001
Status: Unutilized
Reason: Secured Area

Bldg. 600
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510002
Status: Unutilized
Reason: Secured Area

Bldg. 599
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610007
Status: Unutilized
Reason: Secured Area

Bldg. 600
Holloman AFB
Co: Otero NM 88330–

Landholding Agency: Air Force
Property Number: 18199610008
Status: Unutilized
Reason: Secured Area

Bldg. 995
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610009
Status: Unutilized
Reason: Secured Area

Bldg. 1257
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740012
Status: Unutilized
Reason: Secured Area

Bldg. 332
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 205
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1089
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830009
Status: Unutilized
Reason: Secured Area

Bldg. 2149
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2151
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2176
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2178
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 197
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200040003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1021
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200110001
Status: Unutilized
Reason: Secured Area

Bldg. 1025
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200110002
Status: Unutilized
Reason: Secured Area

Bldg. 571
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200130013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1029
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200130014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1191
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18200130015
Status: Unutilized
Reason: Secured Area

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reason: Extensive deterioration

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105–
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 24, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 26, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 86, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 88, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 89, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810008
Status: Underutilized
Reason: Secured Area

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reason: Secured Area

Bldg. 21, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810012
Status: Unutilized
Reason: Secured Area

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reason: Secured Area

Bldg. 212, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy

Property Number: 41199810014
Status: Unutilized
Reason: Secured Area

Bldg. 228, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810015
Status: Unutilized
Reason: Secured Area

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reason: Secured Area

Bldg. 63, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 515, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 518, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 519, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 520, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199810025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 18, TA–16
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 41199840001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 31
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 4, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930004
Status: Unutilized
Reason: Secured Area

Bldg. 50, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930005
Status: Unutilized
Reason: Secured Area

Bldg. 88, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930006
Status: Unutilized
Reason: Secured Area

Bldg. 89, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930007
Status: Unutilized
Reason: Secured Area

Bldg. 21, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940001
Status: Unutilized
Reason: Secured Area

Bldg. 57, TA–2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940002
Status: Unutilized
Reason: Secured Area

Bldg. 28, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940003
Status: Unutilized
Reason: Secured Area

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940007
Status: Unutilized
Reason: Secured Area

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reason: Secured Area

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 186, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 188, TA–18
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 254, TA–21
Los Alamos National Lab

Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 19, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 43, TA–40
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–2, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010008
Status: Unutilized
Reason: Secured Area

TA–2, Bldg. 44
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 1
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 2
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 6
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010015
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 7
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010016
Status: Unutilized
Reason: Secured Area

TA–6, Bldg. 8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

TA–6, Bldg. 9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010018
Status: Unutilized
Reason: Secured Area

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reason: Secured Area

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reason: Secured Area

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reason: Secured Area

Bldg. 312, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reason: Secured Area

Bldg. 313, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reason: Secured Area

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reason: Secured Area

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reason: Secured Area

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reason: Secured Area

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020003
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized

Reason: Secured Area

Bldg. 339, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020010
Status: Unutilized
Reason: Secured Area

Bldg. 340, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020011
Status: Unutilized
Reason: Secured Area

Bldg. 341, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020012
Status: Unutilized
Reason: Secured Area

Bldg. 342, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020013
Status: Unutilized
Reason: Secured Area

Bldg. 343, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020014
Status: Unutilized
Reason: Secured Area

Bldg. 345, TA–16
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020015
Status: Unutilized
Reason: Secured Area

Bldg. 16, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020016
Status: Unutilized
Reason: Secured Area

Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reason: Secured Area

Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reason: Secured Area

Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reason: Secured Area

Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reason: Secured Area

Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reason: Secured Area

Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reason: Secured Area

Bldg. 30, TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040001
Status: Unutilized
Reason: Secured Area

Bldg. 152 TA–21
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200040002
Status: Unutilized
Reason: Secured Area

Bldg. 105, TA–3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200120007
Status: Excess
Reason: Secured Area

Bldg. 452, TA–3
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41200120008
Status: Excess
Reason: Secured Area

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 18199010075
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140022
Status: Excess
Reason: Secured Area

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140023
Status: Excess
Reason: Secured Area

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230001
Status: Excess
Reasons: Within airport runway clear zone, Secured Area

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230002
Status: Excess
Reasons: Within airport runway clear zone, Secured Area

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230003
Status: Excess
Reasons: Within airport runway clear zone, Secured Area

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240020
Status: Unutilized
Reason: Secured Area

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240021
Status: Unutilized
Reason: Secured Area

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240022
Status: Unutilized
Reason: Secured Area

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240023
Status: Unutilized
Reason: Secured Area

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240024
Status: Unutilized
Reason: Secured Area

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force

Property Number: 18199240025
Status: Unutilized
Reason: Secured Area

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240026
Status: Unutilized
Reason: Secured Area

Facility 308
Griffiss Air Force Base 205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240027
Status: Unutilized
Reason: Secured Area

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240028
Status: Unutilized
Reason: Secured Area

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199330097
Status: Unutilized
Reason: Secured Area

Bldg. 740
Niagara Falls Air Force Reserve
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199720026
Status: Unutilized
Reasons: Within airport runway clear zone, Floodway, Secured Area

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199730006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 514
Niagara Falls ARS
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199810024
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 614
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 722
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 750
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 751
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Facility 1200
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920011
Status: Unutilized
Reason: No public access

Facility 1202
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920012
Status: Unutilized
Reason: No public access

Facility 1203
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920013
Status: Unutilized
Reason: No public access

Facility 1204
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920014
Status: Unutilized
Reason: No public access

Facility 1206
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920016
Status: Unutilized
Reason: No public access

Facility 1207
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920017
Status: Unutilized
Reason: No public access

Facility 1208
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920018
Status: Unutilized
Reason: No public access

Facility 1209
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920019
Status: Unutilized
Reason: No public access

Facility 1210
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920020
Status: Unutilized
Reason: No public access

Facility 1259
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920021
Status: Unutilized
Reason: No public access

Facility 1260
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920022
Status: Unutilized
Reason: No public access

Bldg. 577
Brookhaven National Lab
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 41199940022
Status: Excess
Reason: Extensive deterioration

Bldg. AT–1
Knolls Atomic Power Lab
Niskayuna Co: Schenectady NY 12301–
Landholding Agency: Energy
Property Number: 41200010022
Status: Excess
Reason: Secured Area

Bldg. AT–1
Knolls Atomic Power Lab
Niskayuna Co: Schenectady NY 12301–
Landholding Agency: Energy
Property Number: 41200020020
Status: Unutilized
Reason: Secured Area

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 18199120233
Status: Underutilized
Reason: Secured Area

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 18199330041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003

Landholding Agency: Air Force
Property Number: 18199420024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 18199540019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199010724
Status: Underutilized
Reason: Secured Area

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 18199310107
Status: Excess
Reason: Garbage incinerator

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320034
Status: Unutilized
Reason: Secured Area

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320038
Status: Unutilized
Reason: Secured Area

B–B–548Shp
Grand Forks AFB
Emerado Co: Grand Forks ND 58205–
Landholding Agency: Air Force
Property Number: 18200110003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 548
Grand Forks AFB
Grand Forks AFB Co: ND 58205–
Landholding Agency: Air Force
Property Number: 18200120009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Ohio

14 Bldgs.
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Location: 6036, 38, 42, 44, 45, 49, 54, 64, 65, 69, 75
Landholding Agency: Air Force
Property Number: 18199820030
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 6104, 08, 09
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Landholding Agency:Air Force
Property Number: 18199820044
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 522
Youngstown Air Reserve
Vienna Co: Trumbull OH 44473–0910
Landholding Agency: Air Force
Property Number: 18200010007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 77
Fernald Environmental Management Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199840003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 82A
Fernald Environmental Mgmt Project
Fernald Co: Hamilton OH 45013–
Landholding Agency: Energy
Property Number: 41199910018
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 16
RMI Environmental Services
Ashtabula Co: OH 44004–
Landholding Agency: Energy
Property Number: 41199930016
Status: Unutilized
Reason: Secured Area

Bldg. 22B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 28A
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 28B
Fernald Env. Mgmt. Proj.
Hamilton Co: OH 45013–9402
Landholding Agency: Energy
Property Number: 41200020028–
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 53A
Fernald Env. Mgmt. Project
Fernald Co: Hamilton OH 45013–9402
Landholding Agency: Energy
Property Number: 41200120009
Status: Excess
Reason: Secured Area

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

Bldg. 010
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 305
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Pennsylvania

Z-Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reason: Extensive deterioration

South Dakota

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340037
Status: Unutilized
Reason: Secured Area

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199730007
Status: Unutilized
Reason: Secured Area

Bldg. 7504
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force

Property Number: 18199820034
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 7239
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1102
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820037
Status: Unutilized
Reason: Secured Area

Bldg. 88307
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 88320
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
Ellsworth Air Force Base
6926, 6928, 6929, 6930, 6931
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920025
Status: Unutilized
Reason: Secured Area

Bldg. 8001
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920026
Status: Unutilized
Reason: Secured Area

Bldg. 805
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110004
Status: Unutilized
Reason: Secured Area

Bldg. 7140
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110005
Status: Unutilized
Reason: Secured Area

Bldg. 7426
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110006
Status: Unutilized
Reason: Secured Area

Bldg. 12880
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110007
Status: Unutilized
Reason: Secured Area

Bldg. 88512
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18200110008
Status: Unutilized
Reason: Secured Area

Sundance Nuclear Reactor Site
Ellsworth AFB
Warren Peak Co: Crook SD 57706–
Landholding Agency: Air Force
Property Number: 18200110009
Status: Unutilized
Reason: Secured Area

Tennessee

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199710002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3004
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199720001
Status: Excess
Reason: Extensive deterioration

Bldgs. 9714–3, 9714–4, 9983–AY
Y–12 Pistol Range
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199720004
Status: Unutilized
Reason: Secured Area

5 Bldgs.
K–724, K–725, K–1031, K–1131, K–1410
East Tennessee Technology Park
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199730001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9825
Y–12 Plant
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41199810027
Status: Unutilized
Reason: Secured Area

Bldg. 3026
Oak Ridge Natl Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199830001
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 3505
Oak Ridge National Lab
Oak Ridge Co: Roane TN 37831–
Landholding Agency: Energy
Property Number: 41199940020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
E. Tennessee Tech Park
Oak Ridge Co: Roane TN 37831–
Location: K–1001, K–1301, K–1302, K–1303, K–1404, K–1405–6, K–1407, K–1408A, K–1413
Landholding Agency: Energy
Property Number: 41200010023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9723–16
National Security Complex
Oak Ridge Co: Anderson TN 37831–
Landholding Agency: Energy
Property Number: 41200120010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Texas

Facility 16
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130085
Status: Excess
Reason: Extensive deterioration

Facility 23
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130086
Status: Excess
Reason: Extensive deterioration

Facility 32
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130087
Status: Excess
Reason: Extensive deterioration

Facility 52A
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130088
Status: Excess
Reason: Extensive deterioration

Facility 52B
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130089
Status: Excess
Reason: Extensive deterioration

Facility 52C
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130090
Status: Excess
Reason: Extensive deterioration

Facility 52D
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy

Property Number: 77200130091
Status: Excess
Reason: Extensive deterioration

Facility 52E
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130092
Status: Excess
Reason: Extensive deterioration

Facility 168
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130093
Status: Excess
Reason: Extensive deterioration

Facility 306
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130094
Status: Excess
Reason: Extensive deterioration

Facility 330
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130095
Status: Excess
Reason: Extensive deterioration

Facility 372
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130096
Status: Excess
Reason: Extensive deterioration

Facility 383
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130097
Status: Excess
Reason: Extensive deterioration

Facility 1233
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130098
Status: Excess
Reason: Extensive deterioration

Facility 3589
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130099
Status: Excess
Reason: Extensive deterioration

Bldg. 1298
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130100
Status: Excess
Reason: Extensive deterioration

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 18199040859
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 18199730008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Facility 110
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 18200030016
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 418
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 116
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200130101
Status: Unutilized
Reason: Extensive deterioration

Family Housing Units
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200130102
Status: Unutilized
Reason: Extensive deterioration

Washington

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 18199210004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310065
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1, Waste Annex
West of Craig Road
Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 18199320043
Status: Unutilized
Reason: Secured Area

Wyoming

Bldg. 31
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010198
Status: Unutilized
Reason: Secured Area

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010201
Status: Unutilized
Reason: Secured Area

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010202
Status: Unutilized
Reason: Secured Area

Bldg. 919
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199930015
Status: Unutilized
Reason: Secured Area

Bldg. 39
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–2788
Landholding Agency: Air Force
Property Number: 18200110010
Status: Unutilized
Reason: Secured Area

Bldg. 400
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–2788
Landholding Agency: Air Force
Property Number: 18200110011
Status: Unutilized
Reason: Secured Area

Bldg. 2110
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18200120010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 607
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18200130016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000

Landholding Agency: Air Force
Property Number: 18199010430
Status: Unutilized
Reasons: Isolated area, Not accessible by road, isolated and remote area; Arctic environ

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010431
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic coast

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010432
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic coast

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 18199030003
Status: Excess
Reason: Floodway

Wildlife Sanctuary,
VAMC 10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 18199010263
Status: Unutilized
Reason: Secured Area

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

New Mexico

Facility 75100
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240043
Status: Unutilized
Reason: Secured Area

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area

North Carolina

0.52 acres
Summerall TACAN Annex
Seymour Johnson AFB
Wayne Co: NC 27530–
Landholding Agency: Air Force
Property Number: 18200020008
Status: Unutilized
Reason: Within airport runway clear zone

1.84 acres
Neuse Middle Marker Annex
Seymour Johnson AFB
Wayne Co: NC 27531–
Landholding Agency: Air Force
Property Number: 18200120011
Status: Unutilized
Reasons: Floodway inaccessible

North Dakota

0.23 acres
Minot Middle Marker Annex
Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199810001
Status: Unutilized
Reason: Within airport runway clear zone

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44
Co: Shannon SD
Landholding Agency: Air Force
Property Number: 18199210003
Status: Unutilized
Reason: Secured Area

Utah

10.24 acres
Southern Utah Communication Site
Salt Lake UT
Landholding Agency: Air Force
Property Number: 18199810002
Status: Unutilized
Reason: inaccessible

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199010137
Status: Unutilized
Reason: Secured Area

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 18199010138
Status: Unutilized
Reason: Secured Area

[FR Doc. 01–21877 Filed 8–30–01; 8:45 am]

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Federal Register

Friday,
August 31, 2001

Part IV

General Services Administration

Federal Supply Service

Standard Tender of Service; Notice

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

Standard Tender of Service

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of issuance of the GSA Standard Tender of Service for comment.

SUMMARY: The General Services Administration (GSA), in compliance with 41 U.S.C. 418b, is publishing the GSA Standard Tender of Service (STOS) that establishes a uniform basis for buying freight transportation. GSA's solicitation and acceptance of freight rates and charges provides highly competitive pricing, which in certain cases includes the solicitation and acceptance of rates specific to an individual agency that accommodate that agency's particular traffic characteristics. GSA's Federal customer agencies benefit from the STOS which leverages the Government's buying power to provide agencies standardized cost effective transportation services. All submitted comments will be considered prior to reissuing the STOS. Publication in the **Federal Register** of the reissued STOS will effectively cancel the current STOS and all its supplements.

DATES: Please submit your comments by October 30, 2001.

ADDRESSES: Mail comments to the General Services Administration, Travel and Transportation Management Division (FBL), Washington, DC 20406, Attn: STOS **Federal Register** Notice.

FOR FURTHER INFORMATION CONTACT: Ms. Clara Pate, Transportation Programs Branch by phone at 703–305–7967 or by e-mail at *clara.pate@gsa.gov.*

Dated: August 23, 2001.

Tauna T. Delmonico,

Director, Travel and Transportation Management Division.

GSA Standard Tender of Service (STOS)

Part 1—General Freight Tender of Service

Edition 1–F—General Services Administration, Federal Supply Service, Freight Program Management Office (6FBX), 1500 E. Bannister Rd., Kansas City, MO 64131

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Section 1—General

Item 1–1 Scope of the Tender of Service (TOS)

A. CONSIST OF THE GSA STANDARD TENDER OF SERVICE (STOS):

- Part 1 The GSA General Freight Tender of Service No. 1–F (GSA TOS No. 1–F);
- Part 2 The GSA National Rules Tender No. 100–D (GSA No. 100–D); and
- Part 3 The GSA Baseline Rate Publication No. 1000–D (GSA No. 1000–D).

B. GENERAL: Hereinafter, GSA or the other Government agencies participating in the TOS will be referred to as participating agencies. Agencies not participating in the TOS will be referred to as non-participating agencies. The term ''agency'' will refer to both participating and non-participating agencies. This TOS provides terms and conditions for the transportation and all related services within CONUS for GSA or the other Government agencies participating in the TOS and those non-participating agencies meeting the conditions of Item 1–3. This TOS is applicable to all tenders filed with the TOS participating agencies.

Carriers will not be required to furnish the services for the items specified in Item 60 Specialized Services Of The GSA National Rules Tender No. 100–D (GSA No. 100–D), unless provided in their tender.

C. DESCRIPTION OF FREIGHT: The property to be moved under this TOS consists of a variety of commodities to be used by Government agencies or authorized contractors for the Government and will be generally described as freight-all-kinds (FAK) except Class A and B explosives, hazardous wastes, and radioactive articles requiring a hazardous material label. It is further required that all carriers participating in the TOS possess the required insurance and authority to transport hazardous materials other than those restricted herein.

D. CARRIER LIABILITY: Notwithstanding any provision of 41 CFR part 102–118, property transported under provisions of this TOS shall be valued at full value.

E. FREIGHT EXCLUDED: Excluded from the scope of this TOS are shipments that can be more advantageously or economically moved via parcel post or small package carrier; shipments of Class A and Class B explosives; hazardous wastes; radioactive articles requiring a hazardous material label; uncrated used household goods; shipments that the Government may elect to move in Government vehicles; and freight subject to specific agency programs or contracts, (e.g. Guaranteed Freight Programs or local drayage contracts.)

F. HAZARDOUS MATERIAL AUTHORITY: Any Government agency shipping hazardous materials requires carriers participating in this STOS to maintain a ''satisfactory'' safety rating

from the Department of Transportation (DOT). If a carrier receives a ''conditional'' or ''unsatisfactory'' safety rating from DOT, the carrier will be placed in nonuse status until documentary evidence is furnished to the office placing the carrier in nonuse that such rating has been upgraded by DOT to ''satisfactory''.

Item 1–2 Participating Government Agencies

A. General: Participating agencies include GSA's Federal Supply Service and those agencies identified in the applicable Request for Offers (RFO) distributed by the Freight Program Management Office (6FBX), Kansas City, MO or another GSA Travel and Transportation Management Zone Office.

B. Rights of Participating Agencies:

1. Participating agencies are entitled to issue their own RFOs referencing the terms and conditions of the GSA Tender of Service No. 1–F, the GSA National Rules Tender No. 100–D, and the GSA Baseline Rate Publication No. 1000–D, supplements thereto and reissues thereof; and

2. Participating agencies are entitled to accept rate offers submitted by those carriers approved in accordance with Item 2–2 which reference the terms and conditions of the GSA Tender of Service No. 1–F, the GSA National Rules Tender No. 100–D, and the GSA Baseline Rate Publication No. 1000–D, supplements thereto and reissues thereof.

ITEM 1–3 NON-PARTICIPATING AGENCIES: Agencies not meeting the requirements of a participating agency identified in Item 1–2, A., above, may only utilize those rate offers submitted and accepted in accordance with the STOS Participation Filing Instructions issued by the Freight Program Management Office (6FBX), Kansas City, MO. Any other reference to any part of the STOS with regards to the solicitation of rate offers or the acceptance of a rate offer based on the GSA Tender of Service NO. 1–F, the GSA National Rules Tender No. 100–D, or the GSA Baseline Rate Publication No. 1000–D, supplements thereto and reissues thereof, by a non-participating agency is prohibited.

ITEM 1–4 REVISING TOS PROVISIONS AND METHOD OF CANCELING ORIGINAL OR REVISED PAGES: This TOS will be revised by the Freight Program Management Office (6FBX), Kansas City, MO, through publication of the changes on GSA's WorldWide Web Page (http://www.kc.gsa.gov/fsstt), the issuance of page revisions (original or revised), or the reissuance of the document on an ''as needed'' basis.

A. TOS Page Revisions: Reserved

B. Reissuing the TOS: Reserved.

ITEM 1–5 UNINTENTIONALLY ACCEPTED TENDER RULE: Tenders that are unintentionally accepted and distributed for use, which are later found not to be in compliance with the TOS, are subject to immediate removal by the tender accepting agency. The carrier will be notified when tenders are removed under these circumstances and will be advised the basis for their removal. Even though a tender was unintentionally accepted, such tender may be used until it is canceled by the carrier.

ITEM 1–6 LAWFUL PERFORMANCE, OPERATING AUTHORITY, AND INSURANCE. All service shall be performed in accordance with applicable Federal, State, and local laws and regulations. Common motor carriers or brokers, freight forwarders, rail carriers, shippers agents, or shippers associations shall possess the required carrier or Interstate Commerce Commission (ICC) broker operating authority and maintain cargo as well as public liability insurance as required by Federal, State, and local regulatory agencies.

ITEM 1–7 ACCEPTANCE OF THE TOS. The acceptance of this TOS is a prerequisite for any motor common carrier, broker, freight forwarder, rail carrier, shippers agent, or shippers association desiring to be considered for the transportation of Government property shipped by a participating agency.

The terms and conditions in this TOS are applicable to all interlining carriers.

Any reference to carriers in this TOS, unless otherwise stated, also applies to motor common carriers, brokers licensed to transport general commodity freight, freight forwarders, rail carriers, shippers agents, or shippers associations. The conditions of the TOS are in addition to all service provisions of any applicable tender or tariff (including the GSA National Rules Tender No. 100–D) under which a shipment may be routed, except where these conditions may be in conflict with applicable Federal, State, and local laws and regulations.

If a conflict exists between the provisions of the TOS and the provisions named in the GSA National Rules Tender No. 100–D, the provisions of this TOS will apply.

The acceptance of the GSA TOS by a carrier shall be accomplished as specified in SECTION 2 of this document.

ITEM 1–8 BASIS FOR DETERMINING APPLICABLE DISTANCE: Unless otherwise authorized or such as provided for in ITEM 180 Circuitous Routing Of Hazardous Material Shipments in the GSA No. 100–D, all tenders shall be predicated on the shortest route distance determined from the applicable ALK Technologies, Inc 5-digit Zip Code automated mileage system, regardless of the distance actually traveled by the carrier.

ITEM 1–9 METRIC CONVERSION: The weights and measurements expressed in this STOS are being changed to indicate both metric measurements.

Please see Section 11 for the Metric Conversion Table.

ITEM 1–10 APPLICATION OF THE TERMS AND CONDITIONS OF THE GOVERNMENT BILL OF LADING (GBL): The terms and conditions governing acceptance and use of Government Bills of Lading (GBLs) as cited in CFR 101–41.302–3 apply to all shipments handled pursuant to this Standard Tender of Service (STOS) as follows:

A. In no case shall prepayment of charges be demanded by the carrier nor collection be made from the consignee. The GBL, property certified and attached to an SF 1113, Public Voucher for Transportation Charges, shall be presented to the paying office indicated in the ''Bill Charges To'' section on the face of the GBL for payment to:

1. The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL;

2. A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph [a][1] of this section in favor of the billing carrier;

3. A carrier (as described in paragraph [a][1] of this section) or its properly designated warehouse agent billing in the name of the carrier as authorized in 101–41.309–2 dealing with certification of shipments in storage; or

4. An agent of the carrier or forwarder (as described in paragraph [a][1] or [2] of this section): Provided, the bill is submitted in the name of the principal. The agent's mailing address may be shown on those bills, and the checks, drawn in the name of the principal, may be mailed to the agent.

B. The GBL is subject to the same rules and conditions as govern shipments made on the usual

commercial forms unless otherwise specifically provided or stated herein.

C. The shipment made on the GBL shall take a rate no higher than that chargeable had the shipment been made on the uniform straight bill of lading, uniform express receipt, or any other form provided for commercial shipments.

D. No charge shall be made by any carrier for the execution and presentation of a GBL in manner and form as provided in this subpart 101–41.3.

E. The shipment is made at the restricted or limited valuation specified in the tariff or classification or established under section 13712 of the Interstate Commerce Commission (ICC) Termination Act of 1995 (49 U.S.C. 13712), formerly section 10721 of the Interstate Commerce Act, or to another equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the GBL.

F. Receipt for the shipment is subject to the consignee's annotation of loss, damage, or shrinkage on the delivering carrier's documents and the consignee's copy of the same documents. When loss of damage is not discovered until after delivery of shipment and receipt therefor, the consignee shall promptly notify, preferably by telephone, the nearest office of the last delivery carrier and extend to the carrier the privilege of examining the shipment.

G. In case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments, as they relate to the period within which notice thereof shall be given the carrier or to the period within which claim therefor shall be made or suit instituted, shall not apply. Deletion of this item will be considered valid only with the written concurrence of the Government official responsible for making the shipment.

H. Carrier's rights to shipping charges are not affected by facts set out in the issuing office section of the GBL.

I. The nondiscrimination clauses contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated by reference in the GBL.

Section 2—Participation

ITEM 2–1 GENERAL: Participation in the GSA Standard Tender Of Service (STOS) General Freight Traffic Management Program is open to any carrier possessing the operating authority and insurance required in ITEM 1–6 of this TOS and who has met the approval requirements identified in Item 2–2, below.

ITEM 2–2 APPROVAL TO PARTICIPATE: In order for a carrier to become eligible to transport traffic under this TOS, it must meet the approval requirements identified below. The applicable approval documentation must be mailed to: General Services Administration, Freight Program Management Office (6FBX), 1500 East Bannister Road, Kansas City, MO 64131 3088. Questions relating to the approval requirements may be directed to (816) 823–3646 or e-mail at internet reg6.transportation@gsa.gov.

A. Approval Requirements for Common Carriers and Rail Carriers

Common carriers and rail carriers must submit the following documentation to the address contained in Item 2–2 in order to meet the approval requirements for participation:

One (1) signed copy of the Carrier Certification of Eligibility for Submission of Rate Tenders for Transportation (See Section 15—Forms). Even if the firm already has a copy of this form on file with a GSA Travel and Transportation Management Zone Office or the Freight Program Management Office (6FBX), Kansas City, MO, the firm must re-submit the form to the address contained in Item 2–2 in order to meet the carrier approval requirements;

One (1) copy of the firm's operating authority issued by the Interstate Commerce Commission (ICC). This copy of the firm's operating authority must be provided in accordance with MC 107 and/or the Motor Carrier Act of 1980;

One (1) copy of the firm's Standard Carrier Alpha Code (SCAC) assignment letter from the National Motor Freight Traffic Association (NMFTA); and

One (1) signed copy of the Trading Partner Agreement (See Section 15—Forms). Once the firm has met all of the established approval requirements for participation, GSA will return to the firm a signed copy of the Trading Partner Agreement.

B. Approval Requirements for Freight Forwarders

Freight forwarders must submit the following documentation to the address contained in Item 2–2 in order to meet the approval requirements for participation:

One (1) statement identifying the firm as a freight forwarder. As freight forwarders are not required to possess operating authority from the Interstate Commerce Commission (ICC) to act as a freight forwarder, we need this statement identifying the firm as a freight forwarder so that the appropriate approval requirements are applied to the firm. This statement will eliminate any confusion as to the possibility of the firm being a common carrier, rail carrier, broker, or shipper agent/Intermodal Marketing Company that has not met the approval requirement of submitting to us a copy of its operating authority and/or broker's license;

One (1) signed copy of the Carrier Certification of Eligibility for Submission of Rate Tenders for Transportation (See Section 15—Forms). Even if the firm already has a copy of this form on file with a GSA Travel and Transportation Management Zone Office or the Freight Program Management Office (6FBX), Kansas City, MO, the firm must re-submit the form to the address contained in Item 2–2 in order to meet the carrier approval requirements;

One (1) copy of the firm's Standard Carrier Alpha Code (SCAC) assignment letter from the National Motor Freight Traffic Association (NMFTA);

One (1) copy of the surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements which have been provided to and are on file with the ICC and/or documentation from the ICC that the required documentation is on file with the ICC and that it meets the minimum security amounts as defined in 49 CFR part 387; and

One (1) signed copy of the Trading Partner Agreement (See Section 15—Forms). Once the firm has met all of the established approval requirements for participation, GSA will return to the firm a signed copy of the Trading Partner Agreement.

C. Approval Requirements for Brokers and Their Underlying Carriers

Brokers must submit the following documentation to the address contained in Item 2–2 for themselves and for each of their underlying carriers which they represent in order for brokers and their underlying carriers to meet the approval requirements for participation:

Information Required of Broker for Approval:

One (1) copy of the firm's broker's license issued by the Interstate Commerce Commission (ICC);

One (1) copy of the broker's Standard Carrier Alpha Code (SCAC) assignment letter from the National Motor Freight Traffic Association (NMFTA); and

One (1) signed copy of the Trading Partner Agreement (See Section 15—Forms). Once the firm has met all of the established approval requirements for participation, GSA will return to the broker a signed copy of the Trading Partner Agreement.

Information Required To Be Submitted by Each of the Broker's Underlying Carriers for Approval:

If the underlying carrier is a common carrier or a rail carrier, it must meet the approval requirements identified in Item 2–2.A.;

If the underlying carrier is a freight forwarder, it must meet the approval requirements identified in Item 2–2.B.

It is suggested that each of a broker's underlying carriers send the required approval documentation to the broker. Once the broker has received the proper approval documentation from its underlying carriers, it should then forward the information to the address contained in Item 2–2. However, the broker's underlying carriers may submit the required approval documentation directly to the address contained in Item 2–2.

When rates are submitted and it is determined that an underlying carrier has been included that has not met the approval requirements, that unapproved, underlying carrier will be rejected and will not be approved to participate in the movement of Government freight. Please be aware, however, that the entire rate offer will not be rejected, only the underlying carrier(s) who has not met the approval requirements will be found unacceptable.

D. Approval Requirements for Shipper Agents/Intermodal Marketing Companies and Their Underlying Carriers

Shipper agents/Intermodal Marketing Companies must submit the following documentation to the address contained in Item 2–2 for themselves and for each of their underlying carriers which they represent in order for shipper agents/Intermodal Marketing Companies and their underlying carriers to meet the approval requirements for participation:

Information Required of Shipper Agent/Intermodal Marketing Company:

One (1) statement identifying the firm as a shipper agent/Intermodal Marketing Company. As shipper agents/Intermodal Marketing Companies are not required to possess operating authority and/or a license from the Interstate Commerce Commission (ICC) to act as a shipper agent/Intermodal Marketing Company, we need this statement identifying the firm as a shipper agent/Intermodal Marketing Company so that the appropriate approval requirements are applied to the firm. This statement will eliminate any confusion as to the possibility of the firm being a common carrier, rail carrier, freight forwarder, or broker that has not met the approval requirement of submitting to us a copy of its operating authority and/or broker's license;

One (1) copy of the shipper agent's/Intermodal Marketing Company's ''Certificate of Insurance'' which provides for notice of termination or cancellation be provided thirty (30) days prior thereto to the General Services Administration's (GSA) Freight Program Management Office (6FBX), Kansas City, MO (see Item 2–2 for address);

One (1) copy of the shipper agent's/Intermodal Marketing Company's Standard Carrier Alpha Code (SCAC) assignment letter from the National Motor Freight Traffic Association (NMFTA); and

One (1) signed copy of the Trading Partner Agreement (See Section 15—Forms). Once the shipper agent/Intermodal Marketing Company has met all of the established approval requirements for participation, GSA will return to the firm a signed copy of the Trading Partner Agreement.

Information Required To Be Submitted by Each of the Shipper Agent's/Intermodal Marketing Company's Underlying Carriers for Approval:

If the underlying carrier is a common carrier or a rail carrier, it must meet the approval requirements identified in Item 2–2.A.;

If the underlying carrier is a freight forwarder, it must meet the approval requirements identified in Item 2–2.B.

It is suggested that each of a shipper agent's/Intermodal Marketing Company's underlying carriers send the required approval documentation to the shipper agent/Intermodal Marketing Company. Once the shipper agent/Intermodal Marketing Company has received the proper approval documentation from its underlying carriers, it should then forward the information to the address contained in Item 2–2. However, the shipper agent's/Intermodal Marketing Company's underlying carriers may submit the required approval documentation directly to the address contained in Item 2–2.

When rates are submitted and it is determined that an underlying carrier has been included that has not met the approval requirements, that unapproved, underlying carrier will be rejected and will not be approved to participate in the movement of Government freight. Please be aware, however, that the entire rate offer will not be rejected, only the underlying carrier(s) who has not met the approval requirements will be found unacceptable.

E. Approval Requirements for Rate Filing Service Providers

Rate filing service providers (firms which offer to those approved to participate the service of transmitting to GSA, via the File Transfer Protocol (FTP) of the Internet (I–FTP), rate offers in accordance with applicable Request for Offers), must submit the following documentation to the address contained in Item 2–2 in order to meet the approval requirements for participation:

One (1) signed copy of the Trading Partner Agreement (See Section 15—Forms). Once the firm has met all of the established approval requirements for participation, GSA will return to the firm a signed copy of the Trading Partner Agreement.

Section 3—Offers of Service

Item 3–1 Solicitation of Rate Offers: Any participating agency as defined in Item 1–2.A. may solicit rate offers referencing the STOS from carriers approved in accordance with Item 2–2. The participating agency will make the determination if the rate offer(s) is to be submitted electronically or non-electronically

Item 3–2 Submission of Rate Offers:

A. Submission of Electronic Rate Offers: When a participating agency has determined that rate offers must be submitted electronically, those rate offers must be submitted electronically in accordance with the electronic filing instructions established by the Freight Program Management Office (6FBX), Kansas City, MO. All accepted electronic rate offers will be made available to GSA's Office of Transportation Audits.

1. Items in the GSA No. 100–D that Contain Rates or Charges: The following Items from the GSA National Rules Tender No. 100–D are all the Items that contain rates or charges. Carriers must indicate in their electronic rate offer either one percentage for all of these Items or separate percentages for each.

Item 40 Prelodging

Item 100 Arbitrary Applicable On Import Or Export Traffic Picked Up At Or Delivered To Steamship Wharves Or Docks

Item 200 Chassis—Obtaining Of

Item 250 Customs Or In Bond Freight

Item 300 Delivery Of Freight Bill Prior To Delivery Of Shipment

Item 325 Detention—Vehicles With Power Units

Item 350 Detention—Vehicles Without Power Units
Item 400 Diversion—Motor To Air Transportation
Item 425 Hydraulic Lift Gate Service
Item 450 Fork Lift Service
*Item 475 Exclusive Use And Control Of Vehicle
**Item 480 Expedited Service
Item 500 Export Or Import Shipment Requirements At The U.S.—Canadian Border
Item 525 Extra Labor—Loading Or Unloading
Item 550 Handling Freight At Positions Not Immediately Adjacent To Vehicle
Item 600 Loading Or Unloading—Waterborne Traffic—Port Of Baltimore, MD
Item 625 Marking Or Tagging Freight—Changing Marking Or Tags
Item 675 Single Shipment Charge
Item 725 Notification Charge
Item 775 Overdimension Freight
Item 776 Overweight Freight
Item 825 Permits, Special
Item 850 Pickup Or Delivery Service
Item 855 Pickup Or Delivery Service—At Private Residences
Item 860 Pickup Or Delivery Service—Sundays Or Holidays
Item 865 Pickup Or Delivery Service—Saturday Or After 5 P.M. On Normal Business Days
Item 870 Pickups Or Deliveries—Additional
Item 875 Pickups Or Delivery Service—New York Harbor And Port Newark, NJ
Item 925 Reconsignment Or Diversion
Item 950 Redelivery
**Item 1010 Sorting Or Segregating Service And Charges
**Item 1025 Services—Signature And Tally Record Service (STR)
**Item 1030 Services—Constant Surveillance Service (CSS)
**Item 1035 Services—Dual Driver Protective Service (DDPS)
**Item 1040 Services—Dual Driver Service
Item 1050 Special Service—Security Check By Consignor
Item 1075 Stopoffs—To Complete Loading Or For Partial Unloading, Paragraphs (B) And (F)
Item 1100 Storage
Item 1175 Transfer Of Lading
Item 1225 Vehicle Or Shipper Requested Doubles Trailer Furnished But Not Used
Item 1250 Weight—Verification
Item 1275 Weights—Gross Weight—Charges On Gross Weight

*Only applicable to the stated charge in ITEM 475, Section 2, Paragraph (6)(b).

**Percentages are not required for these ITEMS. Please see ITEM 60 Specialized Services in the GSA No. 100–D.

B. Submission of Non-Electronic Rate Offers: When a participating agency has determined that rate offers must be submitted non-electronically, the participating agency will provide the appropriate filing instructions.

Item 3–3 Time of Filing:

A. Electronic Rate Offers: The time period(s) during which an electronic rate offer may be submitted will be identified by the participating agency requesting the submission of electronic rate offers. Requests for electronic rate offers made by GSA will automatically be distributed to all carriers approved to participate in accordance with Item 2–2. Requests for electronic rate offers made by other participating agencies will be distributed per the discretion of the requesting participating agency.

B. Non-Electronic Rate Offers: The time period(s) during which a non-electronic rate offer may be submitted will be identified by the participating agency requesting the submission of non-electronic rate offers. Requests for non-electronic rate offers made by GSA will automatically be distributed to all carriers approved to participate in accordance with Item 2–2. Requests for non-electronic rate offers made by other participating agencies will be distributed per the discretion of the requesting participating agency.

Item 3–4 Non-Alternation Tender Acceptance Policy.

A. Unless specifically requested, TOS participating agencies will not accept electronic or non-electronic rate offers from carriers which contain a non-alternating provision.

B. Where a shipment involves both a non-DOD government agency participating in this TOS and a DOD agency, the applicable tender will be that of the Bill of Lading issuing office.

Section 4—Statement of Work

Item 4–1 Performance of Service: Carriers accepting shipments offered under this TOS shall establish effective service controls for the prompt and complete performance of all ordered origin, line-haul, and destination services. Origin services shall include timely and appropriate equipment delivery, loading, stacking and required transit time. Destination services shall include delivery notification, delivery, unloading, pallet and debris removal

Item 4–2 Services To Be Provided: Carriers participating in this TOS shall provide the following:

A. Adequate terminal facilities at origin to effectively service the agency shipping facility.

B. Adequate facilities at destination to effectively service the receiving activity/customer.

C. Pickup and delivery pursuant to the standards set forth in this TOS.

D. Equipment deemed necessary by the agency shipping facility traffic manager to perform service as outlined in this TOS to include temperature protection for commodities requiring temperature control. Equipment found unsuitable for freight loading shall be rejected.

E. Lowest overall transportation cost to the U.S. Government commensurate with satisfactory service.

F. Equipment spotting in accordance with the consignor or consignee's instructions.

G. Loading as directed by the consignor.

H. Exclusive use of equipment, when requested and annotated on the bill of lading.

I. Accessorial and special services, as requested or annotated on the bill of lading.

J. Prompt inspection of damaged material.

K. Settlement of all claims for loss or damage attributable to carrier liability within 120 days (41 CFR 102–117.195.)

L. Protection from elements and securing of the loads.

M. Transportation of hazardous materials other than Class A & B explosives; hazardous wastes; and radioactive articles requiring a hazardous material label in accordance with Title 49 of the Code of Federal Regulations (49 CFR).

N. Inside pickup or delivery, when requested and annotated on the bill of lading.

O. All services (e.g., spotting of trailers, assisting in the loading of freight into conveyance, and reporting to the agency shipping facility at the requested time), as requested by the designated agency shipping facility representatives, for shipments tendered.

(Unwarranted refusal or selective acceptance of cargo is prohibited.)

P. Continuous control of shipments. When requested by either a representative of the consignor or consignee, the carrier shall monitor and trace shipments to ensure prompt completion of all required service as well as giving status and location of a shipment within 24 hours of the request.

Q. Prior notification of delivery be in accordance with bill of lading instructions and without charge, except where the bill of lading instructions specifically requires prior notification of delivery be made 24 hours or more prior to delivery.

R. Proof of delivery (copy of signed, dated delivery receipt) for any shipment that the GBL issuing officer (or designee) determines is needed to verify the carrier's delivery certification on the GBL.

S. Return of shipment service. In the event a carrier is required to return a shipment to the original shipping location as ordered by the agency or designated official, the carrier will assess the line-haul rate applicable to the original outbound movement or the applicable tender rate, whichever is lower. The carrier shall obtain the necessary amendment or documentation from the party ordering the additional movement.

T. Hand-delivery of envelopes containing shipping documents to the consignee when such envelopes are tendered with the shipment.

Item 4–3 Completion of Service: Service performed under this TOS is deemed complete when delivery and other destination services have been furnished. Carrier service can be accomplished by either direct or interline service. When jointline rates are offered, the tender submitting carrier shall ensure that any interline carrier(s) transports the shipment at the original offered discounted rate or charge and provides all services as specified in the TOS

Item 4–4 Prompt Notification of Undelivered Freight: When a shipment cannot be delivered because of the consignee's inability or refusal to receive or accept the shipment, carriers shall (except for shipments originated by GSA) notify the applicable agency shipping facility traffic manager/contact point and request additional handling or forwarding instructions from both the consignee and the consignor

For GSA originated shipments, carriers shall request additional handling or forwarding instructions from either the GSA National Customer Service Center (6FR) (NCSC), 1500 East Bannister Road, Kansas City, MO 64131–3088 (1–800–488–3111) (FAX 816–926–6952) or the consignor.

Item 4–5 Rules and Accessorial Charges: Shipments transported under this TOS shall be subject to the rules and accessorial charges published in the applicable GSA National Rules Tender No. 100-–D. No carrier independent actions (carriers' rules or accessorial tariffs) or bureau published tariffs deviating from the GSA National Rules Tender No. 100–D are acceptable.

Item 4–6 Special Services Ordered by the Consignor: Only special or accessorial services annotated on the GBL by the consignor or provided for by an amendment to the GBL are authorized and will be paid by the agency

Item 4–7 Department of Transportation (DOT) Emergency Response Guidebook: Each carrier that is subject to this TOS that picks up or transports a hazardous material shipment shall maintain emergency response information as specified in 49 CFR part 107 in the same manner as prescribed for shipping papers. The carrier shall have in its possession a copy of the current Department of Transportation (DOT) Emergency Response Guidebook when picking up, transporting, or delivering a shipment of hazardous material. This information must be immediately accessible to a transport vehicle operator or crew in the event of an incident involving a hazardous material

Item 4–8 Tracing Shipments: Requests by the Government to have a shipment traced shall be made through either the origin carrier's centralized tracing system, if such a system is available, or its origin terminal. Upon request, the origin carrier shall trace the shipment through its entire system (including any interlining carriers), and provide the requester (or third party as directed) a reply through the same communication media as the request, or through the media directed in the request. When a carrier offers the Government direct access to their mechanized tracing system and the requester elects to use it, the carrier will, when required by the requester, trace the system through any interlining system, and provide a reply as above

Section 5—Performance Requirements

Item 5–1 Transit Time

A. This provision applies to all agencies as identified in Item 1–2.A and Item 1–3 and the General Services Administration (GSA) Distribution Centers, GSA Customer Supply Centers, GSA Forward Supply Points, and direct deliveries from the National Industries For The Blind (NIB), National Industries For The Severely Handicapped (NISH).

All minimum charge (MC), less than truckload (LTL), and truckload (TL) shipments.

(1) Delivery Time.

(a) Carriers shall be required to deliver all shipments within the following time standards:

DISTANCE KILOMETERS (HIGHWAY MILES) FROM AGENCY SHIPPING FACILITY

From	To	Required Delivery Service
1.61 kilometers (1 mile)	482.79 kilometers (300 miles)	2 Days
484.40 kilometers (301 miles)	804.65 kilometers (500 miles)	3 Days
806.26 kilometers (501 miles)	1,609.3 kilometers (1,000 miles)	4 Days
1,610.91 kilometers (1,001 miles)	2,413.95 kilometers (1,500 miles)	5 Days

DISTANCE KILOMETERS (HIGHWAY MILES) FROM AGENCY SHIPPING FACILITY

From	To	Required Delivery Service
2,415.56 kilometers (1,501 miles)	3,218.6 kilometers (2,000 miles)	7 Days
3,220.2 kilometers (2,001 miles)	and over	9 Days

(2) Method of Measuring Transit Time.

(a) Start of Transit Time.

(i) Minimum Charge (MC) and Less Than Truckload (LTL) Shipments:

Transit time begins the next business day after the shipment is signed for by the originating carrier and ends at the time the shipment is delivered (or made available for delivery) to the receiving activity (destination).

(ii) Truckload (TL) Shipments:

Transit time begins the same business day the shipment is signed for by the

originating carrier and ends at the time the shipment is delivered (or made available for delivery) to the receiving activity (destination). In instances where a shipment is signed for by the originating carrier on a Saturday, Sunday, or holiday the transit time will not begin until the NEXT BUSINESS DAY.

(b) Computation of Transit Time.

(i) Transit time for Minimum Charge (MC), Less Than Truckload (LTL), and Truckload (TL) shipments is measured in business days, excluding Saturday, Sunday, and holidays as set forth in ITEM 30 Definition Of Terms, (2) Legal Holidays in the GSA National Rules Tender No. 100–D herein.

(ii) Unless the agency or the customer requests and authorizes delivery on Saturdays, Sundays, or holidays (as set forth in ITEM 30 Definition Of Terms, (2) Legal Holidays in the GSA National Rules Tender No. 100–D herein), carriers shall not be required to deliver shipments on these days. Carriers shall not be penalized if they refuse to voluntarily make Saturday, Sunday, or holiday delivery.

B. General Services Administration (GSA) Routed Shipments To Alaska and Hawaii,

All minimum charge (MC), less than truckload (LTL), and truckload (TL) shipments.

(1) Delivery Time.

(a) Carriers shall be required to deliver all shipments within the following time standards:

(i) Are computed from the port of embarkation (POE) named by GSA.

(ii) For shipments destined to Hawaii, the POE can either be Oakland, CA or Los Angeles, CA.

(A) Carriers shall deliver GSA routed shipments from one of the specified West Coast Ports to all customer locations in Hawaii within 8 calendar days.

(iii) For shipments destined to Alaska, the POE is Seattle, WA.

(A) Carriers shall deliver all GSA routed shipments from Seattle, WA to all customer locations in Anchorage, AK within 7 calendar days.

(B) Carriers shall deliver all GSA routed shipments from Seattle, WA to all customers in Alaska locations other than Anchorage, AK within 12 calendar days.

(2) Method of Measuring Transit Time.

(a) Start of Transit Time.

(i) minimum charge (MC), less than truckload (LTL), and truckload (TL) shipments:

Transit time begins from the POE scheduled sailing date and ends at the time the shipment is delivered (or made available for delivery) to the receiving activity (destination).

(b) Computation of Transit Time.

(i) Transit time is measured in calendar days, including Saturday, Sunday, and holidays as set forth in ITEM 30 Definition Of Terms, (2) Legal Holidays in the GSA National Rules Tender No. 100–D herein.

(ii) Unless the agency or the customer requests and authorizes delivery on Saturdays, Sundays, or holidays (as set forth in ITEM 30 Definition Of Terms, (2) Legal Holidays in the GSA National Rules Tender No. 100–D herein), carriers shall not be required to deliver shipments on these days. Carriers shall not be penalized if they refuse to voluntarily make Saturday, Sunday, or holiday delivery.

Item 5–2 Pickup

A. General: Carrier pickup service shall include arriving on time for pickup, and with the type and quantity of equipment ordered by the shipper. The shipper may inspect the carrier's equipment upon arrival and, if determined unsuitable for freight loading, reject the equipment.

B. Ordering Equipment: When ordering equipment or requesting a pickup date, carriers will receive advance notice. Unless an abnormal amount or type of equipment is requested, carriers will be notified in the afternoon prior to the day the equipment is needed. However, in some circumstances, carriers may be required to perform same day pickup service. Carriers will not be penalized if they are unable to provide this ''special'' same day pickup service.

C. Method of Measurement: Pickup service will be measured using agency shipping facility dispatcher records indicating the requested time and date of pickup and carrier sign-in registers indicating carrier date and time of arrival. Unless a carrier requested and received, from the agency shipping facility ordering official, permission to delay the pickup date or time, measurement of efficient pickup service will be based only on the agency shipping facility dispatch records.

Item 5–3 Loss or Damage

A. General: Loss or damage claims attributable to the carrier's performance must be acknowledged and settled in accordance with the provisions of 49 CFR part 1005.

B. Method of Measurement: In all instances, loss or damage claim settlements will be applied to the ORIGIN carrier performance of service using reports, records, and history files compiled by the agency. These reports, records, and history files will include for each participating carrier, the number of shipments it handled as well as the number of claims settled against it.

C. Aggregation of Claims: A participating agency may aggregate claims to be filed against an individual carrier into a single filing. Such an aggregate filing will be construed as an individual filing of each claim and the participating agency will indicate on the aggregate filing the individual claimed amount, together with supporting documentation, for each included claim. The carrier against which an aggregate filing is made shall settle each claim as if it were filed independently. In order for a participating agency to take advantage of this Item 5–3.C, the participating agency must notify the carrier in writing of its intent to utilize the provisions of this Item 5–3.C.

Item 5–4 Unusual Incidents: Except for shipments originated with GSA, carriers shall attempt to provide a report in writing to the GBL issuing officer any event of major significance which produces substantial loss, damage, or delay to a shipment(s) such as theft or seizure of cargo, strikes, embargoes, fires, or other similar incidents, not later than the first working day after such incident.

For shipments originated by GSA, carriers shall attempt to report the required information not later than the first working day after such incident to the consignor and the GSA National Customer Service Center (6FR) (NCSC), 1500 East Bannister Road, Kansas City, MO 64131–3088 (1–800–488–3111) (FAX 816–926–6952).

The initial written report shall include the following information and be followed up by a detailed written assessment of the loss or damage, and delays encountered and final disposition of the property:

A. Type of incident;

B. Location of incident;

C. Description of any hazardous cargo;

D. GBL Number and date issued;

E. GBL issuing office;

F. Origin;

G. Destination;

H. Date shipment received by carrier;

I. If applicable, required delivery date;

J. Date and time of incident;

K. Estimated amount of loss and extent of damage;

L. Current status of shipment(s), including new estimated time of arrival (ETA); and

M. Location of shipment(s), if applicable.

Item 5–5 All Others: This category includes the evaluation of all other services that carriers may be

requested to provide, such as the ability to provide accessorial and special services as required, documented customer complaint(s), adherence in observing Federal, State, local, and agency shipping facility regulations, and unwarranted refusal of shipments. (Selective acceptance of shipments is prohibited)

Item 5–6 Other Elements: All other service elements requiring carrier response and action due to a deficiency in performance must be responded to by the carrier within 10 days of receipt of an agency notice of such a deficiency. The carrier response must include a plan to correct the deficiency. The elements of service described herein generally refer to specific operational factors affecting the timely, efficient and cost-effective movement of agency freight. There are, however, other elements which will be considered in determining the overall performance of a carrier and the ability and fitness of a carrier to provide service to agencies. These elements are of such importance that one violation will render subject carrier to possible placement in temporary nonuse status

These elements include, but are not limited to:

A. Willful violations of tenders or tariffs;

B. Failure to pay just debts so as to subject Government shipments to possible frustration, unlawful seizure, or detention;

C. Failure to maintain proper insurance coverage;

D. Operating without legal authority; and

E. Failure to have in its possession a current copy of the DOT Emergency Response Guidebook when picking up or transporting a shipment of hazardous material.

Item 5–7 Request for a Waiver of Requirements of the TOS or GBL

A. When Granted and by Whom: The GBL Issuing Officer, the agency shipping facility Traffic Manager or the agency servicing office representative, for an individual shipment, may waive one or more of the requirements in this TOS or of the GBL in whole or in part because of the incompatibility of such requirements with the prevailing circumstances. An affected carrier may submit the waiver request verbally to the GBL issuing officer; however, the request must be confirmed in writing by the carrier to the GBL issuing officer within one day of the initial request.

B. Confirmation of Waiver: If the GBL issuing officer or designee determines that a waiver is justified, he/she will issue a waiver in writing, by amending the GBL and distributing copies of the amendment, including a copy to the carrier, within 48 hours after receiving the carrier's request.

Item 5–8 Astray Freight: In the event that freight is separated from the carrier's freight bill or bill of lading, the following procedures will apply:

A. When the carrier is able to determine the consignee, either from the markings on the freight or from the shipping documentation affixed to or contained within the freight, the carrier will promptly deliver the freight to the consignee.

B. When the consignee cannot be determined from the markings on the freight or shipping documents, but the carrier is able to determine that the property belongs to a specific Government agency, then the carrier will contact the nearest installation of that agency for disposition instructions.

For GSA originated shipments, the carrier shall contact the GSA National Customer Service Center (6FR) (NCSC), 1500 East Bannister Road, Kansas City, MO 64131–3088 (1–800–488–3111) (FAX 816–926–6952) for disposition instructions.

C. When specific agency ownership cannot be determined for astray freight which is identifiable Government property, the carrier will contact the nearest Government installation for disposition instructions

Section 6—Service Performance Standards

Item 6–1 Carrier Performance Reviews

A. Documenting Carrier Performance.

Carrier performance data will be obtained from a variety of sources, including, but not limited to the following:

(1) Complaints (both written and oral) submitted by an agency transportation officer, GBL Issuing Officer, agency official, agency shipping facility operating personnel, or consignee;

(2) Reports obtained or formulated from carrier pickup records, history files, finance payment records, and agency discrepancy computer runs; and

(3) Serious incident reports.

Item 6–2 Carrier Evaluation

A. Carrier performance of all shipments tendered shall be evaluated monthly using the service standards established in this ITEM herein. Four categories will be analyzed.

A carrier will be issued a warning letter and may be placed in a temporary nonuse status based on deficiencies in any individual category.

B. Service Standard Table:

CATEGORIES

Ranking	Transit time (percent) 1	Pickup (percent) 2	Loss and damage (percent) 3	All others (percent) 4
Excellent	100–98	100–99	100–99	100–99
Very Good	97–96	98–97	98–97	98–97
Satisfactory	95–94	96–94	96–95	96–95
Unsatisfactory	Below 94	Below 94	Below 95	Below 95

C. If transportation costs are equal, maximum use will be made of carriers whose ranking for all categories are excellent.

D. Carrier performance that is determined to be ''unsatisfactory'' for one or more categories will result in the issuance of a warning letter by the respective agency servicing office or his or her designee. The carrier will be advised that its service for one or more categories is ''unsatisfactory'' and that if service for that category(ies) fails to improve, the carrier will be subject to placement in temporary nonuse status.

E. Carrier performance that is determined to be ''unsatisfactory'' for one or more of the categories will result in notification by the agency servicing office or designee that action is being initiated to place it in a temporary nonuse status in accordance with the nonuse procedures set forth in Section 8—Temporary Nonuse, Debarment, And Suspension.

Section 7—Inspection

Item 7–1 General: Authorized representatives of the GBL Issuing Office shall have the right to inspect carrier facilities (local carriers equipment, terminals, stations, or warehouses) and to inspect the performance of services (loading, pickup, delivery, and any other services performed or being performed by the carrier) in connection with any shipment handled under the provisions of this TOS.

A. An authorized representative of the GBL Issuing Office shall include personnel of the agency shipping facility.

B. Representatives may inspect the performance of services at the agency shipping facility, at the carrier terminal facilities, or at consignee receiving facilities during regular office hours or at any time work is being performed.

Item 7–2 Corrective Action: When authorized representatives of the GBL Issuing Office determine that facilities, equipment, or services do not meet the terms, conditions or specifications prescribed by this TOS, the carrier or its agent shall cooperate fully to promptly correct the deficiency by taking appropriate action at no additional cost to the Government.

Item 7–3 Facilities: The carrier must furnish Government representatives with free access and reasonable facilities and assistance to accomplish their inspection.

Section 8—Temporary Nonuse, Debarment, and Suspension

Item 8–1 Basis and Time Period: Carriers may be placed in temporary nonuse by an agency shipping facility manager or tender servicing office for a period not exceeding 90 days if the terms or conditions of this TOS are not met or for any cause(s) listed in 41 CFR 102–117.290 for debarment or suspension status, respectively.

When there is a sufficient basis to initiate temporary nonuse action against a carrier, the carrier will be notified by certified mail, return receipt requested, of the following:

A. The effective dates of the proposed temporary nonuse;

B. The extent or scope of the proposed temporary nonuse, including the specific transportation facilities to which the period of exclusion will be applicable;

C. The facts relied on to support the specified cause(s) for temporary nonuse;

D. Upon receipt of the initiating officer's notice of proposed temporary nonuse, the carrier will be given a period of 7 calendar days during which it may submit in person, in writing, or through a representative, rebuttal information and arguments opposing the temporary nonuse;

E. The initiating officer has a period of 5 working days to evaluate a carrier's rebuttal information, any opposing arguments and render a decision;

F. The availability of an appeal of the initiating officer's decision to a reviewing official, provided the request for review is received within 5 work days of receipt of the transportation officer's decision;

G. The corrective action required by the carrier to be removed from temporary nonuse; and

H. Carrier failure to correct the cause(s) for temporary nonuse will result in an additional nonuse period of 30 calendar days during which the case will be referred to the agency's debarring official for appropriate action.

Section 9—Report Requirements

Item 9–1 General Services Administration (GSA).

A. Distribution Centers.

Carriers transporting GSA Distribution Center (DC) shipments are required to submit the following reports to the agency servicing office or designee:

(1) A previous month's report of DC shipments within twenty (20) calendar days of the month following the end of the month being reported. The report shall be in GBL number sequence and include:

(a) Pickup date of each shipment;

(b) weight of each shipment;

(c) the date each shipment was delivered or offered for delivery; and

(d) the shipment city and state destination.

If the shipment was offered for delivery and not immediately accepted, carriers, upon request, shall provide the requesting GSA official with the name of the consignee's representative who authorized the scheduled delivery date, and if applicable, any consignee-assigned carrier control number.

(2) Each month, the DC traffic manager or designee, or the GSA office that services the DC may request by random selection, Proof of Deliveries. The carrier, within 30 days from the date of the request, at no additional cost, must provide proof of not more than 5 percent of the total deliveries through submission of legible hard copy Proof of Deliveries (signed and dated delivery receipt) to the requesting office.

B. All Other Traffic.

To be specified in future TOS supplements.

Item 9–2 Other Agencies as Identified in the Applicable Request for Offers (RFO).

A. General: Carriers transporting shipments subject to a GSA Shipment Surcharge as identified in Section 10 are required to submit shipment reports to the Freight Program Management Office (FPMO), Kansas City, MO, unless otherwise stated, in accordance with this Item 9–2.

1. Applicability. Only those shipments which are subject to the GSA Shipment Surcharge as identified in Section 10 will be included in the shipment reports. Shipments required to be reported will be those shipments for which the applicable participating agency issues the GBL. Reports MUST be furnished to the FPMO on a calendar, quarter basis by electronic filing and must include all applicable shipments that were delivered during the reported quarter. Shipments reported in the previous quarter should not be reported again in the next quarter even though they may be billed in another quarter than delivered.

2. Timeframe. The electronic submission of the required shipment reports MUST be in accordance with the following table. Submission of the shipment reports will correspond with the submission of the GSA Shipment Surcharge as outlined in Item 10–1.D. (Table).

Shipments delivered between	Shipment report due to GSA by
January 1 and March 31 ...	June 1.
April 1 and June 30	September 1.
July 1 and September 30 ..	December 1.
October 1 and December 31.	March 1.

3. Failure to submit reports. The failure to submit the shipment report in two consecutive quarters and/or three of four quarters will result in the withdrawal of a carrier's rates and/or subsequent revocation of its approval in GSA's Freight Management Program. Carriers with accepted rate offers on file for shipments subject to a GSA Shipment Surcharge as identified in Section 10 are required to submit a report even if a shipment was not delivered during the quarter.

B. Filing Requirements.

1. Hard Copy Reports. Hard copy (paper) reports will not be accepted.

2. Electronic Media Reports. Reports must be submitted electronically.

3. Content of Shipment Report. Identified below are the major report elements that will be required to be provided as part of the shipment reports:

(a) Standard Carrier Alpha Code (SCAC);
(b) Identifying Quarter;
(c) Federal Agency User ID;
(d) GBL Number;
(e) Origin State;
(f) Origin State Zip Code;
(g) Destination State;
(h) Destination State Zip Code;
(i) Pickup Date;
(j) Delivery Date;
(k) Transit Time;
(l) Actual Weight;
(m) Actual Mileage;
(n) Amount Billed for Linehaul Transportation and Accessorial Services Only;
(o) Total Amount Billed; and
(p) Taxpayer Identification Number (TIN).

4. Format requirements. To be provided prior to August 1, 1997, to all carriers approved in accordance with Item 2–2 for shipment reports due September 1, 1997.

5. Report Submission Instructions: To be provided prior to August 1, 1997, to all carriers approved in accordance with Item 2–2 for shipment reports due September 1, 1997.

Section 10—Payment of Charges

Item 10–1 General Services Administration (GSA) Shipment Surcharge

A. Incorporation of Section 10 in a Request for Offers (RFO): Publication of this Section 10 in a RFO distributed by a participating agency shall be construed as incorporation of the terms and conditions of this Section 10 effective on the date of the publication of the RFO. The terms and conditions of this Section 10 WILL NOT apply if this Section 10 IS NOT specifically incorporated into a RFO.

B. Amount of GSA Shipment Surcharge: A charge equal to 4% of the total amount billed for linehaul and accessorial services will be applicable to each Government Bill of Lading (GBL) issued which references a rate offer that was accepted in accordance with a RFO that incorporated this Section 10.

C. Billing: The GSA Shipment Surcharge MAY NOT be shown as a separate, chargeable line item on the carrier's Public Voucher for Transportation Charges.

D. Remittance to GSA: GSA Shipment Surcharges collected in accordance with this Section 10 MUST BE remitted to GSA on the basis of shipments delivered according to the table below:

Shipments delivered between	Shipment shipment charge due to GSA by:
January 1 and March 31 ...	June 1.
April 1 and June 30	September 1.
July 1 and September 30 ..	December 1.
October 1 and December 31.	March 1.

E. Verification of Applicable GSA Shipment Surcharge Owed: As stated in Section 9, Item 9–2, carriers hauling shipments subject to a GSA Shipment Surcharge will be required to submit a shipment report to the Freight Program Management Office (FPMO), Kansas City, MO, unless otherwise stated, identifying the number of shipments delivered during the appropriate timeframes identified in Item 10–1.D., above. This carrier provided shipment report will be verified per a shipment report submitted by the appropriate agency(ies). In the case of a discrepancy between the carrier submitted shipment report and the agency submitted shipment report, GSA will rely on the information provided in the agency submitted shipment report for the calculation of money owed to GSA from the carrier unless the carrier can provide evidence that the agency submitted shipment report is incorrect.

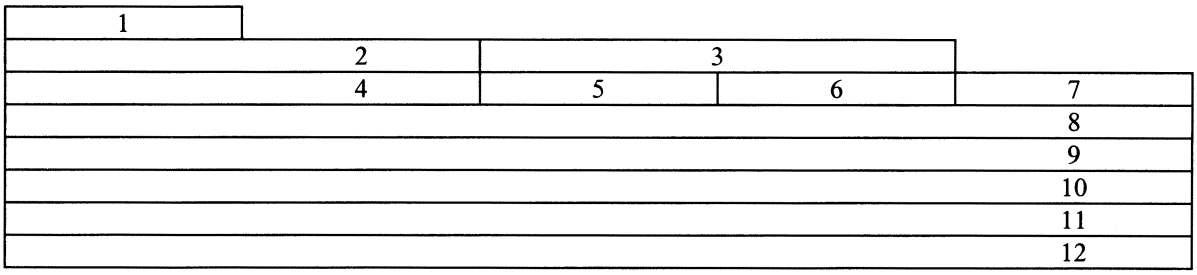
F. Method of Payment: The remittance of the GSA Shipment Surcharge may be transmitted either by check or by electronic funds transfer in accordance with the requirements identified below:

(1) By Check: Make checks payable to ''GSA–GL474.2(User ID)''; e.g., GSA–GL474.2AAAAA'', and mail to General Services Administration, Accounts Receivable, P.O. Box 73221, Chicago, IL 60673.

Note: Carrier assigned User IDs will be provided prior to May 1, 1997, to all carriers approved in accordance with Item 2–2.

(2) By Electronic Funds Transfer: Payments that are submitted by electronic funds transfer should be submitted in accordance with the format identified below:

Sample Funds Transfer Message Format



EXPLANATION OF REFERENCES

Ref	Name	GSA Required Fill	Explanation
(1)	Priority Code		Provided by the sending bank. Note: Some Federal Reserve district banks may not require this item.
(2)	Treasury Department Code.	021030004	The nine-digit identifier is the routing symbol of the United States Treasury. This item is a constant and is required for all funds transfer messages note to the United States Treasury.
(3)	Type Code		The type code will be provided by the bank.
(4)	Sending Bank Code		The nine-digit sending bank code will be provided by the sending bank.
(5)	Class Code		The class code may be provided by the sending bank at its option (if permitted by the Federal Reserve district bank).

EXPLANATION OF REFERENCES—Continued

Ref	Name	GSA Required Fill	Explanation
(6)	Reference Number		The reference number may be inserted by the sending bank to identify the transaction.
(7)	Amount		The amount will include the dollar sign and the appropriate punctuation including cents digits. This item will be provided by the depositor.
(8)	Sending Bank Name		The telegraphic abbreviation which corresponds to item (4) will be provided by the sending bank.
(9)	Treasury Department Name.	TREAS NYC/(47000016) GSA	This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of the funds transfer message to the agency location code of the appropriate agency. The item is comprised of a rigidly formatted, nonvariable sequence of 15 characters as shown.
(10)	Information	GSA DOS SHIPMENT SURCHARGE	This item identifies the purpose of payment.
(11)	Information	GSA–GL474.2	This item identifies the account in GSA.
(12)	Information	PAYMENT FOR (User ID)	This identifies the carrier making the payment. Note: For (User ID), carrier assigned User IDs will be provided prior to May 1, 1997, to all carriers approved in accordance with Item 2–2.

Example

02			
021030004	10		
011000390		0650	$1,500.00
FIRST BOS			
TREAS NYC/(47000016)GSA			
GSA DOS SHIPMENT SURCHARGE			
GSA-GL474.2			
PAYMENT FOR AAAAA			

G. Failure To Submit Remittance: Failure to submit remittance of the applicable GSA Shipment Surcharge as required by this Section 10 will result in the immediate revocation of approval in GSA's Freight Management Program.

Section 11—Metric Conversion Table

U.S. MEASUREMENT TO METRIC MEASUREMENT

Length

Symbol	When you know	Multiply by	To find	Symbol
in	inches	2.54	centimeters	cm
ft	feet	30.48	centimeters	cm
ft	feet	0.3048	meters	m
yd	yards	0.9144	meters	m
mi	miles	1.6093	kilometers	km

MASS

[Weight]

Symbol	When you know	Multiply by	To find	Symbol
oz	ounces	28.35	grams	g
lb	pounds	0.4536	kilograms	kg
t	short ton (2,000 lb.)	0.9072	metric ton	t

VOLUME

Symbol	When you know	Multiply by	To find	Symbol
pt	pints	0.473	liters	L
qt	quarts	0.946	liters	L
gal	gallons	3.785	liters	L

Note: To convert U.S. customary units to metric units, multiply by the conversion factor. To convert metric to U.S. customary units, divide by the conversion factor.

Sections 12 Through 14

Reserved Section 15-Forms

Carrier Certification Statement

Carrier certification of eligibility for the award of contracts for transportation.

A. By submitting this rate tender, the carrier certifies that:

(1) Neither the carrier, nor any of its subsidiaries, officers, directors, principal owners, or principal employees is currently suspended, debarred,) or in receipt of a notice of proposed debarment from any Federal agency as a result of a civil judgment or criminal conviction or for any cause from GSA), or has been placed in temporary nonuse status by GSA for the routes covered by this tender as of the date that this rate tender is offered.

(2) The carrier is not a corporation, partnership, sole proprietorship or any other business entity which has been formed or organized following the suspension or debarment of, a subsidiary, officer, director, principal owner, or principal employee thereof (or from such an entity formed after receipt of a notice of proposed debarment).

B. The following definitions are applicable to this certification:

(1) A subsidiary is a business entity whose management decisions are influenced by the carrier through legal or equitable ownership of a controlling interest in the firm's stock, assets, or otherwise.

(2) A principal owner is an individual or company which owns a controlling interest in the carrier's stock, or an individual who can control, or substantially influence, the carrier's management, through the ownership interest of family members or close associates.

(3) A principal employee is a person(s) acting in a managerial or supervisory capacity (including consultants and business advisors) who is able to direct, or substantially influence, the carrier's performance of its obligations under its contracts for transportation with the Federal Government.

C. The knowledge of the person who executes this certification is not required to exceed the knowledge which that person can reasonably be expected to possess, following inquiry, regarding the suspended or debarred status of the parties defined in (B), above.

D. THE CARRIER HAS A CONTINUING OBLIGATION TO INFORM THE GSA OFFICE TO WHICH THIS RATE TENDER IS SUBMITTED OF ANY CHANGE IN CIRCUMSTANCES WHICH RESULTS IN ITS INELIGIBILITY FOR THE RECEIPT OF CONTRACTS FOR TRANSPORTATION.

E. An erroneous certification of eligibility or failure to notify the GSA transportation zone office receiving this tender of a change in eligibility, may result in a recommendation for administrative action against the carrier. Additionally, false statements to an agency of the Federal Government are subject to criminal prosecution pursuant to 18 USC 1001, as well as possible civil penalties.

_____

Company Name

Signature and Title of Authorized Official

_____

Date

CARRIER CONTACT

Name: _____

Title: _____

Address: _____

City/State: _____

Telephone No: _____

General Services Administration—Basic Transportation Trading Partner Agreement

Applicability: Check the box below which represents the activity of your firm under this Trading Partner Agreement:

☐ Freight Common Carrier (All paragraphs, except Paragraph 4, of this agreement will apply and are binding).

☐ Household Goods Common Carrier (All paragraphs, except Paragraphs 3 and 5G, of this agreement will apply and are binding)

☐ Freight Freight Forwarder (All paragraphs, except Paragraph 4, of this agreement will apply and are binding)

☐ Household Goods Freight Forwarder (All paragraphs, except Paragraphs 3 and 5G, of this agreement will apply and are binding)

☐ Freight Broker (All paragraphs, except Paragraphs 4 and 5G, of this agreement will apply and are binding)

☐ Freight Shipper Agent/Intermodal Marketing Company (All paragraphs, except Paragraphs 4 and 5G, of this agreement will apply and are binding)

☐ Rate Filing Service Provider (All paragraphs, except Paragraph 5G, of this agreement will apply and are binding)

1. Introduction

This agreement prescribes the general procedures and polices to be followed when Electronic Commerce (EC) is used for transmitting and receiving requests for offers, rate tenders, or other business information in lieu of creating one or more paper documents normally associated with conducting business with the General Services Administration.

The General Services Administration (GSA or the agency) will transmit and receive using the File Transfer Protocol (FTP) of the Internet network (I–FTP) such transaction sets (documents) as it chooses and as established by the governing tender of service or the request for offers. These transaction sets will be transmitted to those firms, organizations, agencies, or other entities (trading partners) recognized by GSA that agree to accept such documents and to be bound by the terms and conditions contained in those documents, this agreement, and any applicable tender of service.

2. Purpose

This agreement is to ensure that all EC obligations are legally binding on all trading partners. Further, the use of any electronic equivalent of a standard business document referenced in Paragraphs 3 and 4 will be deemed an acceptable business practice and that no trading partner will challenge the admissibility of the electronic information in evidence, except in circumstances in which an analogous paper document could be challenged.

3. Freight Reference

This agreement, in addition to the terms and conditions stated in Paragraph 5, is subject to the terms and conditions of the following documents:

- GSA Freight Traffic Management Program Standard Tender of Service
- Optional Form 280
- GSA Freight Traffic Management Program Request for Offers

4. Household Goods Reference

This agreement, in addition to the terms and conditions stated in Paragraph 5, is subject to the terms and conditions of the following documents:

- GSA Centralized Household Goods Traffic Management Program Tender of Service
- Optional Form 280
- GSA Centralized Household Goods Traffic Management Program Request for Offers

5. Terms and Conditions

(A) GSA will place electronic documents in a publicly accessible

directory on GSA's FTP server (KCFTP.GSA.GOV, pub/ARFRS or pub/CHAMP) and when warranted in the directory of a confirmed trading partner (trading partner/<SCAC>), either directory hereinafter referred to as directory. It will receive documents from confirmed trading partners in each confirmed trading partner's directory via I–FTP. Receipt by the trading partner is considered to occur when the document is placed in either the public directory or the trading partner's directory, as the case may be.

(B) GSA will bear the costs of maintaining the GSA FTP server and the costs of placing documents issued by GSA in the appropriate directory on the GSA FTP server, and the costs of managing documents put on the GSA FTP server by its trading partners. The agency's trading partners are responsible for all costs associated with getting documents from or putting documents on the GSA FTP server.

(C) When the transmissions are submissions of rate tenders, the submitting firm must have first met all applicable approval requirements set out in the applicable, governing Tender of Service.

(D) GSA will be responsible for the accuracy of documents issued by it and placed in the GSA FTP server directory. GSA will not be responsible for errors occurring in documents put on the GSA FTP server, nor will GSA be responsible for errors occurring in documents gotten from the GSA FTP server.

(E) GSA will not be responsible for any damages incurred by a trading partner as a result of missing or delayed transmissions when the problem is not with or caused by GSA or the agency's FTP server.

(F) Any document placed in a directory maintained on the GSA FTP server is to be considered a valid and authentic document backed by the same guarantees of legitimacy as are found in a paper transaction. Likewise, any document from a trading partner put into a directory on the GSA FTP server will be considered a valid and authentic document backed by the same guarantees of legitimacy as are found in a paper transaction.

(G) The carrier/freight forwarder party to this agreement authorizes GSA on the carrier's/freight forwarder's behalf to offer the electronic rate file to the Interstate Commerce Commission in satisfaction of the requirements of Section 10721(b)(2).

(H) In the event a carrier/freight forwarder uses a broker, shipper agent/Intermodal Marketing Company, or filing service to file its rates with GSA, documents submitted on behalf of the carrier/freight forwarder shall be accepted as though submitted by the carrier/freight forwarder and in accordance with the terms and conditions of the trading partner agreement between the carrier/freight forwarder and GSA. The use of a broker, shipper agent/Intermodal Marketing Company, or filing service does not relieve the carrier/freight forwarder of any of its rights or obligations under the terms of this agreement, including the maintenance of a valid trading partner agreement with GSA.

6. Force Majeure

None of the parties in this agreement will be liable for failure to properly conduct EC in the event of war, accident, riot, fire, flood, epidemic, power outage, labor dispute, act of God, act of public enemy, malfunction or inappropriate design of hardware or software, or any other cause beyond such party's control. If standard business cannot be conducted by EC, GSA will, at its discretion, return to a paper based system.

7. Effective Date

The effective date of this agreement will be the latest of the date(s) shown on the signature page of this document.

8. Agreement Review

This agreement will be effective on a continuing basis, except as provided in Paragraph 9, below; provided, however, that GSA may from time to time make such changes to the agreement as are necessary, and the trading partner may request review of the agreement at any time.

9. Termination

(A) In the event that GSA terminates a firm's participation in the GSA Freight Traffic Management Program and/or the GSA Centralized Household Goods Traffic Management Program, this agreement shall be considered terminated as of the date notice is given to a firm of its participation termination.

(B) In the event that a firm terminates its participation in the GSA Freight Traffic Management Program and/or the GSA Centralized Household Goods Traffic Management Program, this agreement shall be considered terminated as of the date notice of such termination is received by the GSA.

(C) Except as provided above, this agreement may be terminated by either GSA or its trading partner, effective 30 days after receipt of written notice by either party. Termination will have no effect on transactions occurring prior to the effective date of termination.

10. Whole Agreement

This agreement and all addenda constitute the entire agreement between the parties. No changes in terms and conditions of this agreement shall be effective unless approved and signed by both parties. At the inception of this agreement, Addendum/Addenda (is) (are) not applicable. As the parties develop and implement additional EC capabilities, addenda may be incorporated into this agreement. Each addendum will be signed and dated by both parties. The latest date contained on the signature page will be the effective date of the addenda. The addendum will be appended to this agreement.

Representing the Carrier

_____
Name and Signature

_____
Title

_____
Firm

_____
Mailing Address

_____
City, State, Zip

_____
Telephone

_____
Fax

_____
Internet E-mail

_____
Electronic Commerce Contact

_____
Telephone

_____
Fax

_____
Internet E-mail

_____
Date

Representing the General Services Administration

W. P. Hobson
Name and Signature

Manager, Automated Rate Filing and Retrieval System (ARFARS)
Title
Federal Supply Service
Firm
1500 East Bannister Road
Street Address
Kansas City, MO 64131
City, State, Zip
816–823–3646
Telephone
816–823–3656
Fax
william.hobson@gsa.gov
Internet E-mail
Robyn Bennett
Electronic Commerce Contact
816–823–3646
Telephone

816–823–3656
Fax
robyn.bennett@gsa.gov
Internet E-mail

Date
Trading Partner Agreement Number
(TO BE COMPLETED BY GSA)

General Services Administration—General Freight Tender Of Service No. 1–F

Letter Of Intent

Carrier Agreement—To Abide By the Terms and Conditions of the General Services Administration Standard Tender of Service (STOS), General Freight Traffic Management Program

Please accept our request to participate in the General Services Administration (GSA) STANDARD TENDER OF SERVICE (STOS) General Freight Traffic Management Program. Only one LETTER OF INTENT should be submitted to each participating Government agency office with the first tender filing, regardless of the number of tenders submitted.

I certify that I have read and will comply with all the provisions contained in the GSA Standard Tender of Service (STOS) GSA General Freight Tender of Service No. 1–F, the GSA National Rules Tender No. 100–D, and the GSA Baseline Rate Publication No. 1000–D, effective May 1, 1996. I further certify that the undersigned company has the operating authority and insurance as required by Item 1–5 and SECTION 2, of the GSA General Freight Tender of Service No. 1–F.

Company Name

Signature and Title of Authorized Official

Date

Carrier Contact:

Name:
Title:
Address:
Area Code: ( ) Telephone No:

Sections 16 Through 20 Reserved

General Services Administration, National Rules Tender

No. 100–D (GSA No. 100–D)

Providing Rules And Baseline Charges for Accessorial and Terminal Services

For Governing Publications, See ITEM 10.

This tender applies on both Intrastate and Interstate traffic.

General Services Administration, Federal Supply Service, Transportation Management (6FBX), Kansas City, Missouri 64131.

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Section 1—General Tender Application

Item 5 Purpose, Explanation, and Application

Section 1. Purpose

The purpose of this General Services Administration (GSA) NATIONAL RULES TENDER No. 100–D (GSA No. 100–D) is to articulate the transportation service needs of the participating Government agencies listed in ITEM 1–1A of the General Services Administration (GSA) GENERAL FREIGHT TENDER OF SERVICE No. 1–F (GSA TOS No. 1–F) herein, for the movement of freight traffic and to assist in GSA's effort in implementing the standardization necessary to achieve a fully automated system for rating and routing Government freight shipments.

Section 2. Explanation

The baseline rates and charges, rules, and other provisions contained in this tender have been constructed by GSA and are above some bureau levels, and for the same provisions below other bureau levels.

Section 3. Application

Where reference is made to the GSA NATIONAL RULES TENDER No. 100–D (GSA No. 100–D) in a carrier's tender or rate agreement, the rules and accessorial charges contained in this publication will govern the freight services of the carrier's tender, and will apply from, to, or between those points which are

specified in the individual tender. This is not in any way to be construed as a setting of rates, rules or charges by GSA. **CARRIERS' TENDERS CANNOT BE MADE SUBJECT TO ANY OTHER PUBLICATION FOR APPLICATION OF THE RATES OR CHARGES THEREIN.** If any carrier or bureau published line-haul, rules or terminal services tariff is shown in a tender, the tender will be rejected and returned to the carrier.

The publications listed in Item 10 governing publications herein, form part of the rules publication and will not need to be listed in block 16 of the individual tenders.

Item 10 Governing Publications

This tender is governed, except as otherwise provided herein, by the following described tariffs or specifications, by supplements or loose-leaf page amendments thereto, or by successive issues or reissues thereof:

Title	Kind of tariff	Tariff No.	ICC No.
National Motor Freight Traffic Association, Inc., Agent.	National Motor Freight Classification (Rules Only).	100–V	ICC NMF 100–V
	Directory Of Standard Multi-Modal Carrier And Tariff Agents Codes (SCAC and STAC).	101–K	ICC NMF 101–K
ALK Technologies, Inc. automated mileage system.	ALK Technologies, Inc. 5-digit zip code 15, as amended		
National Railroad Freight Committee, Agent.	Uniform Freight Classification (Rules Only)	6000–K	ICC UFC 6000–K

Item 20 Revising Tender Provisions and Method of Canceling Original or Revised Pages

This TOS will be revised by the Freight Program Management Office (6FBX), Kansas City, MO through publication of the changes on GSA's WorldWide Web Page (http://www.kc.gsa.gov/fsstt), the issuance of page revisions (original or revised), or the reissuance of the document on an ''as needed'' basis.

A. TOS Page Revisions: Reserved

B. Reissuing the TOS: Reserved

Item 30 Definition of Terms

(1) Business Hours and Days:

(a) Business Hours: The term ''BUSINESS HOURS'', is defined as 7:00 a.m. to 5:00 p.m.

(b) Business Days: The term ''BUSINESS DAYS'', is defined as Monday through Friday, except legal holidays (as shown in ITEM 30 DEFINITION OF TERMS, (2) LEGAL HOLIDAYS herein).

(2) Legal Holidays:
New Year's Day
Martin Luther King's Birthday
Washington's Birthday (Presidents' Day)
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day
and any other day designated as a holiday by Federal statute or Executive Order.

(3) Shipment: A ''SHIPMENT'', consists of a lot of freight tendered to a carrier by one consignor at one place at one time for delivery to one consignee at one place on one bill of lading.

(4) Vehicle: Wherever the term ''VEHICLE'', is used, the term will have reference to a truck, trailer, or container exceeding 10.67 meters (thirty-five [35] feet) in length; or two (2) trailers or containers, each of which does not exceed 10.67 meters (thirty-five [35] feet) in length propelled or drawn by a single power unit or transported on one flat car.

(5) Doubles Trailer: The term ''DOUBLES TRAILER'', means a trailer or container not exceeding 10.67 meters (thirty-five [35] feet) in length.

(6) Rates: (a) Less Than Truckload (LTL):

''LESS THAN TRUCKLOAD'' (LTL) rates, are those rates which are based on a percentage of the less than 226.8 kilograms (L5C—less than 500 pounds) through 4,536 kilograms but less than 9,072 kilograms (10M—10,000 pounds but less than 20,000 pounds) rates shown in Section B, Item 100, of the GSA Baseline Rate Publication No. 1000–D. These rates may be applied on shipments weighing 9,072 kilograms (20,000 pounds) or more.

(b) Truckload (TL): ''TRUCKLOAD'' (TL) rates, are those rates which are based on cents-per-1.6093 kilometers (cents-per-mile) charge per vehicle, or a percentage of the 9,072 kilograms but less than 13,608 kilograms (20M—20,000 pounds but less than 30,000 pounds), 13,608 kilograms but less than 18,144 kilograms (30M—30,000 pounds but less than 40,000 pounds), and 18,144 kilograms and over (40M—40,000 pounds and over) rates shown in SECTION B, ITEM 100, of the GSA BASELINE RATE PUBLICATION No. 1000–D.

(7) Conus: ''CONUS'', is defined as all points within the contiguous United States, including the District of Columbia (DC), (excluding Alaska and Hawaii).

(8) Import or Import Traffic: The term ''IMPORT'' or ''IMPORT TRAFFIC'', except as otherwise specifically provided, shall be understood as meaning any traffic having a prior movement from a foreign country.

(9) Export or Export Traffic: The term ''EXPORT'' or ''EXPORT TRAFFIC'', except as otherwise specifically provided, shall be understood as meaning any traffic having a subsequent movement to a foreign country.

(10) Equipment: Except as otherwise provided, the term ''EQUIPMENT'', means any type of conveyance, regardless of size.

(11) Carrier: When the term ''CARRIER'', is used, in the GSA No. 100–D, unless otherwise stated, it shall apply to motor common carriers, brokers, freight forwarders, rail carriers, shippers agents, or shippers associations.

(12) And: The word ''AND'', is used to join numbers, words, phrases, etc., between which it appears.

(13) Or: The word ''OR'', allows for alternation or use of either one or more of the numbers, words, phrases, etc., between which it appears.

(14) Closed Van: Except as otherwise provided, the term ''CLOSED VAN'', means any type of equipment that is fully enclosed on four sides with doors.

(15) Sealed Closed VAn: Except as otherwise provided, the term ''SEALED CLOSED VAN'', means any type of equipment that is fully enclosed on four sides with doors that are sealed.

(16) Subject to Note and See Note:

(a) Subject to Note:

The term ''SUBJECT TO NOTE'', when used in the title of an ITEM in SECTION 2 herein, means that the NOTE indicated applies to the entire ITEM.

(b) See Note: The term ''SEE NOTE'', when used in the title of an ITEM in SECTION 2 herein, means that the referenced NOTE applies only where indicated, not to the entire ITEM.

Item 35 Disposition of Fractions

A. Fractions of a cent resulting from the application of a carrier's independently-established percentages of the baseline rates and minimum charges shown in the GSA NATIONAL RULES TENDER No. 100–D will be disposed of as follows:

1. Fractions of less than one-half of one cent will be omitted; and

2. Fractions of one-half of one cent or greater will be increased to the next whole cent.

B. Fractions of a cent resulting from the application of a carrier's independently-established rates will be disposed of as follows:

1. Fractions of less than one-half of one cent will be omitted; and

2. Fractions of one-half of one cent or greater will be increased to the next whole cent.

Item 40 Prelodging

(1) When prelodging of shipping documents is required by the consignee, the following definition will apply:

A. Prelodging: Prelodging is the hand delivery, telephonic or FAX of shipping documents by the delivering carrier 24 hours or more prior to delivery of a shipment or shipments to a location designated by the consignee. When required, the carrier shall deliver the shipping documents in accordance with the consignee's instructions.

(2) Invoices submitted for payment of prelodge charges will be cross referenced as to bill of lading (Government Bill of Lading (GBL) or commercial bill of lading [CBL]) number(s), carrier's pro number(s), permit number(s), manifest number(s), delivery equipment number(s), and the date the prelodge service was provided.

(3) Charges: Where the bill of lading is annotated that prelodging is required, the charge for hand delivery prelodging shall be $50.00 per delivery equipment. The charge for telephonic or FAX prelodging shall be $25.00 per delivery equipment.

Item 50 Doubles Trailer Furnished for Loading

A doubles trailer as defined in ITEM 30 DEFINITION OF TERMS herein may be furnished by the carrier for a vehicle as defined in ITEM 30, except as otherwise provided, at 60 percent of the applicable Truckload (TL) or vehicle rate or charge published herein or in the carrier's individual tender.

Item 55 Equipment Requested for Loading

When the shipper orders a specific type or size of equipment, and the carrier holds itself out to provide such equipment in its tender, the carrier shall be responsible for providing it. If equipment other than that requested by the shipper is provided to load a shipment, it shall be furnished at the carrier's own convenience and without any additional cost to the Government. The transportation charges shall be assessed on the basis of the equipment ordered by the shipper, unless charges on the equipment that was furnished are lower.

Item 60 Specialized Services

Unless otherwise provided in an individual tender, carriers will NOT be required to furnish the specialized services contained in the following ITEMs of this tender herein:

Item 480 Expedited Service

Item 900 Protective Service

Item 1010 Sorting or Segregating Service and Charges

Item 1025 Services—Signature and Tally Record Service (STR)

Item 1030 Services—Constant Surveillance Service (CSS)

Item 1035 Services—Dual Driver Protective Service (DDPS)

Item 1040 Services—Dual Driver

Item 65 Equipment Furnished for Loading

Except as otherwise provided, where a carrier's individual tender rates apply on specific types of equipment, the carrier shall be responsible for furnishing it. If equipment other than that specified in the individual tender is provided to load a shipment, it shall be furnished at the carrier's own convenience and without any additional cost to the Government.

Item 70 Metric Conversion

The weights and measurements expressed in the STOS are being changed to indicate both metric and U.S. equivalent non-metric measurements.

Please see APPENDIX D in the GSA TOS No. 1–F for the Metric Conversion Table.

Item 75 Services Not Otherwise Specified

When a carrier performs services that are required for normal movement of freight shipments and such services are not identified in the GSA NATIONAL RULES TENDER No. 100–D (GSA No. 100–D), the charges for these services will be negotiated between the responsible agency office and the carrier.

Section 2—General Rules and Specific Pickup/Delivery Charges

Item 100 Arbitrary Applicable on Import or Export Traffic Picked Up at or Delivered to Steamship Wharves or Docks. (Subject to Notes 1 and 2. Also, See Note 3)

Shipments having a prior or subsequent movement by water, to or from a foreign country picked up at or delivered to docks or piers at ports named in Note 3 below, shall be subject to an additional charge of 45 cents per 45.36 kilograms (per 100 pounds), with a minimum charge of $5.00 per shipment, computed on the actual weight picked up or delivered. Such charge will be in addition to all other rates or charges applicable to the shipment.

Note 1: This ITEM does not apply on shipments moving in steamship cargo containers, 6.10 meters (20 feet) or over in length.

Note 2: Applicable also at warehouses, container yards or container freight stations when such warehouses, container yards or container freight stations are located on port property on or immediately adjacent to the dock at which transfer from ocean carrier is made.

Note 3: Alameda, CA,
Bellingham, WA,
Compton, CA,
E. San Pedro, CA,
Redwood City, CA,
Richmond, CA,
Sacramento, CA,
San Diego, CA,
Everett, WA,
Long Beach, CA,
Los Angeles, CA,
Los Angeles Harbor, CA,
Longview, WA,
Martinez, CA,
Norfolk, VA,
Oakland, CA,
Olympia, WA,
Port Hueneme, CA,
Portland, OR,
San Francisco, CA,
San Pedro, CA,
Seattle, WA,
Tacoma, WA,
Terminal Island, CA,
Vancouver, BC,
West Sacramento, CA,
Wilmington, CA,

Item 125 Arrival Notice and Undelivered Freight. (Subject to Note 1)

Arrival Notice:

(1) The actual tender of delivery at the consignee's place constitutes the notice of the arrival of a shipment except that for shipments consigned to private residences, as defined in ITEM 850 PICKUP OR DELIVERY SERVICE herein, all notice of arrival shall be given in the manner described in paragraph (2) of this ITEM, unless prior

delivery arrangements have been noted by the consignor on the bill of lading.

(2) If the shipment is not actually tendered for delivery, notice of arrival will be given at shipment destination to the consignee not later than the next business day following the arrival of the shipment; and:

(a) The notice will be given by telephone or FAX, if convenient and practicable; otherwise by mail or telegraph. The notice, however transmitted, will specify the bill of lading number, point of origin, consignor, commodity(s) and the weight of shipment.

(b) If the consignee's address is unknown to the carrier, the notice will be mailed to the consignee at the post office serving the point of destination shown on the bill of lading.

(c) In the case of notification by mail, the notice will be deemed to have been given (that is, received by the addressee) at 7:00 a.m. on the first business day after it was mailed.

Undelivered Freight:

(1) If freight cannot be delivered because of the consignee's refusal or inability to accept it, or because the carrier cannot locate the consignee, or if the freight cannot be transported because of an error or omission on the part of the consignor, the carrier will make a diligent effort to promptly notify the shipping activity that the freight is in storage, and the reason therefor.

For GSA controlled shipments, the carrier shall notify the consignor or the GSA National Customer Service Center (6FR) (NCSC), 1500 East Bannister Road, Kansas City, MO 64131–3088 (1–800–488–3111) (FAX 816–926–6952). After proper notification is given, the carrier will request additional handling or forwarding instructions from either the consignee or the consignor, and for GSA shipments, the NCSC.

(2) Undelivered shipments will be subject to applicable storage (see ITEM 1100 STORAGE herein) or detention charges (see ITEM 325 DETENTION—VEHICLES WITH POWER UNITS and ITEM 350 DETENTION—VEHICLES WITHOUT POWER UNITS herein).

(3) On undelivered shipments, disposition instructions issued prior to tender of delivery, will not be accepted as authority to reship or return a shipment or to limit storage liability.

Note 1: When notice of arrival or a notice of undelivered freight is transmitted by telegram, the charges of the telegram will be assessed against the shipment in addition to all other applicable charges.

Item 130 Bill of Lading—Commercial

Carrier will furnish commercial bill of lading sets required by the Government without any additional charge. The bill of lading sets can consist of any number of copies.

Item 150 Bill of Lading—Corrected (Subject to Note 1)

(1) Corrected bills of lading, or other written instructions from the consignor to change the freight charge collection status from ''COLLECT'' to ''PREPAID'', may be accepted only if received by the origin carrier within a period of 30 days from the date of the initial bill of lading.

(2) Corrected bills of lading or other written instructions to change the freight collection status from ''PREPAID'' to ''COLLECT'' will not be accepted once the shipment has been delivered.

(3) A corrected bill of lading or other written instructions to change the original transportation contract from ''PREPAID'' to ''COLLECT'' will not be accepted if Section 7 (non-recourse clause) of the corrected bill of lading has been signed by the consignor.

Note 1: Not applicable to GBLs or to a commercial bill of lading converted to a GBL.

Item 175 Bulk Freight

The rates, rules and other provisions of this tender or in tenders made subject to this tender, do not apply on shipments in bulk, in tank, bin, or hopper type equipment.

Item 180 Circuitous Routings of Hazardous Material Shipments (Subject to Notes 1 and 2.)

If a carrier is required by Federal, State, local, municipal, or other regulatory bodies governing the transportation of hazardous materials shipments to travel a route of greater distance than the shortline distance computed under the governing mileage guide, the greater distance shall apply.

Note 1: Applies only when the bill of lading is annotated with appropriate hazardous material placard requirements.

Note 2: The actual route of movement and mileage computation for each highway traveled must be documented and submitted with the Public Voucher SF 1113 for payment.

Item 200 Chassis—Obtaining of (Subject to Notes 1 and 2)

When it becomes necessary for the carrier to obtain a chassis for the movement of a container at a location site other than at the place where the container is located, a charge of $58.65 will be assessed for each chassis obtained. This charge will be in addition to all other applicable charges incidental to the movement of containers.

The provisions of this ITEM do not obligate the carrier to obtain a chassis.

Note 1: The term ''CHASSIS'' as used in this ITEM means the underframe work or undercarriage with mounted wheels or dollies used in the transportation of containers.

Note 2: The term ''CONTAINER'' as used in this ITEM means an ocean container, of not less than 5.79 meters (19 feet) in length, which is designed for the movement of cargo by water carrier.

Item 225 Rates From or to Points in Alaska, Hawaii, or Points Outside Conus

Where there is no through tender rate applicable from or to points in Alaska, Hawaii, or points outside CONUS, the carrier's individual tender may be used to construct a combination of rates or charges from or to the point where the shipment either leaves or enters CONUS.

This ITEM supersedes the provisions contained in BLOCK 19, of the OPTIONAL FORM 280, UNIFORM TENDER OF RATES AND/OR CHARGES FOR TRANSPORTATION SERVICES.

Item 250 Customs or in Bond Freight (See Note 1)

(1) Shipments moving under United States Customs Bond for US Customs Clearance at a point in the United States or delivery by carrier are required to be made under U.S. Customs supervision. Such shipments will be assessed a charge of 77 cents per 45.36 kilograms (per 100 pounds) subject to a minimum charge of $46.92 and a maximum charge of $103.19 per shipment or per vehicle, if more than one vehicle is required to transport the shipment (Subject to Note 1.) Such charges shall be in addition to all other applicable charges.

(2) Line-haul charges on shipments requiring U.S. Customs Clearance at a point other than the final destination will be assessed on the basis of rates and charges applicable from point of origin to the point of U.S. Customs Clearance, plus the rates and charges applicable from the point of U.S. Customs Clearance to the final destination except no beyond line-haul charges will apply when the final destination is located within the commercial zone of the point of U.S. Customs Clearance and is subject to the same line-haul rate as the point of U.S. Customs Clearance.

(3) Freight moving in bond may not be included in the same shipment on the same bill of lading and shipping order with freight not moving in bond.

(4) Shipments while moving under United States Customs Bond will not be accorded stopping in transit or split pickup or split delivery privileges.

(5) Shipments waiting U.S. Customs Clearance will be subject to the applicable detention charges (see ITEM 325 DETENTION—VEHICLES WITH POWER UNITS and ITEM 350 DETENTION—VEHICLES WITHOUT POWER UNITS herein) or storage charges (see ITEM 1100 STORAGE herein). Detention charges, if any, will be assessed against the party responsible for line-haul charges. For the purpose of applying storage rules and charges in connection with shipments moving under United States Customs Bond, notification to the Deputy Collector of Customs that a shipment is available for customs inspection will constitute tender of shipment for delivery.

(6) Each Immediate Transportation Permit issued for movement of an in bond shipment will be considered as a separate shipment, and must be accompanied by one bill of lading and shipping order. The provisions of this paragraph will not apply to truckload shipments moving in bond between steamship company piers or wharves or when such shipments are delivered to a U.S. Customs Bonded Warehouse.

(7) When necessary for carriers to purchase and apply ''HIGH SECURITY RED IN-BOND SEALS'' for shipments moving under United States Customs Bond, a charge of $25.57 per seal will be assessed. The carrier will not be responsible for equipment or tools necessary for removal of the ''HIGH SECURITY RED IN-BOND SEALS.''

Note 1: On shipments of Alcoholic Liquors, the charges in paragraph (1) will not apply when consigned to a U.S. Customs Bonded Warehouse and carrier is not requested to clear shipment through U.S. Customs. The following certification must be shown on the bill of lading:

''THIS IS TO CERTIFY THAT CARRIER IS NOT REQUIRED TO CLEAR SHIPMENT THROUGH U.S. CUSTOMS WHILE IN HIS POSSESSION.''

Item 300 Delivery of Freight Bill Prior to Delivery of Shipment

(1) When consignor or consignee requests delivery of the freight bill(s) prior to delivery of the shipment, a charge of $50.00 per delivery equipment will be assessed the party requesting the service. The charge will not apply when ITEM 40 PRELODGING herein is requested or required by the shipper or the consignee.

(2) Invoices submitted for this charge will be cross referenced as to the bill of lading number(s) (Government Bill of Lading [GBL] or commercial bill of lading [CBL]), carrier's pro number(s), permit number(s), manifest number(s), delivery equipment number(s), and the date the service was provided.

ITEM 325 Detention—Vehicles With Power Units

(1) Except as otherwise provided herein, when, due to no disability, fault or negligence on the part of the carrier, the loading or unloading of freight at or on the premises of consignor or consignee, or at a place designated by consignor or consignee for the receipt or delivery of freight is delayed, the following rules shall govern:

A. If the loading or unloading of freight is delayed beyond the free time during normal business hours described in ITEM 30 DEFINITION OF TERMS herein, the charge shown in sub paragraph 1 below per vehicle for each 15 minutes or fraction thereof, will be made for the time consumed for such delay: 1. $10.25

B. Free time for loading or unloading of freight will be allowed as follows:

Weight in kilograms (pounds) per vehicle	Free time in minutes per vehicle
0 to 4,535.55 kilograms (9,999 pounds)	120
4,536 kilograms (10,000 pounds) but less than 9,072 kilograms (20,000 pounds)	180
9,072 kilograms (20,000 pounds) but less than 12,700.8 kilograms (28,000 pounds)	240
12,700.8 kilograms (28,000 pounds) but less than 16,329.6 kilograms (36,000 pounds)	300
16,329.6 kilograms (36,000 pounds) but less than 19,958.4 kilograms (44,000 pounds)	360
19,958.4 kilograms (44,000 pounds) or more	420

C. Time consumed in loading or unloading freight shall be computed from time of arrival until departure of the vehicle, including waiting time reaching or leaving loading or unloading location. In computing free time, actual weight loaded on or unloaded from vehicle and not billed weight shall govern the computation of free time.

D. The consignor or consignee will stamp or mark the delivery receipt with time of arrival and departure, or provide a certified statement verifying this time for computation of charges and presentation by the carrier for payment.

E. Time consumed by detention of carrier's vehicle beyond the free time on the premises of consignor or consignee between 5:00 p.m. and 7 a.m. Monday through Friday, except legal holidays stated in ITEM 30 DEFINITION OF TERMS herein, will be charged for at the rate shown in sub paragraph 1 below per vehicle for each 15 minutes of delay or fraction thereof: 1. $17.49

F. Detention charges applicable for Saturdays, Sundays and legal holidays, stated in Item 30 Definition of Terms herein, will be computed at the rate shown in sub paragraph 1 below per vehicle for each 15 minutes of delay or fraction thereof after the first 15 minutes: 1. $16.18

G. In the case of multiple shipments received from one shipper or delivered to one consignee at one time in one vehicle, free time will be computed on the aggregated weight of the multiple shipments received or delivered. Where either a single shipment or such multiple shipments exceed the capacity of one vehicle, free time for each vehicle will be computed separately.

H. Detention time shall be certified and paid by the activity where the detention occurs.

Item 350 Detention—Vehicles Without Power Units. (Subject to Notes 1 and 2)

DETENTION—VEHICLES WITHOUT POWER UNITS—SPOTTING OR DROPPING TRAILERS—(See Notes 1 and 2 below.)

This ITEM applies when the carrier's vehicles without power units are delayed or detained on the premises of the consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

Note 1: This ITEM will not apply whenever a mutual agreement has been made between the carrier and shipper whereby empty vehicles are spotted at shippers' facilities for the purpose of maintaining ''TRAILER POOLS.''

Note 2: For the purposes of this ITEM the terms ''SPOTTING'' and ''DROPPING'' are considered to be synonymous and are used interchangeably, and is defined as follows:

''SPOTTING'' means the placing of a trailer at a specific site designated by

the consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, consignee or other designated party unattended by carrier's employee and unaccompanied by power unit. The carrier will not move the trailer until such time as it has received notification pursuant to paragraph [1] below that the trailer is ready for pickup at any site on premises.

The consignor, consignee, or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading. Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier receives a consignor's request and places a trailer for spotting. The movement of the trailer from the consignor's premises to the specific site for spotting shall be the obligation of the carrier, and free time shall accrue as provided in paragraph [1] below.

Except as otherwise provided herein, when, due to no disability, fault or negligence on the part of the carrier, the loading or unloading of freight at or on the premises of consignor or consignee, or at a place designated by consignor or consignee for the receipt or delivery of freight is delayed, the following rules shall govern:

[1] (A) Commencement of Spotting and Free Time:

(1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading.

For trailers spotted for unloading, such time shall commence at the time of placement of the trailer at the site designated by the consignee, or other party designated by the consignee. For trailers spotted for loading, such time shall commence when the trailer is spotted at the site specifically designated by the consignor or a party designated by the consignor.

(2) When any portion of the 24-hour free time extends into a Saturday, Sunday, or legal holiday (as stated in Item 30 Definition of Terms herein), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday, or legal holiday.

(3) Free time shall not begin on a Saturday, Sunday, or legal holiday (as stated in ITEM 30 DEFINITION OF TERMS herein), but at 7 a.m. on the next day which is neither a Saturday, Sunday, or legal holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

[1] (B) Termination of Spotting and Notification:

(1) The consignor, consignee, or other party designated by them shall notify the carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such time as the carrier receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail, shall be given by the consignor, consignee, or other party designated by them at their own expense, to the carrier or other party designated by the carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of the consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for the vehicles with power will immediately commence with no further free time allowed.

(ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power with no further free time allowed.

[1] (C) Prearranged Scheduling:

(1) Subject to the provisions of Item 375 Prearranged Scheduling of Vehicle Arrival for Loading or Unloading herein, and upon reasonable request of the consignor, consignee, or others designated by them, the carrier will, without additional charge, enter into a prearranged schedule for the arrival of trailers for spotting.

(2) If the carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If the carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences whichever is earlier.

[2] (A) General Detention Charges:

After the expiration of free time as provided in paragraph [1] of this ITEM, charges for detaining a trailer will be assessed as follows:

Charges

(1) For each of the first and second 24-hour periods or fractions thereof (Saturdays, Sundays, and holidays excepted) $27.00

(2) For each of the third and fourth 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted) $37.00

(3) For the fifth and each succeeding 24-hour period or fraction thereof (Saturday, Sundays, and holidays included) $53.00

[2] (B) Delay in Trailer Pickup Charge:

Additional charges will not be allowed for picking up trailers spotted under this ITEM when such pickup can be performed within 120 minutes after arrival of the driver and power unit at the premises of the consignor, consignee, or other party designated by them. When a delay of more than 120 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified in ITEM 325 DETENTION—VEHICLES WITH POWER UNITS herein.

[2] (C) Strike Interference Charge:

When, because of a strike of its employees, it is impossible for the consignor, consignee, or other party designated by them to make available for movement by the carrier any partially loaded, or empty trailers detained on their premises, a detention charge of $26.00 per day or fraction thereof, pertrailer will be made following expiration of free time. Saturdays, Sundays, and holidays shall be included after the 4th day of charges.

[2] (D) Detention Time Shall Be Certified and Paid By the Activity Where the Detention Occurs.

Item 375 Prearranged Scheduling of Vehicle Arrival for Loading or Unloading. (Subject to Notes 1, 2, and 3)

Upon reasonable request of the consignor, consignee or others designated by them and subject to the provisions contained herein, carriers will, without additional charge, prearrange schedules for arrival of vehicles, for loading or unloading shipments.

Note 1: Request for prearranged scheduling may be oral or in writing.

Note 2: Prearranged schedules for arrival of vehicle for loading or unloading may be on a one-time or continuous basis mutually agreeable to all parties. Continuous prearranged scheduling agreements may be

terminated by any party to the agreement on not less than 24 hours notice prior to the effective date of such cancellation.

Note 3: The scheduled time for arrival of vehicle for unloading should be prior to the time storage charges would begin to accrue. If arrival for unloading is not so scheduled, storage charges will be assessed as provided in ITEM 1100 STORAGE herein.

Item 400 Diversion—Motor to Air Transportation.

When any carrier receives instructions to divert a shipment at any point from motor to air transportation, the following provisions apply:

(1) The shipment will be charged for on the basis of the combination of rates or charges applicable from the origin point to the diversion point and the air transportation charges from the diversion point to the destination point.

(2) A charge of $21.08 per hour, or fraction thereof, per man, subject to a minimum charge of $31.75 will be made for all time and men required in unloading and reloading the line-haul vehicle to accomplish such diversion.

(3) A charge of $4.85 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $31.75 will be made for delivery service to the air transportation terminal.

Item 425 Hydraulic Lift Gate Service

Where the carrier is required or requested to employ hydraulic lifting or lowering devices to accomplish pickup or delivery of the goods to or from carrier's equipment , an additional charge of $1.37 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $40.92 or a maximum charge of $102.10 will be assessed upon the actual weight of the shipment or shipments for which such service is rendered, at one time.

The carrier is not obligated to perform such service when suitable equipment with such devices and operators are not available. Service will only be rendered at such locations as are safe and accessible to the equipment.

Item 450 Fork Lift Service. (Subject to Note 1)

On shipments that require a fork-lift service and the consignor or the consignee does not furnish this service, the carrier will endeavor to arrange for such fork-lift service and will charge $31.18 per half hour or fraction thereof, for each fork-lift used. Such fork-lift service shall be subject to a minimum charge of $44.56 per shipment.

When fork-lift service is used on import or export traffic at wharves or docks, the provisions of this item shall apply regardless of the weight or size of the articles.

Note 1: Charges shall be computed from the start of the actual use of fork-lift equipment in loading or unloading the shipment, as the case may be, and to run until the actual use of the fork-lift is terminated.

Item 475 Exclusive Use and Control of Vehicle. (Subject to Notes 1 and 2)

Section 1: Control of Vehicle

Except as provided in SECTION 2 EXCLUSIVE USE OF VEHICLE of this ITEM, a shipment will not be entitled to the exclusive use of the vehicle in which it is to be transported. The carrier has control of the vehicle or doubles trailer with the unrestricted right to:

(1) Select the vehicle for the transportation of a shipment.

(2) Transfer the shipment to another vehicle.

(3) Load other freight on the same vehicle.

(4) Remove locks and seals applied to the vehicle.

Section 2: Exclusive Use of Vehicle

When the exclusive use of a vehicle is provided by the carrier at the request of consignor or consignee, the following provisions will apply:

(1) Charges will apply to each vehicle used to transport the shipment.

(2) The request must be given in writing and placed on the bill of lading and shipping order.

(3) When the bill of lading contains a notation that prohibits the breaking of locks or seals or the co-loading of additional freight, such instructions will be considered as a written request for exclusive use service.

(4) The vehicle will be devoted exclusively to the transportation of the shipment without the breaking of locks or seals, except as provided in paragraph (5) of this ITEM.

(5) In the event a lock or seal has been removed from a vehicle, the carrier will immediately notify the consignee and consignor and re-lock or re-seal the vehicle and will notate the accompanying papers with the new lock or seal number and the reason for removal of the original lock or seal.

(6) Where exclusive use of vehicle service is requested and provided, such service will be subject to a minimum charge for each vehicle used of either:

(a) 9,072 kilograms (20,000 pounds) at the highest rate derived from the carrier's applicable tender;

(b) Where charges are computed on the basis of cents-per-1.6093 kilometers (cents-per-mile) per vehicle used, by adding 30 cents-per-1.6093 kilometers (cents-per-mile) to the individual distance tender rate (excludes a per vehicle minimum charge);

(c) Where a carrier's individual tender is predicated on a charge or minimum charge per vehicle used, at the charge named therein;

(d) When a doubles trailer(s) is furnished by the carrier for loading a shipment, except as otherwise provided, the charge will be 60 percent of the applicable vehicle rate or charge as determined in paragraph 6 (a), (b), or (c) above of this ITEM, for the doubles trailer furnished (not subject to Item 50 Doubles Trailer Furnished for Loading herein);

Two (2) doubles trailers will be considered as one vehicle, as defined in ITEM 30 DEFINITION OF TERMS herein, and the minimum charge as determined in paragraph 6 (a), (b), or (c) above of this ITEM, shall apply to each set of (two [2]) doubles trailers furnished for loading the shipment;

(e) When a shipper specifically requests the pickup carrier to furnish one (1) or more doubles trailers and the bill of lading is so annotated, the charge for that doubles trailer shall be that as provided in paragraph 6 (a), (b), or (c) above of this ITEM. For the purposes of a shipper requested doubles trailer in this ITEM, the definition of a vehicle in Item 30 Definition of Terms (4) herein, will not apply; or

(f) When the exclusive use of a vehicle has been requested and provided by a carrier, in accordance with the requirements of this section, the applicable charges herein must be paid to the carrier.

(7) Charges are to be paid or guaranteed by the party requesting the service and the non-recourse stipulation on the bill of lading may not be executed. (This paragraph is not applicable on shipments moving on GBL's or commercial bills of lading converted to a GBL.)

(8) When the request for exclusive use of vehicle is made by the consignor or consignee after shipment has been receipted for and is in possession of the carrier, the carrier will, if possible, intercept the shipment and convert it to exclusive use of vehicle service over as much of the route as possible. The party making the request must guarantee all charges for the requested service and confirm the request in writing. Such written verification will be preserved by the carrier and be considered as part of the bill of lading contract. Charges will be assessed as provided in paragraph (6) of this ITEM between the point of origin and point of destination.

Note 1: The provisions of this ITEM will not apply in connection with Items 870 Pickups or Deliveries—Additional and Item 1075 Stopoffs—To Complete Loading or for Partial Unloading herein.

Note 2: Request for exclusive use does not entitle the consignor or consignee to require that only one doubles trailer be connected per power unit.

Item 480 Expedited Service

The notation ''TP'' (TRANSPORTATION PRIORITY), ''RDD'' (REQUIRED DELIVERY DATE), ''DDD'' (DESIRED DELIVERY DATE) or any other similar notation placed on the bill of lading will not in itself be construed as a request for expedited service. These notations, even when shown with a specific date, are for administrative purposes only and shall not be considered a request for expedited service. (For applicability see Item 60 Specialized Services herein.)

When requested by the consignor or consignee, carriers shall provide expedited service, subject to the following:

1. Expedited service is the immediate dispatch of a shipment in continuous line-haul service within legal parameters, to meet a particular delivery schedule of the consignor or consignee.

2. The bill of lading must be annotated: ''EXPEDITED SERVICE REQUESTED.''

3. The charge for expedited service will be 35 cents-per 1.6093 kilometers (cents-per-mile). When an extra driver is requested, additional charges under Item 1040 Services—Dual Driver Service herein will apply. The minimum charge for Expedited Service provided in this ITEM will be $50.00. Additional charges under Item 1040 Services—Dual Driver Service herein will apply.

Item 500 Export or Import Shipment Requirements at the U.S.-Canadian Border. (See Note 1)

Shipments must be accompanied by all papers necessary to comply with the requirements of governmental authorities.

Shipper must furnish all invoices, documentary evidence and declarations including duties, fees and other charges which may be imposed or assessed against the property transported. Carrier will in no way be responsible for delays to the goods transported, nor for goods held by any government for any reason whatsoever. Where all necessary requirements of such authorities are not complied with, and, through no fault of the carrier, expenses are incurred for telephone, telegraph, storage, handling, transfer or other expenses incident to failure to comply with such requirements, such expenses may be advanced by the carrier, and shall become a charge to the goods, and delivery will not be made until such charges are paid or guaranteed by shipper or consignee.

When shipments must be held by the carrier pending compliance of custom's regulations by the shipper or his representative, a charge will be made for the service required on the part of the carrier, as follows:

UNLOADING, HANDLING, AND LOADING:

76 cents per 45.36 kilograms (per 100 pounds) with a minimum charge of $4.50.

STORAGE:

57 cents per 45.36 kilograms (per 100 pounds) per day subject to a minimum charge of $3.04 per shipment per calendar day, but in no case less than $10.72 per shipment. Fractions of a day will be considered as one day.

In computing storage charges, time will begin 48 hours after the first 5:00 p.m. on the day rejection of entry is received by the carrier from the custom's broker. (See Note 1.)

Note 1: For the purpose of this rule, the custom's broker will be deemed to be the agent of the shipper or the consignee.

Item 525 Extra Labor—Loading or Unloading. (See Notes 1 and 2)

When requested by the consignor or consignee, extra labor will be furnished by the carrier for loading or unloading. At each location where extra labor is used, the charge therefor will be as follows:

Days-hours	Per man per hour or fraction thereof	Minimum charge per man
During normal business hours as defined in Item 30 Definition of Terms herein:	$34.07	$34.07
After normal business hours as defined in Item 30 herein:	51.24	51.24
Saturdays, Sundays and legal holidays:	59.16	280.86

Time shall be computed from the time the extra labor arrives at the place of pickup or delivery until loading or unloading is completed. This charge will be in addition to all other charges and will be assessed against the consignor (Subject to Note 1) if the extra labor is used for loading and against the consignee (Subject to Note 2) if the extra labor is used for unloading.

Extra labor will not be furnished unless requested by consignor or consignee.

Carrier's records must be maintained and kept available at all times and must show as to each vehicle containing shipments on which extra labor is used:

(1) Name and address of consignor and consignee at whose place of business freight is loaded or unloaded.

(2) Identification of the equipment tendered for loading or unloading.

(3) Number of extra men used and the number of hours which such men were used.

The provisions of this ITEM do not obligate the carrier to furnish extra labor, if such labor is not available at the point of loading or unloading.

Note 1: Consignor, as used in this ITEM, means the party from whom the carrier received the shipment, or any part thereof, for transportation at point of origin or any stop-off point, whether he be the original consignor, or warehouseman or connecting air, motor, rail, or water carrier with whom the carrier does not maintain joint through rates or other person to whom the bill of lading is issued.

Note 2: Consignee, as used in this ITEM, means the party to whom the carrier is required, by the bill of lading or other instructions, to deliver the shipment or any part thereof, at destination or any stop-off points, whether he be the ultimate consignee or warehouseman or connecting air, motor, rail, or water carrier with whom the carrier does not maintain joint through rates or other person designated on the bill of lading.

Item 550 Handling Freight at Positions Not Immediately Adjacent to Vehicle

When requested on the bill of lading, and carrier's operating conditions permit, the carrier may move shipments or portions of shipments from or to positions beyond the immediately adjacent loading or unloading positions defined in Item 850 Pickup or Delivery Service herein.

Service under this ITEM will be provided to floors above or below the level accessible to carrier's vehicle only when elevator or escalator service is available and labor, when necessary to operate same, is provided without cost to the carrier.

Service provided under this ITEM will be assessed a charge of $2.93 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $23.90

per shipment and a maximum charge of $367.61 per shipment or $367.61 per vehicle, if more than one vehicle is used to transport the shipment. When shipments are accorded split pickup, split delivery or stopped in transit for partial loading or unloading, the minimum and maximum charges will apply to each stop separately wherever the service is performed.

The charges provided in this ITEM will be in addition to all other lawful charges and unless the bill of lading is specifically endorsed to show prepayment of these charges, they will be collected from the party requesting such service, except such charges for shipment moving on GBLs or a commercial bill of lading to be converted to a GBL, will be collected from the U.S. Government.

Item 575 Impracticable Operations

Pickup or delivery service will not be performed by the carrier at any site from or to which it is impracticable to operate vehicles because of:

(1) The condition of roads, streets, driveways, alleys or approaches thereto.

(2) Inadequate loading or unloading facilities.

(3) Riots, acts of God, the public enemy, the authority of law, the existence of violence, or such possible disturbances as tending to create reasonable apprehension of danger or persons or property.

Item 600 Loading or Unloading—Waterborne Traffic—Port of Baltimore, MD. (See Notes 1, 2, and 3)

Except as otherwise provided, rates and charges in tenders governed by this tender applying from or to the Port of Baltimore on waterborne traffic do not include loading or unloading of the motor carrier equipment or other services normally incidental to the handling of waterborne traffic.

Waterborne traffic will be subject to the following charges, which include loading or unloading charges of longshoremen and stevedores, and will be in addition to all other charges applicable to the shipment, and will include services normally incidental to the handling of waterborne traffic:

Place	Charge per 45.36 kilograms (per 100 pounds)
Maryland Port Administration at:	
Dundalk Marine Terminal	194 cents (Subject of Note 1).
Locust Point Marine Terminal	97 cents (Subject to Note 2).
Terminal Shipping Corporation, Pier-1, Clinton Street	75 cents (Subject of Note 3).
Sea-Land Service at Seagirt Terminal, Pier 15	199 cents (Subject of Note 1). 97 cents (Subject to Note 2).
Western Maryland Railway Company Port Covington Marine Terminal	98 cents (Subject of Note 1). 97 cents (Subject of Note 2). 75 cents (Subject of Note 3).
Points and Places Not Shown Above	207 cents (Subject to Note 1). 97 cents (Subject to Note 2). 75 cents (Subject of Note 3).
All Points and Places Above Will Be Subject to a Minimum Charge per Shipment of	$49.87 (Subject of Note 1). $49.87 (Subject of Note 2). $32.29 (Subject to Note 3).

Shipments consigned to one consignee at one port may, upon arrival or prior to arrival at carrier's terminal serving the port, be divided into separate shipments for delivery to piers, docks, pier terminals, transit sheds, or wharves. Such shipments shall be assessed charges based on a combination of charges applicable to and from the port city involved.

The revised billing shall be sent to and be paid by the party requesting this service. This service will not be given if delivery has been made according to original billing.

Charges named herein will not apply when shipment(s) is delivered in equipment without transfer of the lading to ocean carrier. The receipt of the equipment by the ocean carriers shall terminate the motor carrier's delivery service and liability. Charges named herein will not apply when shipment(s) is received in equipment without transfer of the lading from the ocean carriers. The receipt of the equipment by the motor carrier shall constitute the beginning of the motor carrier's service and liability.

All charges in this ITEM applying on export shipments must be prepaid. (Not applicable to GBL or a commercial bill of lading converted to a GBL shipment.)

When the consignor or consignee or its representative or agent makes arrangements directly with the terminal operator of the piers, docks, pier terminals, transit sheds, or wharves for payment of the pier charges of said operators, the charges in this ITEM will not apply. The following notation must appear:

''ARRANGEMENT MADE WITH PIER OPERATOR TO BILL SHIPPER OR CONSIGNEE DIRECTLY FOR PIER LOADING OR UNLOADING CHARGES.''

When freight cannot be loaded or unloaded by the terminal operator by means of this labor or fork-lift or hi-lo equipment, but requires ''RIGGING OR SPECIAL EQUIPMENT'', the carrier will advance the charges of the terminal operator necessary to effectuate loading or unloading of the carrier's equipment. All charges so advanced shall be in addition to those named herein and shall be collected from the shipper or consignee, its agent or representative.

''RIGGING OR SPECIAL EQUIPMENT'', consists of mechanical handling devices, winches, cranes, jacks, blocks and falls, chain falls, or other special equipment commonly used in the hoisting, handling or placing the freight in position. ''RIGGING OR SPECIAL EQUIPMENT'', does not include hand trucks, fork-lifts, or hi-lo equipment.

Note 1: Equipment Loading or Unloading (Full Service): Equipment loading or unloading shall mean the service of moving cargo from a place of rest on the pier, elevating the cargo on the equipment and stowing of the cargo in the equipment or removing cargo from the body of the equipment to a place of rest designated by the Terminal, but shall not include special stowage, sorting or grading of, or otherwise selecting the cargo for the convenience of the carrier or the consignee. The service shall include loading on consignee's pallets. The loading and stowing of cargo in the equipment or the unloading of cargo from the equipment shall be under the supervision of the driver of the equipment.

Note 2: Partial Equpment Loading or Unloading (Tailgate Service): Partial

equipment loading or unloading, commonly called tailgate service, shall mean the service which is performed when packaged cargo other than pre-palletized or skidded cargo can be loaded onto or unloaded from the tailgate of the equipment by use of an operator and a machine. If additional labor is required for this operation, the full service loading or unloading charge, as provided for in Note 1 above, will be applicable. This provision shall not be construed as compelling the Terminal to provide pallets.

Note 3: Pre-Palletized or Skidded Cargo Loading or Unloading: Pre-palletized or skidded cargo is cargo which is pre-palletized or skidded to the satisfaction of the Terminal Operator and which is situated on the pier or on the equipment so that it can be loaded into equipment or unloaded from the equipment by the insertion of the Terminal's fork-lift blades under the pallet, or skid without any necessity of shifting the cargo prior to such insertion. If the cargo is not so situated, the full service loading or unloading charges, as provided for in Note 1 above, will be applicable.

Item 625 Marking or Tagging Freight—Changing Marking or Tags

At the request of the shipper or consignee, a carrier will change or alter, according to instructions, the marking or tags on any packages or pieces of freight subject to a charge of $1.38 per package or piece of freight on which the marking or tag is changed or altered, subject to a minimum charge of $23.14 per shipment.

All charges accruing under the provisions of this ITEM must be either paid by the party requesting the service or guaranteed to the satisfaction of the carrier before the service will be performed. Charges for shipment moving on GBLs or a commercial bill of lading converted to a GBL will be collected from the U.S. Government.

Item 650 Maximum Charges

Section 1

Except as otherwise provided herein, the charge for any shipment from and to the same points, via the same route of movement shall not be greater than the charge for a greater quantity of the same commodity in the same shipping form and subject to the same packing provisions at the rate and weight applicable to such greater quantity of freight.

Section 2

Where the carrier's individual tender provides rates or charges based on cents-per-1.6093 kilometers (cents-per-mile) per vehicle used, charge per vehicle used or cents per 45.36 kilograms (cents per hundred weight [cwt]) rates in the same or in separate individual tenders, charges shall be the lowest that can be computed, either by use of the applicable cents per 45.36 kilograms (cents per hundred weight [cwt]) rate at the actual weight or minimum weight or by use of the cents-per-1.6093 kilometers (cents-per-mile) per vehicle used rate, or the charge per vehicle used.

Item 675 Single Shipment Charge

(1) A single shipment of less than 226.8 kilograms (500 pounds) picked up at one time and place unaccompanied by any other shipment of any description from the same pickup site will be subject to a charge of $8.50 per shipment in addition to all other lawfully applicable charges. The carrier's driver will write or stamp:

''SINGLE SHIPMENT'', ''S/S'', ''SINGLE SHPT.'', ''SS'', ''ONLY SHIPMENT'', or ''ONE SHIPMENT'',

on all bill of lading copies when such shipments are tendered.

(2) If a lower total charge results from rating the shipment as 226.8 kilograms (500 pounds), the provisions of paragraph (1), above, will not apply.

Item 700 Minimum Charge—Capacity Loads. (Subject to Notes 1 and 2.)

(1) When any shipment is tendered to the carrier and occupies the full visible capacity of *one vehicle,* as defined in ITEM 30 DEFINITION OF TERMS (4) herein, the minimum charge for that quantity of freight loaded in or on each vehicle shall be either:

(a) Where rates are offered on a cents per 45.36 kilograms (cents per hundred weight) basis, the highest minimum weight and corresponding rate thereto, but not less than 9,072 kilograms (20,000 pounds) at the lowest rate derived from the carrier's applicable tender; or

(b) Where the carrier's individual tender is based on a cents-per-1.6093 kilometers (cents-per-mile) per vehicle used rate, a charge or minimum charge per vehicle used, at the rate or charge named therein.

(2) When a shipment is tendered which cannot be loaded in or on *one vehicle,* the following will apply:

(a) Each vehicle loaded to capacity will be subject to the minimum charge as provided in paragraph (1) of this ITEM herein.

(b) When the minimum charge in paragraph (1) of this ITEM herein is applicable to any vehicle in the tender, the charge for that portion of the shipment loaded into or on the last vehicle (not loaded to capacity) will be rated as a separate shipment.

(c) Where the otherwise applicable charge exceeds the minimum charge as provided in paragraph (1) of this ITEM herein, on each vehicle loaded to capacity, the actual weight loaded into or on the last vehicle (not loaded to capacity) will be charged for on the basis of the same rate applying to the capacity loaded vehicle(s).

(3) When the carrier furnishes one (1) or more doubles trailer:

(a) *That is requested by the shipper and the Bill of Lading is so annotated:*

(i) The minimum charge for each doubles trailer loaded to capacity shall be determined as provided in paragraph 1 (a) or (b) of this ITEM herein.

(ii) The charge for any portion of a shipment that does not fill the last doubles trailer to capacity will be rated as a separate shipment.

(iii) For the purposes of a shipper requested doubles trailers in paragraph (3)(a) of this ITEM, the definition of a vehicle in Item 30 Definition of Terms (4) herein will not apply.

(b) *That is not requested by the shipper and the Bill of Lading is not so annotated:*

(i) One (1) doubles trailer:

(A) The minimum charge for each doubles trailer, except as otherwise provided, that is loaded to capacity, shall be 60 percent of the applicable rate or charge as determined in paragraph (1) (a) or (b) of this ITEM herein.

(B) For the purposes of a doubles trailer in paragraph (3)(b)(i) of this ITEM, the definition of a doubles trailer in Item 30 Definition of Terms (5) herein, will apply.

(C) This ITEM subpart (3)(b)(i), will not be subject to Item 50 Doubles Trailer Furnished for Loading herein.

(ii) Two (2) doubles trailers:

(A) For the purposes of paragraph (3)(b)(ii) of this ITEM, two (2) doubles trailers will be considered as one vehicle, as defined in Item 30 Definition of Terms (4) herein.

(B) The minimum charge for two (2) doubles trailers that are furnished and loaded to capacity will be the minimum charge as determined in paragraph 1 (a) or (b) of this ITEM herein, and shall apply to each set of (two [2]) doubles trailers furnished for loading the shipment.

(C) The portion of a shipment that does not fill the last doubles trailer to capacity shall be rated or charged for as a separate shipment and will be subject to Item 50 Doubles Trailer Furnished for Loading herein.

Note 1: The terms:''OCCUPIES THE FULL VISIBLE CAPACITY'', ''LOADED TO CAPACITY'', or ''CAPACITY LOAD'', refers to the extent each vehicle or doubles trailer is loaded and means:

(a) That quantity of freight which, in the manner loaded so fills a vehicle that no additional articles in the shipping form tendered identical in size to the largest article

in the shipment can be loaded in or on the vehicle; or

(b) That maximum quantity of freight that can be legally loaded in or on a vehicle because of the weight or size limitations of State or regulatory bodies.

Note 2: The bills of lading, freight bills or other papers accompanying the shipment shall indicate the number of vehicles loaded to capacity, used by the carrier to transport the shipment, and shall also indicate if any additional vehicles carrying less than capacity load was furnished. In the event an additional vehicle carrying less than a capacity load is furnished, the weight of the portion of the shipment loaded into such vehicle shall also be shown.

Item 725 Notification Charge

Except as otherwise provided, when the bill of lading is specifically annotated that the delivering carrier is to notify the consignee or any other party 24 hours or more prior to delivery by any means whatsoever, the charge for this service will be $10.00 dollars. Only one notification charge may be assessed on multiple shipments picked up on the same day from the same consignor, with the same bill of lading notification instructions, for delivery to the same consignee.

Item 775 Overdimension Freight

Shipments containing one or more articles which measure(s) in excess of 13.72 meters (45 feet) in length, 2.59 meters (8 feet 6 inches) in width, or 2.74 meters (9 feet) in height from the bed of the equipment, after loaded, shall be subject to a minimum weight of 13,608 kilograms (30,000 pounds) per vehicle used.

Distance for the determination of charges shall be the shortest distance from origin to destination via the route of movement over which the shipment is required to move.

Any shipment containing an article as described above shall be subject to the following additional charges:

Article size in meters (feet and inches)				Charge in cents-per-1.6093 kilometers (cents-per-mile)		
Over		Not over		Length	Width	Height (from trailerbed)
Meters	Feet and inches	Meters	Feet and inches			
2.59	(8′6″)	2.74	(9′0″)	.....	15	.....
2.74	(9′0″)	3.05	(10′0″)	.....	20	20
3.05	(10′0″)	3.35	(11′0″)	.....	30	30
3.35	(11′0″)	3.66	(12′0″)	.....	40	40
3.66	(12′0″)	and over		.....	80	60
13.72	(45′0″)	14.63	(48′0″)	10	.....	.....
14.63	(48′0″)	16.67	(55′0″)	20	.....	.....
16.67	(55′0″)	and over	40			

When the equipment contains more than one type of oversize cargo (overwidth, overheight, or overlength), the dimension providing the highest charge applicable thereto, shall apply, subject to a minimum charge of $138.53 per vehicle.

Item 776 Overweight Freight

Any shipment containing an article that weighs in excess of 20,865.6 kilograms (46,000 pounds) and requires overweight permits will be subject to an additional charge of 30 cents-per-1.6093 kilometers (cents-per-mile).

Item 785 Packaging or Packing Provisions

Shipments will be packaged or packed and labeled in accordance with the National Motor Freight Classification and the Uniform Freight Classification as shown in Item 10 Governing Publications herein. All packaging or packing for hazardous materials shall be in compliance with the hazardous materials regulations contained in Title 49 of the Code of Federal Regulations, (49 CFR).

Item 800 Payment of Charges

All rates, charges, or other amounts are stated as U.S. currency and all rates, charges, or other amounts are payable in lawful money of the U.S.

Item 825 Permits, Special

Except as otherwise provided in this tender, the published rates or charges do not include tolls, fees, or charges levied by the Highway Department of States, cities or municipalities for special permits, flagman, bridge, ferry, highway, tunnel, escort service or other public charge of a like nature required because of a shipment of explosives or because of the unusual size, shape or weight of a shipment. All such charges shall be in addition to all other applicable charges plus a service charge of $18.00 per permit for the securing of the special permits.

Item 850 Pickup or Delivery Service. (Subject to Note 5. Also, See Notes 1 through 4)

Except as otherwise provided, rates in tenders making reference to this tender include one pickup and loading and one delivery and unloading or one tender for delivery of a shipment at one site by the carrier during normal business hours, as stated in Item 30 Definition of Terms herein, subject to the provisions indicated below:

(1) Placement of Equipment for Loading:

At the request of the consignor, the carrier will furnish and place equipment at the loading site designated by the consignor to pick up a shipment, there, tendered for transportation.

(2) Placement of Equipment for Unloading:

The delivery of a shipment by the carrier to the place of delivery specified on the bill of lading will include the placing of equipment at the delivery site designated by the consignee.

(3) Loading by Carrier:

Freight tendered for loading shall be so situated by the consignor as to be directly accessible to the equipment or it shall be immediately adjacent to a parking space suitable for carrier to place its equipment for loading (See Note 1). Loading includes stowing and counting of the freight in or on the carrier's equipment. (See Item 550 Handling Freight at Positions Not Immediately Adjacent to Vehicle herein.)

The carrier will furnish only one man per equipment for loading, be he the driver, helper or any other carrier employee or its designated agent except as provided in Item 525 Extra Labor—Loading or Unloading herein.

(4) Unloading by Carrier:

Freight will be unloaded at the delivery site immediately adjacent to the delivery equipment (See Note 1). Unloading includes the counting and removal of the freight from the carrier's equipment. (See Item 550 Handling

Freight at Positions Not Immediately Adjacent to Vehicle herein.)

The carrier will furnish only one man per equipment for unloading, be he the driver, helper, or any other carrier employee or its designated agent except as provided in Item 525 Extra Labor—Loading or Unloading herein.

(5) Restrictions on Loading or Unloading by Carrier: (Subject to Note 2.)

Loading or unloading service does not include assembling, packing, unpacking, dismantling, inspecting, sorting or segregating freight *EXCEPT* as provided in paragraphs (a), (b), and (c) below:

(a) When a shipment is tendered to the carrier in lots according to size brand, flavor or other characteristics and is so identified on the bill of lading or accompanying papers, normal delivery service includes delivery of the shipment to the consignee in the same manner, including the placement of such sorted or segregated lots on the platform, dock, conveyor, pallet, dolly, buggy, or similar device provided by the consignee for the receipt of freight within or adjacent to the equipment without additional charge to the extent such service is performed within the free time period allowed by the applicable detention provisions. If delivery is not completed within the allowable free time, carrier will continue to unload the vehicle subject to the following detention charges. A charge of 24 cents per package or 40 cents per 45.36 kilograms (per 100 pounds), whichever is greater, will be assessed for sorting or segregating by marks, brands, sizes, flavors or other distinguishing characteristics *EXCEPT* as provided in paragraph (b). Such charges will be assessed against the person requesting or requiring this service and are in addition to applicable detention charges.

(b) No sorting or segregating charge will be made when the only service performed is a count necessary to determine the extent and identity of shortages or overages as may have been ascertained by carrier's employee.

(c) Loading or unloading service does not include furnishing by the carrier of rigging or special loading or unloading equipment such as platform carts (other than two-wheeled hand trucks), winches, cranes, jacks, blocks or falls, chain falls or other special equipment used in hoisting, lowering, or placing freight in position. When such equipment is used in loading or unloading, the consignor or the consignee, as the case may be, shall furnish same and the necessary labor to operate such equipment at its expense and shall also assume responsibility for safe loading or unloading, except carrier's employee may use hand trucks or four-wheeled hand carts and hand or electrically operated pallet jacks (non-riding type) when furnished by the consignor or consignee.

(6) Loading by Consignor or Unloading by Consignee:

The consignor or consignee may elect to waive the loading or unloading of freight by the carrier as provided in this ITEM by performing at his own expense the loading or unloading of the shipment on or from the carrier's equipment.

(7) More Than One Loading or Unloading Site or Relocation of Equipment:

Upon request of the consignor or consignee, pickup or delivery service as defined in this ITEM may be performed at more than one loading or unloading site within the continuous plant property or premises of the consignor or consignee requesting this service. An equipment transfer charge of $17.20 will be assessed for each transfer of the equipment from one loading or unloading site to another.

(8) Heavy or Bulky Freight-Loading or Unloading: (Subject to Note 3.)

When freight (per package or piece) in a single container, or secured to pallets, platforms or lift truck skids, or in any other authorized form of shipment:

(a) Weighs 49.90 kilograms (110 pounds) or less: The carrier will perform the loading or unloading.

(b) Weighs more than 49.90 kilograms (110 pounds), but less than 226.8 kilograms (500 pounds):

(1) The carrier will perform the loading or unloading when the consignor or consignee provides a dock, platform or ramp directly accessible to the carrier's equipment. Not applicable when the freight exceeds 2.44 meters (8 feet) in its greatest dimension or exceeds 1.22 meters (4 feet) in each of its greatest and intermediate dimensions (see paragraph (b) (2) and (d)). Where the consignor or consignee does not provide a dock, platform or ramp, the truck driver, on request, will assist the consignor or consignee in loading or unloading.

(2) The carrier will perform the loading or unloading where the consignor or consignee provides a dock, platform or ramp directly accessible to the carrier's equipment if such freight: (1) exceeds 2.44 meters (8 feet) but does not exceed 6.71 meters (22 feet) in its greatest dimension and does not exceed 60.96 centimeters (2 feet) in its intermediate dimension; or (2) if it does not exceed 3.05 meters (10 feet) in its greatest dimension and does not exceed 1.52 meters (5 feet) in its intermediate dimension and does not exceed 30.48 centimeters (1 foot) in its least dimension. Where the consignor or consignee does not provide a dock, platform or ramp, the truck driver, on request, will assist the consignor or consignee in loading or unloading.

(c) Weighs 226.8 kilograms (500 pounds) or more:

The consignor will perform the loading and the consignee will perform the unloading. On request of consignor or consignee, the truck driver will assist the consignor or the consignee in loading or unloading.

(d) Exceeds 2.44 meters (8 feet) in its greatest dimension or exceeds 1.22 meters (4 feet) in each its greatest or intermediate dimension:

The consignor will perform the loading and the consignee will perform the unloading. On request of consignor or consignee, the truck driver will assist the consignor or the consignee in loading or unloading. The provisions of this paragraph will not apply to the extent provisions are published in paragraph (b)(2) of this ITEM herein.

(9) Delivery at Private Residences: (Subject to Note 4.)

(a) Before attempting delivery to private residences, the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished through a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case, some mutually agreed upon arrangement for delivery must be made before tender of delivery is initially attempted.

(b) If the carrier complies with the conditions described in paragraph (a) above, and, through the fault of the consignee, the carrier is unable to tender delivery as scheduled, a charge of $6.80 to cover the service described in paragraph (a) above, for the additional costs of renotification and arrangement for redelivery will be assessed. The requirements of paragraph (a), above, regarding prior arrangements for tender of delivery are similarly applicable when redelivery is necessary.

(c) Charges provided in paragraph (b), above, if accrued, will be in addition to all other lawful charges. Unless the bill of lading is specifically endorsed to show prepayment of these charges, they will be collected from the consignee, except charges on shipments moving on GBLs or commercial bills of lading converted to GBLs will be collected from the U.S. Government.

Note 1: Freight shall be deemed to be immediately adjacent to a space suitable for carrier to place its equipment for loading or unloading if separated therefrom only by an intervening public sidewalk.

If a parking space suitable for the carrier to place its equipment for loading or unloading is occupied or city ordinance prevents it use, the nearest available parking space may be used.

When two or more shipments are placed by the shipper as close as practicable to a parking space suitable for carrier to place its equipment for loading, all such shipments will be considered as immediately adjacent thereto even though the shipment or shipments that were closest to such parking space were picked up first by the same or different motor carrier.

When the shipper assigns to two or more carriers designated spaces in the shipping room or loading platform where outgoing freight will be placed by the shipper for pickup by the designated carriers and all of such assigned spaces are as close as practicable to a parking space suitable for the carrier to place its equipment for loading, all such assigned and designated spaces will be considered immediately adjacent to such parking space.

Note 2: The provisions of paragraph (5) of this ITEM will not allow for the opening of packages or unitized shipments, including shrink wrapped or banded freight on pallets or skids.

Note 3: Loading by definition in paragraph (8) of this ITEM includes stowing and counting of the freight in or on the carrier's equipment. Unloading by definition in paragraph (8) of this ITEM includes the counting and removing of freight from the position in which it is transported in or on the carrier's equipment.

Note 4: The term ''PRIVATE RESIDENCES'', also includes apartments, churches, schools, camps and other such locations not generally recognized as commercial locations and shall apply to the entire premises, except will not apply to that portion of the premises where commercial or business activity is conducted that involves the sale of services, products or merchandise to the walk-in public during normal business hours.

Note 5: For other than normal business hours pickup or delivery service, see Item 860 Pickup or Delivery Service—Sundays or Holidays and Item 865 Pickup or Delivery Service—Saturday or After 5 P.M. on Normal Business Days herein.

Item 855 Pickup or Delivery Service—at Private Residences. (Subject to Note 2. Also, See Note 1.)

(1) Except as provided in paragraph (2) below of this ITEM, shipments picked up at or delivered to private residences (See Note 1) or camps (other than Military) will be assessed a charge of $2.94 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $23.48 per shipment and a maximum charge of $129.15 per shipment or $129.15 per vehicle if more than one vehicle is used to transport the shipment (Subject to Note 2).

(2) Shipments consisting wholly or in part of new or used household goods as defined in 49 CFR part 375 picked up at or delivered to private residences (See Note 1) or camps (other than Military) will be assessed a charge of $2.94 per 45.36 kilograms (per 100 pounds), subject to a minimum charge per shipment as follows:

Weight of shipment in kilograms (pounds)	Minimum charge (per shipment)
Less than 22.68 kilograms (50 pounds)	$29.35
22.68 kilograms (50 pounds) through 44.91 kilograms (99 pounds)	39.92
45.36 kilograms (100 pounds) through 90.27 kilograms (199 pounds)	45.79
90.72 kilograms (200 pounds) through 135.63 kilograms (299 pounds)	52.84
136.08 kilograms (300 pounds) through 180.99 kilograms (399 pounds)	57.54
181.44 kilograms (400 pounds through 226.35 kilograms (499 pounds)	62.22
226.8 kilograms (500 pounds) and over	66.92

(3) Service under this ITEM will be provided to floors above or below the level accessible to carrier's vehicle only when elevator or escalator service is available, and labor when necessary to operate same is provided without cost to the carrier.

(4) The charges provided in this ITEM apply separately for pickup and separately for delivery and are in addition to all other lawful charges. Unless the bill of lading is specifically endorsed to show prepayment of these charges they will be collected from the party whose location requires such service, except such charges for shipments moving on GBLs or a commercial bill of lading converted to a GBL will be collected from the U.S. Government.

Note 1: The term ''PRIVATE RESIDENCE'', shall apply to the entire premises on which a dwelling for living is located, except will not apply to the portion of the premises where commercial or business activity is conducted that involves the sale of merchandise or services to the walk-in public during normal business hours.

Note 2: If more than one shipment is picked up at one time and place at a private residence or camp (other than Military), the minimum and maximum charges published in this ITEM shall apply per pickup rather than per shipment as presently indicated.

Item 860 Pickup or Delivery Service—Sundays or Holidays

(1) When consignor or consignee requests carrier to pickup or deliver freight on Sundays or holidays, such service will be subject to a charge of $39.64 per man hour, or fraction thereof, subject to a minimum charge $237.84 per man per day. Such charge shall be in addition to all other applicable charges.

(2) Time shall be computed upon notification by the driver to the responsible representative of the consignor or consignee that the vehicle or vehicles are available for loading or unloading at premises of consignor or consignee and shall end upon completion of loading or unloading and receipt by driver of signed bill of lading or receipt for delivery.

(3) Consignor or consignee may request carrier to place or pickup an empty vehicle(s) (vehicles without power units) on Sundays or holidays even though the actual pickup or delivery of freight may occur on a day other than Sunday or holidays. The charge for this service will be $150.00 per vehicle subject to a maximum of $397.12 per man day or fraction thereof.

(4) The provisions of this ITEM shall not be construed as obligating the carrier to furnish pickup or delivery service on Sundays or holidays.

(5) Charges must be either paid by the party requesting the service or guaranteed to the satisfaction of the carrier before pickup or delivery will be made. Shipments moving on GBLs or a commercial bill of lading converted to a GBL will be collected from the U.S. Government.

Item 865 Pickup or Delivery Service—Saturday or After 5 P.M. on Normal Business Days. (See Notes 1 through 4)

When consignor or consignee requests a carrier to pickup or deliver freight on Saturdays or after 5 p.m. on normal business days, such service (See Notes 1 and 4) will be subject to a minimum charge of $39.64 per man per hour, or

fraction thereof, subject to a minimum charge $158.56 per man per day (See Notes 2 and 3). Such charge shall be in addition to all other applicable charges.

Note 1: The provisions of this ITEM shall not be construed as obligating the carrier to furnish pickup or delivery service on Saturdays or after 5 p.m. on normal business days.

Note 2: Time shall be computed upon notification by the driver to the responsible representative of the consignor or consignee that the equipment is available for loading or unloading at premises of consignor or consignee and shall end upon completion of loading or unloading and receipt by driver of signed bill of lading or receipt for delivery, as the case may be.

Note 3: Charges must be either paid by the party requesting the service or guaranteed to the satisfaction of the carrier before pickup or delivery will be made. Charges for shipments moving on GBLs or commercial bill of lading converted to a GBL will be collected from the U.S. Government.

Note 4: The charges in the item will not be applicable when loading or unloading of carrier equipment after 5 p.m. on normal business days:

1. Is not specifically requested after 5 p.m.; or
2. The service starts before and extends beyond 5 p.m.

Item 870 Pickups or Deliveries—Additional. (See Notes 1 and 2)

Deliveries (Split Deliveries): Except as otherwise provided in this tender, and subject to Note 1 below, on shipments weighing not less than 4,536 kilograms (10,000 pounds) (or on which charges for a weight of not less than 4,536 kilograms [10,000 pounds] are assessed or on which charges are computed at a rate of cents-per-1.6093 kilometers [cents-per-mile] per vehicle used or charge per vehicle used), moving from one consignor, on one bill of lading, and on which charges are based on the through rate from the point of origin to the point of destination, one or more extra deliveries will be made at any point the shipment is stopped under the stop in transit provisions, or at final destination, and an additional charge of $75.00 will be made for each such extra delivery.

Pickups (Split Pickups): Except as otherwise provided in this tender, and subject to Note 2 below, on shipments weighing not less than 4,536 kilograms (10,000 pounds) (or on which charges for a weight of not less than 4,536 kilograms [10,000 pounds] are assessed or on which charges are computed at a rate of cents-per-1.6093 kilometers [cents-per-mile] per vehicle used or charge per vehicle used), moving on one bill of lading to one consignee, and on which charges are based on the through rate from the point of origin to the point of destination, one or more extra pickups will be made at origin or destination, and an additional charge of $75.00 will be made for such pickup.

Note 1: The bill of lading shall designate the parties and points at which extra deliveries are to be made and the designation of the articles to be delivered to each.

Note 2: The bill of lading shall designate the point or points at which the extra pickups are to be made and the designation of the articles to be picked up at each.

Item 875 Pickup or Delivery Service—New York Harbor and Port Newark, NJ. (Subject to Notes 1 and 2)

The pickup and delivery service defined in ITEM 850 will not be provided at steamship piers or warehouses located in New York Harbor or Port Newark, NJ as described below:

Hudson River, New York Side, Battery to 135th Street.

New Jersey Side, New National Storage Docks, Communipaw, NJ, to and including Fort Lee Ferry, NJ.

East River and Harlem River, New York Side, Battery to Jerome Avenue Bridge (Harlem River), including Harlem River Side of Ward's and Randall's Islands.

BROOKLYN SIDE OR WAREHOUSES, From Port Cove, Astoria, Long Island, to and including 69th Street, South Brooklyn (Bay Ridge), including Newton, Dutch Kills and Wale Creek, and points in Wallabout Canal and to Hamilton Avenue Bridge, Gowanus Canal, Port of Embarkation, and the Military Ocean Terminal, Brooklyn, NY.

NEW YORK BAY, NEW YORK SIDE, Points on North and East Shore of Richmond (Staten Island) between Bridge Creek (Arlington) and Clifton (Hyland Boulevard), both inclusive, and including Shooter's Island.

NEW JERSEY SIDE, Points on the New Jersey Shore of New York Bay, and points on the Kill Van Kull between National Storage Docks, Communipaw, NJ, and Avenue C., Bayonne, NJ, opposite Port Richmond, including U.S. Naval Supply Depot and Military Ocean Terminal, Bayonne, NJ. G & B Packing, 8 Hook Road, Bayonne, NJ.

NEWARK BAY, From Trumbull Street to Dalancy Street. Port Authority Terminal at Elizabeth; or Port Newark.

Pickup or delivery service will be performed at such points at the following charges, subject to the minimum and maximum charges as indicated and charges must be prepaid or guaranteed by the shipper or if shipped on a GBL or a commercial bill of lading converted to a GBL, collected from the U.S. Government:

Weight of shipment in kilograms (pounds)	Charge in cents per 45.36 kilograms (per 100 pounds)	Minimum charge per shipment	Maximum charge per shipment
Less than 2,268 kilograms (5,000 pounds)	$6.33	$45.43	$142.56
2,268 kilograms (5,000 pounds) through 4,535.55 kilograms (9,999 pounds)	2.96		223.57
4,536 kilograms (10,000 pounds) or over	1.50	223.57	

Note 1: Rates and charges published in this ITEM do not apply when shipments are delivered in equipment without transfer of the lading to ocean carriers. The receipt of the equipment by the ocean carriers shall terminate the motor carrier's delivery service and liability. Rates and charges named in this ITEM do not apply when shipments are received in equipment without transfer of the lading from ocean carriers. The receipt of the equipment by the motor carrier shall constitute the beginning of the motor carrier's service and liability.

Note 2: Rate and charges published in this ITEM do not apply at the following sheds or buildings: 102 Marsh Street, Port Newark, NJ; 191, 193, 194, 195, 195–E, 195–F, 197, 200, 201, 202, 261, 262, 263–A, 263–B, 263–C, 263–D, 264, 265, 266, 267, 268, 305, Port Newark, NJ; American Eagle Warehouse or Express Forwarding Warehouse, Port Newark, NJ; Amerilli Export Service Warehouse 9, foot of 12th Street, Jersey City, NJ; Atlantic Distribution Center Warehouse, 202 Port of Jersey Blvd., Jersey City, NJ; Greenpoint Terminal Warehouse, Jersey City, NJ; Pouch Terminals, Inc. at 1 Edgewater Street, Clifton, Staten Island, NY; and Wilson American Company Warehouse, Jersey City, NJ.

Item 885 Property of Unusual Value or Unsafe to Transport.

Carriers are not required to accept articles of unusual value or freight that is unsafe to transport that may cause damage to other goods or to their equipment without adequate consideration or compensation.

Item 900 Protective Service.

Except as otherwise specifically provided in connection with individual rates or charges, commodities which, due to their perishable nature, require protection from heat or cold will be accepted and accorded such protection at the rates or charges provided in this tender or in tenders made subject to this tender and without additional charges for such protection, subject to suitable equipment being available. (For applicability see ITEM 60 SPECIALIZED SERVICES herein.)

Item 925 Reconsignment or Diversion. (See Notes 1 through 11)

(1) Definitions of Reconsignment or Diversion:

For the purpose of this rule, the terms, ''RECONSIGNMENT'' or ''DIVERSION'', are considered to be synonymous and the use of either will be considered to mean:

(a) A change in the name of the consignor or consignee.

(b) A change in the place of delivery within original destination point.

(c) A change in the destination point.

(d) Relinquishment of shipment at the point of origin (Subject to Note 1).

(e) Instructions received by the originating carrier prior to receipt of shipment (Subject to Note 2).

(2) Conditions:

(a) Requests for reconsignment must be made in writing or confirmed in writing. The carrier must be satisfied that the party making the request has the authority to do so. Conditional or qualified requests will not be accepted. Carrier will not accept disposition instructions printed on the bill of lading, shipping order, shipping label or container as authority to reship, return, or reconsign a shipment.

(b) Carrier will make diligent efforts to execute a request for reconsignment, but will not be responsible if such service is not effected.

(c) All charges applicable to the shipment whether accrued or accruing must be paid or guaranteed to the satisfaction of the carrier before reconsignment will be made. Charges for shipments moving on GBL's or commercial bill of lading's converted to GBLs will be collected from the U.S. Government.

(d) Only entire shipments, not portions of shipments, may be reconsigned.

(e) Marking or tagging (Subject to Note 3).

(f) Reconsignment will not be permitted on ''in bond shipments.''

(g) With the exception of Note 1, a charge for reconsignment is an additional charge to all other applicable rates or charges.

(3) Charges:

Reconsignment as defined in paragraph (1) above of this ITEM will be subject to the following:

If reconsignment results in a charge	In the name of the consignor or consignee with no change in place of delivery	In the place of delivery within original Destination point (subject to notes 4, 5, and 6)	In the destination points (subject to notes 7, 9, 10, and 11)
And reconsignment Occurs (Subject to Note 8).	The Charge Will Be		
Prior to Tender of Delivery ..	$18.11 per shipment	Except as provided for in Note 5, $18.11 per shipment.	The published rate from origin to the reconsignment point plus the published rate from the reconsignment point to the new destination. The charges will be no less than the published through rate from the original point of origin to the ultimate destination.
After Tender of Delivery	$18.11 per shipment	Except as provided for in Note 5, a charge of $2.42 per 45.36 kilograms (per 10 pounds) subject to the minimum charge of $22.19 per shipment and a maximum charge of $322.60 per shipment or $322.60 per vehicle if more than one vehicle is used to transport the shipment.	The published rate from origin to the reconsignment point plus the published rate from the original point to the new destination. The charges will be no less than the published through rate from the original point of origin to the ultimate destination.

Note 1: Where a request is made by the shipper, before a shipment has left the carrier's terminal at a point of origin (includes points and places located within the commercial zone as defined by the Interstate Commerce Commission in Title 49 of the Code of Federal Regulations (49 CFR), part 1048—Commercial Zones) for return of a shipment to the original place of shipment, or delivery thereof to another carrier at point of origin, or relinquish possession thereof to the shipper or to another carrier at the carrier's terminal and such service is performed, the shipment will be subject to a charge of $2.42 per 45.36 kilograms (per 100 pounds) with a minimum charge of $22.19 per shipment and a maximum charge of $322.60 per shipment or $322.60 per vehicle if more than one vehicle is used to transport the shipment.

Note 2: Upon instructions received by the originating carrier prior to receipt of shipment at point of origin accompanied by a through bill of lading covering the shipment, the carrier will accept the shipment when tendered by the party in possession of the shipment, issue a receipt therefor (not a bill of lading) to the party tendering the shipment and then execute the bill of lading. Such shipment will be subject to a charge of $18.11 per shipment.

Note 3: Shipments handled under the provisions of this ITEM which require marking or tagging in order to comply with the provisions of ITEM 625 MARKING OR TAGGING FREIGHT—CHANGING MARKING OR TAGS herein, or when the carrier is specifically requested to do so by the consignor or consignee, will be marked or tagged by the carrier at the charges as provided in ITEM 625 herein.

Note 4: Charges also apply for reconsignment to points and places outside of the original destination point, provided such areas are located within the commercial zone as defined by the Interstate Commerce Commission in Title 49 of the Code of Federal Regulations (49 CFR), part 1048—Commercial Zones.

Note 5: When a request is received to reconsign a shipment to another site within the same continuous plant property and the request is received prior to tender of delivery, a reconsignment charge of $18.11 per

shipment will be assessed. When the request is received after tender of delivery the reconsignment charge will be $52.89 per shipment or $52.89 per vehicle if more than one vehicle is used to transport the shipment.

Note 6: All shipments for export not directly consigned at origin to an export pier dock, pier terminal, transit shed or wharf will be subject to the charges provided in this ITEM. The provisions of paragraph (2) of this ITEM will not apply.

Note 7: Includes points and places other than those defined in Note 6.

Note 8: The provisions governing reconsignment, ''PRIOR TO TENDER OF DELIVERY'', will only apply when carrier receives the request for reconsignment:

(a) Before shipment has been loaded on a delivery vehicle (in cases where shipment is transferred to a city delivery vehicle for delivery); or

(b) Before shipment has been dispatched for delivery (in cases where shipment is not transferred to a city vehicle for delivery.)

Note 9: If the change in destination point is requested and furnished by the carrier, the charge will be $18.11 per shipment in addition to the applicable tender or tariff rate, whichever is applicable, from the point of origin to the new destination point.

Note 10: When the consignor or consignee or its agent elects to accept the shipment at the carrier's terminal located at the reconsignment point, the charges will be assessed on the basis of $1.60 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $18.11 and a maximum charge of $201.69 per shipment or $201.69 per vehicle if more than one vehicle is used to transport the shipment.

Note 11: The reconsignment rate is not subject to the provisions of BLOCK 19, of the OPTIONAL FORM 280, UNIFORM TENDER OF RATES AND/OR CHARGES FOR TRANSPORTATION SERVICES.

Item 950 Redelivery

When a shipment is tendered for delivery and, through no fault of the carrier, such delivery cannot be accomplished, no further tender will be made except upon request. Additional tenders and final delivery will be subject to the following provisions:

(1) If one or more additional tenders, or final delivery of the shipments are made at consignee's place, a charge of $2.34 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $12.67 and a maximum charge of $310.02 per shipment or $310.02 per vehicle if more than one vehicle is used to transport the shipment will be made for each such tender and for the final delivery.

(2) If, in lieu of final delivery at consignee's place, consignee elects to accept delivery of the shipment at carrier's premises, a charge of $1.99 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $10.50 and a maximum charge of $238.62 will be made.

(3) All charges accruing under the provisions of this rule must be paid or guaranteed to the satisfaction of the carrier by the party or parties requesting redelivery before the shipment is redelivered. Charges for shipments moving on GBL's or a commercial bill of lading converted to a GBL will be collected from the U.S. Government.

(4) In all instances a charge for redelivery is in addition to all other applicable rates or charges.

Item 1000 Sealing of Equipment

Except as otherwise specifically provided, shippers and receivers of freight will not be accorded the exclusive use of carrier's equipment. Carriers may, at their option and convenience, load and transport the freight of various shippers and receivers in the same equipment. And, except as provided in ITEM 475 EXCLUSIVE USE AND CONTROL OF VEHICLE and ITEM 1005 SEALED CLOSED VAN SERVICE herein, carriers, at their option and convenience, for the purposes of so loading, co-mingling and transporting the shipments of various shippers and receivers in the same equipment, may remove the seals or locks from their equipment which have been applied by shippers, receivers, or owners of the property transported or to be transported.

Item 1005 Sealed Closed Van Service

A. All equipment requested under this ITEM will be Sealed Closed Vans, as defined in ITEM 30 DEFINITION OF TERMS herein. The seals on the equipment are not to be broken.

B. The shipper will load the carriers equipment and provide a piece count. When this occurs, the carrier is released from liability for shortages.

C. The bill of lading must be annotated:

''ITEM 1005, SEALED CLOSED VAN SERVICE REQUESTED. THE PROVISIONS AND CHARGES CONTAINED IN ITEM 475 EXCLUSIVE USE OF VEHICLE, WILL NOT APPLY.''

D. When the bill of lading is annotated, as provided in paragraph C above, the transportation charges will be subject to the following Truckload (TL) rates or charges:

1. Where the carrier's individual tender is predicated on a cents-per-1.6093 kilometers (cents-per-mile) per vehicle using a distance scale or matrix format at the rate or minimum charge named therein; or

2. Where the carrier's individual tender Less Than Truckload (LTL) rates are predicated upon the GSA Baseline Rate Publication No. 1000–D, shipments shall be rated with a minimum weight of 9,072 kilograms (20,000 pounds), at the highest applicable Less Than Truckload (LTL) rate.

3. Where the carrier's individual tender Truckload (TL) rates are predicated upon the GSA Baseline Rate Publication No. 1000–D and the shipment weight loaded into the van is less than 9,072 kilograms (20,000 pounds), the shipment shall be rated as 9,072 kilograms (20,000 pounds) at the applicable 9,072 kilograms (20,000 pounds) rate; or

4. Where the carrier's individual tender Truckload (TL) rates are predicated upon the GSA Baseline Rate Publication No. 1000–D and the shipment weight loaded into the van is more than 9,072 kilograms (20,000 pounds), the rate applicable to the shipment weight will apply.

E. The provisions and charges contained in ITEM 475 EXCLUSIVE USE AND CONTROL OF VEHICLE herein, will not apply.

F. If the equipment arrives at the destination with the same seals which were applied on the equipment at origin not intact, the following will apply:

1. Restoration of carrier liability for shortages will be applicable; and

2. The transportation charges for the shipment weight loaded into the van will be subject to (a) or (b) below, whichever results in the lowest total charge:

(a) The applicable Truckload (TL) rate or charge determined in paragraph D above; or

(b) The applicable Less Than Truckload (LTL) rate, determined as follows:

(1) The carrier's individual tender Less Than Truckload (LTL) rate; or

(2) If the carrier's individual tender does not provide for Less Than Truckload (LTL) rates, the rate will be 100% of the applicable Less Than Truckload (LTL) rate in the GSA Baseline Rate Publication No. 1000–D.

Item 1010 Sorting or Segregating Service and Charges

A. For the purposes of this ITEM, the services of sorting or segregating are defined as practices which require all articles in a shipment(s) tendered by the consignor to the carrier for a specific route, be presented or loaded without regard to shipment integrity. (For applicability see ITEM 60 SPECIALIZED SERVICES herein.)

B. Carrier will sort or segregate for each consignee before offering for delivery.

C. When sorting or segregating service is required or requested by the

consignor, it shall be so noted on the Government Bill of Lading:

''ITEM 1010, SORTING OR SEGREGATING REQUIRED.''

D. When sorting or segregating service is required and performed by the carrier, the carrier shall be paid a charge of 60 cents per 45.36 kilograms (cents per hundredweight) for all shipment weight subject to a minimum charge of $5.00 with a maximum charge of $180.00 per shipment.

Item 1025 Services—Signature and Tally Record Service (STR)

Carrier shall provide Signature and Tally Record Service (STR) upon request of the consignor, subject to the following definition, requirements and charges:

(1) DEFINITIONS:

Signature and Tally Record Service (STR) is a service designed to provide continuous responsibility for the custody of shipments in transit. It requires a signature and tally record from each person responsible for the proper handling of the shipment at specified stages of its transit from origin to destination. (For applicability see ITEM 60 SPECIALIZED SERVICES herein.)

(2) REQUIREMENTS:

A. The shipper or his agent must place and sign the following annotation on the bill of lading:

''SIGNATURE AND TALLY RECORD REQUESTED. DD FORM 1907 FURNISHED TO CARRIER.

DATE____SIGNATURE____TITLE____''

B. The Signature and Tally Record (DD Form 1907), is provided by the shipper, will be used as follows:

(1) When STR is requested by the shipper and the signature and tally record is furnished, carrier or his agent will require each person responsible for the shipment, such as the terminal manager, pickup, delivery and road drivers, and dock foreman, to personally sign the signature and tally record and will secure signature in the space provided on the form from the consignee or his agent upon delivery.

(2) Driver(s) are required to sign the Signature and Tally Record (DD Form 1907) when they assume initial responsibility for the shipment.

(3) In terminal areas, the equipment containing the STR shipment must be under the control of the last person signing the DD Form 1907.

(4) When STR is used with Dual Driver Protective Service (DDPS), Armed Guard Surveillance (AG), and Protective Security Service (PSS), both drivers are required to sign when they assume responsibility for the shipment.

C. Tracing: Carrier must be able to trace a shipment in less than 24 hours upon request.

(3) CHARGES:

In addition to all rates and charges for transportation, shipments on which STR is provided at shipper's request will be subject to a charge of $28.22 per shipment.

(4) A SEPARATE CHARGE FOR SIGNATURE TALLY RECORD SERVICE WILL NOT BE BILLED WHEN A HIGHER PROTECTIVE SECURITY SERVICE IS CHARGED, WHICH INCLUDES THE REQUIREMENT OF A SIGNATURE TALLY RECORD.

Item 1030 Services—Constant Surveillance Service (CSS). (See Note 1)

Constant Surveillance Service (CSS) will be provided by the carrier upon request of the shipper, subject to the following definition, requirements and charges:

1. Definition and Requirements.

CSS is a Service That Provides the Following:

A. Continuous responsibility for constant surveillance and custody of shipments in transit. Such attendance and surveillance shall prevent all inspections (except those performed by Governmental enforcement agencies in their line of duty), tampering, pilfering, or sabotage, including, insofar as humanly possible, all manner of unusual circumstances, such as wreck, delay, flood, or violent disturbance. (For applicability see Item 60 Specialized Services herein.)

B. For the purposes of CSS, unless otherwise stated herein, when not being driven, equipment must be attended at all times by a qualified representative of the carrier. Equipment is ''attended'' when the person responsible for the shipment is in the equipment, awake, not in a sleeper berth or is within 30.48 meters (100 feet) of the equipment and has the equipment within constant and unobstructed view. A qualified representative is a person employed by the carrier or the terminal involved in handling of shipments and who is designated by the carrier/terminal to attend the equipment, and who is aware of the sensitivity of material moving under CSS, and who is knowledgeable of the safety, security and emergency procedures that must be followed, and is authorized and has the means and capability to move the equipment.

C. For brief stops en route, the carrier will ensure that the equipment or shipment is attended.

D. When circumstances require lengthy stops en route, carriers will ensure that the equipment is parked only at a carrier terminal, a state or local approved safe haven as defined in Title 49 of the Code of Federal Regulations (49 CFR). When equipment is parked in a carrier terminal or at an approved state or local safe haven, a qualified carrier or terminal representative must keep the shipment in full view and stay within 30.48 meters (100 feet) of the equipment or shipment at all times, or the shipment must be secured in an adequately lighted area that is surrounded by at least a 1.83 meters (6 foot) chain link fence and is continuously patrolled by a representative of the carrier or terminal and is under the general observation of a qualified carrier or terminal representative at all times. As an alternative, a shipment may be placed in a security cage. (See Note 1.)

E. The trailer or conveyance containing the material upon which CSS is requested must always be connected with a power unit (tractor) during shipment except when stopped at an activity for loading or unloading; at a carrier terminal for servicing; at a carrier-designated point where the driver maintains continuous surveillance over the shipment while disconnected; at a state or local safe haven location which meets the terminal security standards of paragraph 1(D); or, in emergencies, at a safe haven or refuge location.

F. The carrier must be able to trace a shipment in less than 24 hours.

G. The carrier or his agent will notify the consignee by telephone if shipment cannot reach consignee within 24 hours of the agreed upon desired delivery date.

H. Driver ID requirements. The carrier must insure drivers employed to handle sensitive shipments requiring CSS carry a valid driver's license and a medical qualification card, employee record card or similar documents, one of which must contain the driver's photograph. From the documents provided, shippers must be able to verify the driver's affiliation with the origin carrier named on the bill of lading.

I. Single line-haul preferred.

J. No trip lease.

K. The maintenance of a Signature and Tally Record (DD Form 1907) by the carrier is an integral part of CSS. Both the shipper and the carrier shall comply with the requirements of SIGNATURE AND TALLY RECORD SERVICE on all shipments for which CSS is requested and provided.

L. The driver(s) moving shipments on which CSS is requested, will be instructed by the carrier on how to obtain safe haven/refuge, state and local law enforcement assistance, and actions

to take to comply with the requirements listed in paragraph 1 A through 1 K above.

M. The tractor moving a CSS shipment must be equipped with a working mobile communications unit, such as a citizens band (CB) radio unit or a mobile telephone unit, capable of contacting state/local law enforcement personnel for the purpose of seeking assistance, and both drivers must be capable of using the unit to make the contact.

2. Annotation:

When CSS is required for a shipment, the shipper shall notify the carrier in advance of the requirement, and annotate on the bill of lading:

''CONSTANT SURVEILLANCE SERVICE REQUESTED. SIGNATURE AND TALLY RECORD (DD FORM 1907) FURNISHED TO CARRIER.''

3. Charges:

In addition to all rates and charges for transportation, shipments for which CSS is provided by the carrier at shipper's request will be subject to a charge of 35 cents-per-1.6093 kilometers (cents-per-mile) which includes constant and specific surveillance, and the maintenance of a signature and tally record.

On shipments moving in excess of 804.65 kilometers (500 miles), an additional charge of 05 cents-per-1.6093 kilometers (cents-per-mile) for each 804.65 kilometers (500 mile) increment will apply, except when the shipper requests an extra driver under ITEM 1040 SERVICES—DUAL DRIVER SERVICE herein.

4. BASIS FOR DETERMINING APPLICABLE DISTANCE:

Unless otherwise specifically authorized or such as provided for in ITEM 180 CIRCUITOUS ROUTING OF HAZARDOUS MATERIAL SHIPMENTS herein, the applicable distance shall be predicated on the shortest route distance determined from the applicable Household Goods Carriers' Bureau Mileage Guide(s) as shown in ITEM 10 GOVERNING PUBLICATIONS herein, regardless of the distance actually traveled by the carrier.

Note 1: Security Cage Standards:

General: Security cages will be fabricated from commercial steel grating panels. Walls, doors, floors and ceiling must provide protection equivalent to the steel grating to preclude forced entry. Doors must have approved padlocks (equivalent to American 200 series) and hasp systems and connecting hardware must be welded or otherwise secured to deter unauthorized entry.

Walls: Constructed of structural steel angle and expanded steel grating. Building walls also may be used which provide equivalent security to form side(s). (Examples: Double-course reinforced or filled concrete block.)

Floors: Made of asphalt or reinforced concrete or wood if reinforced with steel floor plating.

Ceiling: Same material as wall or floor. Minimum height—2.44 meters (8 feet). Frame—metal Hinges—Welded hinge pins. Locks—security locks and hasps equivalent to American 200 series.

Connecting Devices: Welded, peened, or otherwise installed so as to deter unauthorized entry.

Windows/Openings: Expanded steel grating, anchored in the metal frame, secured in same manner as door.

Alternative: As an alternative to a security cage, a CONEX, dromedary, or similar heavy container which is sealed and locked with an approved lock (equivalent to American 200 series) may be used in buildings which are locked, guarded, or alarmed. In lieu of locking the containers, they may be placed with doors against each other or against a substantive building wall.

ITEM 1035 Services—Dual Driver Protective Service (DDPS). (See Note 1)

Dual Driver Protective Service (DDPS) will be provided by the carrier upon request of the shipper, subject to the following definition, requirements and charges:

1. Definition and Requirements.

DDPS is a Service That Provides the Following:

A. Continuous responsibility, attendance and surveillance of shipment through the use of two (dual) qualified drivers and includes the maintenance of a Signature and Tally Record (DD Form 1907). Such attendance and surveillance shall prevent all inspections (except those performed by governmental enforcement agencies in their line of duty), tampering, pilfering, or sabotage, including, insofar as humanly possible, all manner of unusual circumstances, such as wreck, delay, flood, or violent disturbances. (For applicability see ITEM 60 SPECIALIZED SERVICES herein.)

B. For the purposes of DDPS, unless otherwise stated herein, when not being driven, equipment must be attended at all times by a qualified representative of the carrier. Equipment is ''attended'' when the person responsible for the shipment is in the equipment, awake, not in a sleeper berth or is within 3.05 meters (10 feet) of the equipment and has the equipment within constant and unobstructed view. A qualified representative is a person employed by the carrier or the terminal involved in handling of shipments and who is designated by the carrier/terminal to attend the equipment, and who is aware of the sensitivity of material moving under DDPS, and who is knowledgeable of the safety, security and emergency procedures that must be followed, and is authorized and has the means and capability to move the equipment.

C. For brief stops en route, the carrier will ensure that the equipment or shipment is attended.

D. When circumstances require lengthy stops en route, carriers will ensure that the equipment is parked only at a carrier terminal, a state or local approved safe haven as defined in Title 49 of the Code of Federal Regulations, (49 CFR). When equipment is parked in a carrier terminal or at an approved state or local safe haven, a qualified carrier or terminal representative must keep the shipment in view and stay within 3.05 meters (10 feet) of the equipment or shipment at all times, or the shipment must be secured in an adequately lighted area that is surrounded by a least a 1.83 meters (6 foot) chain link fence and is continuously patrolled by a representative of the carrier or terminal and is under the general observation of a qualified carrier or terminal representative at all times. As an alternative, a shipment may be placed in a security cage. (See Note 1.)

E. The maintenance of a Signature and Tally Record by the carrier is an integral part of DDPS. Both the shipper and the carrier shall comply with the requirements of SIGNATURE AND TALLY RECORD SERVICE on all shipments for which DDPS is requested and provided. (NOTE: Both drivers are required to sign the Signature and Tally Record (DD Form 1907) when they assume initial responsibility for the shipment.)

F. Single line-haul.

G. No trip lease authorized.

H. The equipment conveying the shipment upon which DDPS is requested must remain connected with the power unit (tractor) during shipment except when stopped at a activity/contractor for loading or unloading; at a carrier terminal for servicing; at a carrier-designated point where the driver(s) maintain continuous attendance and surveillance over the shipment while disconnected; at a state or local safe haven location which meets the terminal security standards of paragraph D of this ITEM; or, in emergencies, at a safe haven or refuge location.

I. Driver ID requirements. The carrier must insure drivers employed to handle sensitive shipments requiring DDPS carry a valid driver's license and a medical qualification card, employee record card or similar documents, one of which must contain the driver's photograph. From the documents provided, shippers must be able to verify the driver's affiliation with the carrier named on the bill of lading.

J. The tractor moving a DDPS shipment must be equipped with a working mobile communications unit, such as a citizens band (CB) radio or a mobile telephone unit, capable of contacting state/local law enforcement personnel for the purpose of seeking assistance, and both drivers must be capable of using the unit to make the contact.

K. The carrier must be able to trace a shipment in less than 24 hours.

L. The carrier or his agent will notify the consignee by telephone if shipment cannot reach consignee within 24 hours of the agreed upon desired delivery date.

M. The drivers moving shipments on which DDPS is requested, will be instructed by the carrier on how to obtain safe haven/refuge, state and local law enforcement assistance, and actions to take to comply with the requirements listed in paragraphs 1A through 1L above.

2. ANNOTATION:

When DDPS is required for a shipment, the shipper shall notify the carrier in advance of the requirement, and annotate on the bill of lading:

"DUAL DRIVER PROTECTIVE SERVICE REQUESTED. SIGNATURE AND TALLY RECORD (DD FORM 1907) FURNISHED TO CARRIER."

3. CHARGES:

In addition to all rates and charges for transportation, shipments for which DDPS is provided by the carrier at the shipper's request will be subject to a charge of 85 cents-per-1.6093 kilometers (cents-per-mile), subject to a minimum charge of $146.76. These charges include the maintenance of a Signature and Tally Record, furnishing of dual drivers, providing CB or a working mobile communications unit in the tractor, and all other provisions/requirements shown in paragraph 1A through 1M above.

4. BASIS FOR DETERMINING APPLICABLE DISTANCE:

Unless otherwise specifically authorized or such as provided for in ITEM 180 CIRCUITOUS ROUTING OF HAZARDOUS MATERIAL SHIPMENTS herein, the applicable distance shall be predicated on the shortest route distance determined from the applicable Household Goods Carriers' Bureau Mileage Guide(s) as shown in ITEM 10 GOVERNING PUBLICATIONS herein, regardless of the distance actually traveled by the carrier.

Note 1: SECURITY CAGE STANDARDS:

General: Security cages will be fabricated from commercial steel grating panels. Walls, doors, floors and ceilings must provide protection equivalent to the steel grating to preclude forced entry. Doors must have approved padlocks (equivalent to American 200 series) and hasp systems and connecting hardware must be welded or otherwise secured to deter unauthorized entry.

Walls: Constructed of structural steel angle and expanded steel grating. Building walls also may be used which provide equivalent security to form side(s). Example: Double-course reinforced or filled concrete block.)

Floors: Made of asphalt or reinforced concrete or wood, if reinforced with steel floor plating.

Ceiling: Same material as wall or floor. Minimum height—2.44 meters (8 feet). Frame—metal. Hinges—Welded hinge pins. Locks—Security locks and hasps equivalent to American 200 series.

Connecting device: Welded, peened, or otherwise installed so as deter unauthorized entry.

Windows/Openings: Expanded steel grating, anchored in the metal frame, secured in same manner as door.

Alternative: As an alternative to a security cage, a CONEX, dromedary, or similar heavy container which is sealed and locked with an approved lock (equivalent to American 200 series) may be used in buildings which are locked, guarded or alarmed. In lieu of locking the containers, they may be placed with doors against each other or against a substantive building wall.

Item 1040 Services—Dual Driver Service

When requested by shipper and so indicated on the bill of lading or in writing, an extra driver will be furnished for an additional charge of 35 cents-per-1.6093 kilometers (cents-per-mile). Such charge shall apply in addition to the transportation and all other applicable charges and is to be assessed on the basis of the distance applicable from origin to destination on the shipment involved. (For applicability see ITEM 60 SPECIALIZED SERVICES herein.)

Item 1050 Special Service—Security Check by Consignor

When at the request of the consignor, before the vehicle has left the consignor's premises, a loaded vehicle is required to be unloaded, audited and reloaded, or is recalled back to the consignor's loading dock for the purpose of unloading, auditing and reloading of the shipment or shipments previously tendered to the carrier, a charge per vehicle of $9.56 per each fifteen minutes or fraction thereof (minimum charge $38.39), shall apply for this service. The time will begin when the driver is notified that the vehicle is to be recalled and will end when the reloaded vehicle is released to the carrier.

The driver shall not be required to assist in the unloading, auditing or reloading of the trailer except when necessary to account for the freight.

Item 1075 Stopoffs—To Complete Loading or For Partial Unloading. (Subject to Notes 1 through 4)

Except as otherwise provided in this tender, shipments upon which charges are based on a cents-per-1.6093 kilometers (cents-per-mile) per vehicle used rate, charge or minimum charge per vehicle used, or on a weight of 4,536 kilograms (10,000 pounds) or more, may be stopped in transit at not to exceed four points, between the point of origin and the point of final destination for the purpose of either partial loading or unloading (but not both at the same point), providing that the stopoff point, or points, are intermediate to the point of final destination via the route over which the rate to such final destination applies, subject to the provisions of paragraphs (A), (B), (C), (D), (E), and (F) below.

(A) The bill of lading shall show at what point, or points, the shipment is to be stopped off for partial loading or partial unloading, the name and address of the party to receive or to load the freight at such stopoff point, and a description of that part of the shipment to be loaded or unloaded at the stopoff point or points. There shall be no substitutions of other freight for that loaded at the original point of origin, or for any part of the shipment loaded at an intermediate stopoff point. A shipment stopped for partial unloading shall not be stopped subsequently for partial loading.

(B) The charge for each stopoff in transit for partial loading or partial unloading shall be $75.00 per stop in addition to all other applicable charges.

(C) When linehaul rates or charges are based on weight only, e.g., cents per 45.36 kilograms (cents per hundredweight), or charge per vehicle (excluding charges based on graduated distance scales or a minimum charge where rates are based on distance and weight), the charges shall be based on the total actual weight or minimum weight, whichever is greater, or charge per vehicle, from the point of origin to final destination, subject to the excess charge in paragraph F below, for out-of-route distance.

(D) When linehaul rates or charges are based on both weights and distance (e.g., percentage of the baseline rates in the GSA No. 1000–D), the charges shall

be based on the actual weight or minimum weight, whichever is greater, and the short-route distance from point of origin via the stop-off point(s) to final destination.

(E) When linehaul rates or charges are based on distance, e.g., cents-per-1.6093 kilometers (cents-per-mile) per vehicle used, or charge based on graduated distance scales, the charges shall be based on the short-route distance from point of origin via the stop-off point(s) to final destination.

(F) When linehaul charges are determined under paragraph C above (or by any other rates or charges based on other than distance or weight and distance), and the short-route distance from point of origin via the stop-off point(s) exceeds the direct short-route distance from origin to final destination, all excess distance will be subject to a rate of 155 cents-per-1.6093 kilometers (cents-per-mile), in addition to all other transportation charges.

Note 1: Shipments moving under the provisions of this ITEM must have all charges prepaid by the shipper, or if shipped on a GBL or commercial bill of lading that is converted to a GBL, charges will be collected from the U.S. Government.

Note 2: For the carrier's convenience, any portion of the shipment may be picked up, transported or delivered, in separate trucks. All portions of the shipment need not be transported through the stopoff point or points.

Note 3: The provisions of this ITEM do not apply on freight moving under the provisions of ITEM 475 EXCLUSIVE USE AND CONTROL OF VEHICLE herein.

Note 4: On shipments involving joint-line transportation, stop-off privileges apply only when the entire shipment is delivered to one connecting carrier or, if stop-off has already been accorded, when the entire remaining portion of the shipment is delivered to one connecting carrier.

Item 1100 Storage

Freight held in the carrier's possession by reason of an act or an omission of the consignor, consignee or owner, or for customs clearance or inspection (see ITEM 250 CUSTOMS OR IN BOND FREIGHT herein), and through no fault of the carrier, will be considered stored, and subject to the following provisions:

(1) Storage charges on freight awaiting line-haul transportation at origin will begin at 7 a.m., the day after freight is received by the carrier.

(2) When the consignor or consignee instructs the carrier to hold a shipment at a point intermediate to the destination and await further instructions for diversion, reconsignment, etc., storage charges will begin at 7 a.m., the day after the carrier is notified and the shipment is placed in storage.

(3) Storage charges on undelivered freight will begin at 7 a.m., the first business day after arrival of the shipment at destination, and notice of arrival as provided in ITEM 125 ARRIVAL NOTICE AND UNDELIVERED FREIGHT herein, has been given, except no charges under this ITEM will be made when actual tender of delivery is made within 24 hours after such notice of arrival has been given.

(4) Storage charges on freight stored in the carrier's possession, other than that provided for in paragraph (5), will be subject to the following minimum and maximum charges:

Minimum Charges

For each 45.36 kilograms (100 pounds) or fraction thereof per 24 hours or fraction thereof—$ 0.65

Minimum storage charge per day—$3.36

Minimum storage charge per shipment—$16.81

MAXIMUM CHARGES (per shipment or per vehicle if more than one vehicle is used to transport the shipment)

For the first 24 hours or fraction thereof—$47.01

For the second 24 hours or fraction thereof—$62.74

For the third and each succeeding 24 hours or fraction thereof—$93.84

(5) Storage charges under this ITEM will end when carrier is enabled to deliver or transport the freight as a result of action by the consignee, consignor, owner, or customs official.

(6) Storage charges under this ITEM will not apply on the day the carrier places the freight in a public warehouse. When the carrier does place the freight in a public warehouse, a charge of $1.89 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $15.32 and a maximum charge of $280.05 per shipment or $280.05 per vehicle, if more than one vehicle is used to transport the shipment, will be assessed.

(7) Storage time shall be certified and paid by the authorizing activity responsible for the storage. Charges for this service shall only be submitted to the authorizing activity.

Item 1125 Substituted Service—Rail for Motor

Unless the shipper directs that the rail carrier service shall not be performed, the motor carrier may, at its option, substitute rail service for their actual services via highways for which such motor carriers have lawful operating rights as common carriers via motor vehicle. If a carrier substitutes rail for motor service, the motor carrier will be responsible for any and all expenses included by using the substituted service as well as preparing or loading the trailer for flat car service.

Item 1150 Telegrams or Telephone Messages—Charges for

Charges for telegrams or telephone messages from shippers or consignees, or their agents or representatives, relative to routing or other services in connection with shipments of freight, will not be assumed by the carrier, excepting that when such toll is upon answer to telegram or telephone message initiated by the carrier, relating to the traffic of the shipper or consignee, it will be assumed by the carrier.

Item 1175 Transfer of Lading

(1) For shipments weighing 4,536 kilograms (10,000 pounds) or more that cannot be picked up with the vehicle to be used in transporting the shipment over the highway, and the carrier is required to render pickup service with a different vehicle, such shipments will be subject to the charges in paragraph (4) below in addition to all other applicable charges. These charges will be collected from the consignor. If the shipment moved on a GBL or a commercial bill of lading converted to a GBL, charges will be collected from the U.S. Government.

(2) When shipments weighing 4,536 kilograms (10,000 pounds) or more cannot be delivered with the vehicle used in transporting the shipment over the highway, the carrier will notify the consignee of this fact in the manner provided in ITEM 125 ARRIVAL NOTICE AND UNDELIVERED FREIGHT herein. If the consignee requests the carrier to render delivery service with a different vehicle, such shipments will be subject to the charges in paragraph (4) below, in addition to redelivery charges when performed, and all other applicable charges. Unless the bill of lading is specifically endorsed to show prepayment of these charges, they will be collected from the consignee. If the shipment moved on a GBL or a commercial bill of lading converted to a GBL, charges will be collected from the U.S. Government.

(3) When consignor or consignee requests that shipments weighing 4,536 kilograms (10,000 pounds) or more be picked up or delivered on a vehicle other than the vehicle used in transporting the shipment over the highway, the charges in paragraph (4) below will apply. Unless the bill of lading is specifically endorsed to show prepayment of these charges, they will

be collected from the party requesting the service. If the shipment moved on a GBL or a commercial bill of lading converted to a GBL, charges will be collected from the U.S. Government.

(4) The charge for the weight of the lading shall be $1.32 per 45.36 kilograms (per 100 pounds), subject to a minimum charge of $185.27 per vehicle for each transfer.

Item 1225 Vehicle or Shipper Requested Doubles Trailer Furnished but Not Used

(1) When the carrier, upon shipper's request, furnishes a vehicle or shipper requested doubles trailer for loading of a shipment and through no fault of its own the shipper cancels the ordered vehicle or shipper requested doubles trailer, the charge for each vehicle or shipper requested doubles trailer ordered and subsequently canceled shall be:

(a) On shipments weighing less than 4,536 kilograms (10,000 pounds):

(i) A charge of $50.00.

(b) On shipments weighing 4,536 kilograms (10,000 pounds) or more and shipments, regardless of weight, that occupy the full visible capacity of one vehicle or shipper requested doubles trailer:

(i) A charge of 100 cents-per-1.6093 kilometers (cents-per-mile) for each vehicle or shipper requested doubles trailer furnished and not used will be assessed from point of dispatch or the carriers nearest terminal, whichever is closer, to the scheduled loading point, subject to a minimum charge of $75.00 and a maximum charge of $250.00 per vehicle or shipper requested doubles trailer not used. If the mileage charge produces the larger charge, the carrier will identify the location from which the vehicle or shipper requested doubles trailer was dispatched.

(2) These charges will not apply when a vehicle or shipper requested doubles trailer is rejected by the shipper under ITEM 4–2 D QUALIFYING REQUIREMENTS of the GSA GENERAL FREIGHT TENDER OF SERVICE No. 1–F herein, or when notice of cancellation is received by the carrier prior to actual dispatch of the vehicle or shipper requested doubles trailer from the point of dispatch or the carriers nearest terminal, whichever is closer.

(3) When the carrier submits a claim for collection of charges under this ITEM the claim shall be supported by a written statement from the ordering activity certifying that the vehicle or shipper requested doubles trailer was ordered and not used.

(4) When the pickup carrier is inbound with a loaded vehicle or shipper requested doubles trailer, which is scheduled for outbound loading from the same location, and the shipper cancels the loading of the vehicle or shipper requested doubles trailer, no charge will be assessed under this ITEM.

Item 1250 Weight—Verification

(1) Upon request by either the consignor or consignee, the carrier will reweigh any shipment or vehicle(s) on carrier scales and if error is determined, will correct the billed weight accordingly. Such reweigh request will only be made while shipment is in the custody of the carrier. If no error is determined or if error is less than 5 percent of the billed weight, a charge of $18.46 per shipment or per vehicle, if more than one vehicle is used to transport the shipment, will be made for each. Such charge(s) is to be paid by the party requesting the service.

(2) When carrier is requested to secure a certified public scale weight for any shipment or vehicle(s), a charge of $32.88 will be made by the carrier for each reweighing obtained in addition to the fee assessed the carrier for use of the certified public scale. Such charge(s) is to be paid by the party requesting the service.

(3) If requested by the consignor or consignee to weigh a vehicle both empty and loaded, the above charge in (1) or (2), as the case may be, will be made for each separate weighing.

Item 1275 Weights—Gross Weight—Charges on Gross Weights. (See Notes 1 and 2)

(1) Unless otherwise provided, charges shall be computed on gross weight, excluding the weight of any temporary blocking, flooring, or lining, racks, standards, strips, stakes, or similar bracing, dunnage or supports not constituting a shipping carrier, container or packages, or a part of the vehicle, when such materials do not exceed 3 percent of the total weight of the shipment. The weight of such materials in excess of 3 percent of the total weight of the shipment will be charged for at the lowest rate applicable on any article in the shipment.

(2) Subject to Notes 1 and 2, when freight weighing 9,072 kilograms (20,000 pounds) or more is prepared for shipment in conformity with packing requirements, and, in addition, is loaded on pallets, platforms or skids, with or without standing sides or ends, but without tops, no charge will be made for the transportation of the pallets, platforms or skids, provided the shipper specifies the weight of the pallets, platforms or skids on the bill of lading.

(3) The destination weights, as ascertained at the smelter, will govern the assessment of freight charges upon shipments of ores or ore concentrates. Shipments of ores and ore concentrates may be sampled at destination or public sampler enroute.

(4) Any temporary blocking, flooring or lining, racks, standards, strips, stakes, or similar bracing, dunnage or supports not constituting a shipping carrier, container or package, or a part of the vehicle, when required to protect or make shipments secure for transportation must be furnished and installed by the shipper, except that upon request of shipper such materials will be furnished or installed by the carrier subject to the following provisions:

(a) When materials are furnished by the carrier, the cost thereof will be paid by the shipper upon presentation of an invoice from a supplier independent of the carrier covering such materials used on the involved shipment.

(b) The labor charge for installation of shipper or carrier furnished material will be $24.30 per hour or fraction thereof, for each man.

(c) Charges in this ITEM will not apply when extra blocking and bracing materials are used by motor and rail carriers to secure loads for trailer on flatcar substituted service as shown in ITEM 1125 SUBSTITUTED SERVICE—RAIL FOR MOTOR herein.

Note 1: When material, not a part of the pallet, platform or skid, is used to protect top of lading, or to secure the load to the pallet, platform or skid, allowance will be made for the weight of the pallet, platform or skid, but not for the weight of such material.

Note 2: The weight of the pallets, platforms or skids may not exceed 3 percent of the weight of that portion of the shipment loaded on such pallets, platforms or skids. Any weight of pallets, platform or skids in excess of 3 percent of the weight of that portion of the shipment loaded on such pallets, platforms or skids will be subject to the rates applicable to the commodity loaded on such pallets, platforms or skids.

General Services Administration—Baseline Rate Publication

No. 1000–D (GSA No. 1000–D)

Containing Baseline Rates And Minimum Charges For The Movement Of Civilian Agency Freight Shipments This Tender Applies On Both Intrastate And Interstate Traffic

General Services Administration, Federal Supply Service, Transportation Management Branch (6FBX), Kansas City, Missouri 64131

Table of Contents

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20 Disposition Of Fractions
30 Explanation Of GSA Baseline Rates And Minimum Charges
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50 Metric Conversion

Section B—Table of Baseline Rates and Minimum Charges

100 Table Of Baseline Rates And Minimum Charges

Section A—General Application and Instructions

Item 1 Purpose and Application

Purpose. This General Services Administration (GSA) BASELINE RATE PUBLICATION No. 1000–D (GSA No. 1000–D) is designed to afford carriers a simple method of expressing and filing Freight-All-Kinds (FAK) rate tender(s) for the civilian agencies of the U.S. Government. Its purpose is to provide the standardization necessary to achieve a fully automated system for rating and routing traffic, without requiring substantive changes in the manner in which rates for this traffic have traditionally been stated.

Application. The baseline rates and minimum charges contained in this publication shall serve as a basis for carriers to submit actual rates and charges for Minimum Charge (MC), Less Than Truckload (LTL), or Truckload (TL) shipments from, to, or between all points in CONUS.

Governing Rules. Rates and charges offered to a civilian agency using this publication will be subject to the rules, accessorial services, and accessorial charges contained in General Services Administration (GSA) NATIONAL RULES TENDER No. 100–D (GSA No. 100–D) and supplements or reissues thereto.

GSA Baseline Rates and Minimum Charges. The rates and charges shown in this publication were established at a baseline level above, below, or equal to motor tariff bureau class 50 rates as of January 1, 1989. These rates and charges were subsequently realigned on April 1, 1990, and increased by 13.6 percent on September 1, 1993. This is not in any way to be construed as the setting of rates or charges by GSA. Carriers must independently establish their own levels of Minimum Charge (MC), Less Than Truckload (LTL), or Truckload (TL) rates only by utilizing a percentage above, below, or equal to the level of baseline rates and minimum charges shown in SECTION B, ITEM 100 TABLE OF BASELINE RATES AND MINIMUM CHARGES of this publication.

Application of General Rate Increases. The baseline rates and charges contained in this publication will be adjusted on an as needed basis.

Item 10 Revising Publication Provisions and Method of Canceling Original or Revised Pages

This TOS will be revised by the Freight Program Management Office (6FBX), Kansas City, MO through publication of the changes on GSA's WorldWide Web Page (http://www.kc.gsa.gov/fsstt), the issuance of page revisions (original or revised), or the reissuance of the document on an ''as needed'' basis.

A. TOS Page Revisions: Reserved

B. Reissuing the TOS: Reserved

Item 20 Disposition of Fractions

Fractions of a cent resulting from the application of a carrier's independently-established percentage(s) of the baseline rates and minimum charges shown in SECTION B of this publication, shall be disposed of as follows:

A. Fractions of less than one-half of one cent shall be omitted; and

B. Fractions of one-half of one cent or greater shall be increased to the next whole cent.

Item 30 Explanation of GSA Baseline Rates and Minimum Charges

The rates in SECTION B, ITEM 100, TABLE OF BASELINE RATES AND MINIMUM CHARGES herein are shown in cents per 45.36 kilograms (cents per hundredweight [cwt]). The minimum charges in SECTION B herein are shown in dollars and cents.

Item 40 Distance Base—Explanation and Application

Each distance base (kilometers [miles]) established in conjunction with the distance table of rates contained in SECTION B, ITEM 100, TABLE OF BASELINE RATES AND MINIMUM CHARGES herein shall apply to all distances within the grouping (*i.e.*, 162.54 kilometers [101 miles] through and including 193.12 kilometers [120 miles]). All distances shall be computed by use of the applicable Household Goods Carriers' Bureau Mileage Guide(s) as shown in ITEM 10 GOVERNING PUBLICATIONS in the GSA NATIONAL RULES TENDER No. 100–D herein, or supplements or reissues thereto or any combination of both guides.

Item 50 Metric Conversion

The weights and measurements expressed in this publication are being changed to indicate both metric and U.S. equivalent non-metric measurements.

Section B—Table of Baseline Rates and Minimum Charges

Item 100 Table of Baseline Rates and Minimum Charges

The following table identifies the minimum weight columns used in the distance table of rates in this ITEM. The metric weight equivalents in kilograms are listed first with the customary weight shown in parenthesis. This ITEM also shows the distance expressed in kilometers and miles (one mile equals 1.6093 kilometers).

DEFINITION OF MINIMUM WEIGHT COLUMNS IN THIS SECTION

Minimum weight columns	Definition
—MC	Minimum Charge—Applies per shipment.
226.8 kilograms—L5C	less than 226.8 kilograms (500 pounds).
226.8 kilograms—5C	226.8 kilograms (500 pounds) but less than 453.6 kilograms (1,000 pounds).
453.6 kilograms—1M	453.6 kilograms (1,000 pounds) but less than 907.2 kilograms (2,000 pounds).
907.2 kilograms—2M	907.2 kilograms (2,000 pounds) but less than 2,268 kilograms (5,000 pounds).
2,268 kilograms—5M	2,268 kilograms (5,000 pounds) but less than 4,536 kilograms (10,000 pounds).
4,536 kilograms—10M	4,536 kilograms (10,000 pounds) but less than 9,072 kilograms (20,000 pounds).

DEFINITION OF MINIMUM WEIGHT COLUMNS IN THIS SECTION—Continued

Minimum weight columns	Definition
9,072 kilograms—20M	9,072 kilograms (20,000 pounds) but less than 13,608 kilograms kilograms (30,000 pounds)
13,608 kilograms—30M	13,608 kilograms (30,000 pounds) but less than 18,144 kilograms (40,000 pounds)
18,144 kilograms—40M	18,144 kilograms (40,000 pounds) and over

ITEM 100 TABLE OF BASELINE RATES AND MINIMUM

Rates are expressed in cents per hundredweight [cwt] (cents per 45.36 kilograms)

Minimum Weight (Kilograms)											
Distance Base			Less Than Truckload (LTL)						Truckload		
Kilometers	Mileage	Minimum Charge	L5C 226.8	5C 226.8	1M 453.6	2M 907.2	5M 2,268	10M 4,536	20M 9,072	30M 13,608	40M 18,144
0.00-16.09	0-10	$54.44	1004	872	678	612	554	524	344	289	236
17.70-32.19	11-20	$54.46	1031	887	685	619	559	528	348	293	241
33.80-48.28	21-30	$54.48	1060	902	692	626	563	533	351	300	248
49.89-64.37	31-40	$54.51	1089	917	699	633	568	537	357	307	252
65.98-80.47	41-50	$54.52	1122	932	707	640	573	542	365	312	257
82.07-96.56	51-60	$54.53	1155	945	716	646	578	546	376	323	266
98.17-112.65	61-70	$54.54	1189	960	730	653	583	551	386	332	275
114.26-128.74	71-80	$54.55	1226	976	751	660	588	556	398	341	282
130.35-144.84	81-90	$54.55	1261	992	771	669	593	560	408	351	290
146.45-160.93	91-100	$54.58	1293	1008	795	688	598	565	419	360	299
162.54-193.12	101-120	$54.65	1339	1031	822	708	607	573	431	370	308
194.73-225.30	121-140	$54.74	1392	1064	862	749	621	583	442	381	317
226.91-257.49	141-160	$54.85	1443	1117	907	791	635	592	453	390	325
259.10-289.67	161-180	$55.06	1497	1180	942	824	651	601	465	401	334
291.28-321.86	181-200	$55.47	1555	1246	978	861	666	612	476	410	343
323.47-362.09	201-225	$55.75	1599	1309	1028	907	688	630	490	423	353
363.70-402.33	226-250	$56.24	1686	1362	1088	950	720	655	507	435	367
403.93-442.56	251-275	$57.04	1766	1415	1147	997	750	683	525	453	381
444.17-482.79	276-300	$57.14	1824	1454	1223	1024	778	707	542	468	394
484.40-523.02	301-325	$57.92	1889	1515	1266	1058	795	737	559	484	408
524.63-563.26	326-350	$58.49	1918	1562	1279	1072	812	753	575	495	418
564.86-603.49	351-375	$59.15	1949	1609	1315	1094	840	780	591	509	431
605.10-643.72	376-400	$59.96	1979	1640	1345	1117	866	800	605	524	443
645.33-683.95	401-425	$60.34	1993	1657	1364	1168	886	812	623	536	454
685.56-724.19	426-450	$60.78	2039	1676	1384	1205	907	837	635	550	465
725.79-764.42	451-475	$61.16	2055	1718	1411	1242	949	864	651	565	478
766.03-804.65	476-500	$61.57	2071	1759	1457	1263	976	879	665	576	488
806.26-844.88	501-525	$62.11	2108	1799	1479	1278	995	887	679	588	499
846.49-885.12	526-550	$62.45	2144	1829	1497	1294	1008	894	694	602	511
886.72-925.35	551-575	$62.59	2177	1848	1512	1311	1013	900	710	616	524
926.96-965.58	576-600	$63.17	2208	1879	1534	1329	1028	904	726	628	534
967.19-1005.81	601-625	$64.24	2240	1921	1562	1348	1049	908	741	641	546
1007.42-1046.05	626-650	$64.29	2272	1963	1597	1365	1068	912	755	654	557
1047.65-1086.28	651-675	$65.39	2305	2005	1640	1381	1088	929	771	667	568
1087.89-1126.51	676-700	$65.42	2331	2039	1678	1404	1112	949	790	682	582
1128.12-1166.74	701-725	$66.47	2353	2068	1711	1432	1139	971	809	699	595
1168.35-1206.98	726-750	$66.48	2373	2096	1744	1461	1167	995	828	716	611
1208.58-1247.21	751-775	$67.57	2394	2120	1770	1485	1193	1017	846	733	624
1248.82-1287.44	776-800	$68.69	2413	2141	1789	1504	1217	1038	864	749	637
1289.05-1327.67	801-825	$69.82	2432	2162	1810	1523	1244	1061	884	765	652
1329.28-1367.91	826-850	$70.94	2473	2183	1829	1543	1268	1080	902	779	665
1369.51-1408.14	851-875	$71.06	2517	2204	1851	1562	1292	1101	920	794	677
1409.75-1448.37	876-900	$72.23	2561	2225	1872	1581	1314	1120	936	810	690
1449.98-1488.60	901-925	$73.41	2605	2246	1894	1601	1338	1142	954	825	702
1490.21-1528.84	926-950	$73.54	2650	2267	1915	1627	1363	1161	971	840	715

Distance Base			Minimum Weight (Kilograms)								
			Less Than Truckload (LTL)						Truckload		
Kilometers	Mileage	Minimum Charge	L5C 226.8	5C 226.8	1M 453.6	2M 907.2	5M 2,268	10M 4,536	20M 9,072	30M 13,608	40M 18,144
1530.44-1569.07	951-975	$74.73	2695	2291	1938	1655	1386	1181	989	855	728
1570.68-1609.30	976-1000	$75.93	2740	2317	1963	1681	1411	1202	1006	870	742
1610.91-1689.77	1001-1050	$76.18	2788	2358	1996	1711	1437	1222	1026	887	755
1691.37-1770.23	1051-1100	$77.51	2837	2406	2036	1741	1464	1247	1046	904	771
1771.84-1850.70	1101-1150	$78.80	2881	2448	2073	1771	1493	1271	1067	922	787
1852.30-1931.16	1151-1200	$80.05	2931	2500	2113	1802	1520	1294	1086	941	803
1932.77-2011.63	1201-1520	$81.24	2987	2565	2157	1832	1551	1317	1105	957	818
2013.23-2092.09	1251-1300	$82.45	3040	2615	2200	1869	1579	1340	1127	975	834
2093.70-2172.56	1301-1350	$83.68	3090	2653	2242	1905	1603	1363	1146	993	850
2174.16-2253.02	1351-1400	$84.90	3140	2688	2282	1939	1629	1389	1167	1011	867
2254.63-2333.49	1401-1450	$86.12	3190	2722	2322	1972	1656	1415	1188	1029	884
2335.09-2413.95	1451-1500	$87.29	3243	2755	2361	2005	1684	1440	1209	1047	900
2415.56-2494.42	1501-1550	$88.43	3317	2788	2400	2039	1711	1464	1228	1066	916
2496.02-2574.88	1551-1600	$89.57	3398	2821	2439	2073	1739	1485	1248	1083	933
2576.49-2655.35	1601-1650	$89.72	3472	2854	2478	2106	1772	1504	1269	1101	949
2656.95-2735.81	1651-1700	$90.95	3548	2885	2516	2138	1804	1522	1289	1119	972
2737.42-2816.28	1701-1750	$91.20	3624	2916	2554	2166	1837	1542	1310	1138	1000
2817.88-2896.74	1751-1800	$92.56	3668	2640	2590	2195	1868	1560	1330	1155	1027
2898.35-2977.21	1801-1850	$92.94	3681	2976	2628	2221	1897	1580	1352	1175	1053
2978.81-3057.67	1851-1900	$94.23	3728	3024	2664	2247	1926	1605	1376	1195	1078
3059.28-3138.14	1901-1950	$94.38	3812	3079	2699	2271	1954	1632	1401	1218	1103
3139.74-3218.60	1951-2000	$95.66	3867	3141	2734	2314	1980	1664	1430	1244	1126
3220.21-3379.53	2001-2100	$97.24	3902	3204	2785	2361	2019	1699	1462	1271	1154
3381.14-3540.46	2101-2200	$98.68	4040	3269	2854	2412	2066	1736	1495	1300	1192
3542.07-3701.39	2201-2300	$99.99	4176	3335	2921	2463	2110	1773	1530	1331	1233
3703.00-3862.32	2301-2400	$101.17	4250	3399	2988	2516	2158	1812	1564	1361	1262
3863.93-4023.25	2401-2500	$102.49	4332	3482	3055	2571	2208	1853	1601	1393	1302
4024.86-4184.18	2501-2600	$103.64	4413	3564	3126	2630	2260	1894	1637	1423	1331
4185.79-4345.11	2601-2700	$104.78	4494	3650	3193	2687	2307	1936	1673	1454	1362
4346.72-4506.04	2701-2800	$106.02	4604	3733	3259	2742	2354	1977	1707	1485	1392
4507.65-4666.97	2801-2900	$107.59	4704	3809	3324	2800	2400	2018	1743	1515	1420
4668.58-4827.90	2901-3000	$109.18	4816	3887	3392	2859	2450	2061	1780	1548	1452
4829.51-4988.83	3001-3100	$111.17	4878	3975	3461	2918	2507	2104	1816	1580	1485
4990.44-5149.76	3101-3200	$112.86	5038	4049	3533	2980	2557	2147	1855	1613	1515
5151.37-5310.69	3201-3300	$116.41	5206	4200	3608	3041	2612	2191	1894	1646	1544
5312.30-5471.62	3301-3400	$117.38	5322	4312	3682	3102	2664	2233	1931	1680	1573
5473.23-5632.55	3401-3500	$118.36	5438	4425	3756	3164	2716	2278	1971	1713	1603
5634.16-5793.48	3501-3600	$119.34	5554	4537	3829	3227	2768	2323	2011	1748	1632
5795.09-5954.41	3601-3700	$120.31	5670	4650	3903	3291	2821	2369	2050	1782	1662
5956.02-6115.34	3701-3800	$121.29	5786	4762	3977	3355	2873	2413	2090	1818	1692
6116.95-OVER	3801-OVER	$122.31	5914	4889	4059	3419	2931	2459	2132	1854	1723

[FR Doc. 01–21915 Filed 8–30–01; 8:45 am]

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Federal Register

Friday,
August 31, 2001

Part V

Environmental Protection Agency

40 CFR Parts 3, 51, et al.

Establishment of Electronic Reporting: Electronic Records; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 3, 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745 and 763

[FRL–7045–5]

RIN 2025–AA07

Establishment of Electronic Reporting; Electronic Records

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to allow electronic reporting to EPA by permitting the use of electronic document receiving systems to receive electronic documents in satisfaction of certain document submission requirements in EPA's regulations. The proposal also sets forth the conditions under which EPA will allow an electronic record to satisfy federal environmental recordkeeping requirements in EPA's regulations. In addition, under today's proposal, States and tribes will be able to seek EPA approval to accept electronic documents or allow the maintenance of electronic records to satisfy reporting and recordkeeping requirements under authorized or delegated environmental programs that they administer. The proposal includes criteria against which a State's or tribe's electronic document receiving system will be evaluated before EPA can approve changes to the authorized program to allow electronic reporting. Similarly, the proposal includes criteria against which EPA will evaluate a State's or tribe's provisions for electronic recordkeeping.

Under today's proposal, electronic document submission or electronic recordkeeping will be totally voluntary; EPA will not require the submission of electronic documents or maintenance of electronic records in lieu of paper documents or records. EPA will only begin to accept direct submission of an electronic document once EPA has provided public notice that its electronic document receiving system is prepared to receive the document in electronic form. Similarly, EPA will only begin to allow electronic records to satisfy a specific EPA recordkeeping requirement once EPA has provided public notice stating that electronic records will satisfy the identified requirement.

DATES: In order to be considered, comments must be received on or before November 29, 2001. Comments provided electronically will be considered timely if they are submitted by 11:59 p.m. (Eastern time) November 29, 2001.

ADDRESSES: Comments should be addressed to the United States Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, (Mail Code 2201A), Attn: Docket Number EC–2000–007, 1200 Pennsylvania Avenue NW., Washington, DC, 20460. Commenters are also requested to submit an original and 3 copies of their written comments as well as an original and 3 copies of any attachments, enclosures, or other documents referenced in the comments. Commenters who would like EPA to acknowledge receipt of their comments should include a self-addressed, stamped envelope. All comments must be postmarked or delivered by hand by November 29, 2001. No facsimiles (faxes) will be accepted. Public comments and supporting materials are available for viewing in the Enforcement and Compliance Docket and Information Center, located at 1200 Pennsylvania Avenue, NW., (Ariel Rios Building), 2nd Floor, Room 2213, Washington, DC 20460. The documents are available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (202) 564–2614 or (202) 564–2119. The public may copy a maximum of 266 pages from any regulatory document at no cost. Additional copies cost $0.15 per page. The rule and some supporting materials are also available electronically on the Internet for public review, using a *www* browser type, at *http://www.epa.gov/.*

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: *docket.oeca@epa.gov.* Electronic comments must be submitted as an ASCII, WordPerfect 5.1/6.1/8 format file and avoid the use of special characters or any form of encryption. Comments in electronic format should also be identified by the docket number EC–2000–007. Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) November 29, 2001.

FOR FURTHER INFORMATION CONTACT: For general information on this proposed rule, contact the docket above. For more detailed information on specific aspects of this rulemaking, contact David Schwarz (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 260–2710, *schwarz.david@epa.gov,* or Evi Huffer (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 260–8791, *huffer.evi@epa.gov.*

SUPPLEMENTARY INFORMATION: Affected Entities. This rule will potentially affect State and local governments which have been authorized or which seek authorization to administer a federal environmental program under Title 40 of the Code of Federal Regulations. The rule will also potentially affect private parties subject to any requirements in Title 40 of the Code of Federal Regulations that a document be created, submitted, or retained. Affected Entities include:

Category	Examples of affected entities
Local government	Publicly Owned Treatment Works, owners and operators of treatment works treating domestic sewage, local and regional air boards, local and regional waste management authorities, municipal and other drinking water authorities.
Private	Industry owners and operators, waste transporters, privately owned treatment works or other treatment works treating domestic sewage, privately owned water works, small businesses of various kinds, sponsors such as laboratories that submit or initiate/support studies, and testing facilities that both initiate and conducts studies.
State government	States or Tribes that manage any federal environmental programs authorized/approved by EPA under Title 40 of the Code of Federal Regulations.
Federal government	Federally owned treatment works and industrial dischargers; federal facilities subject to hazardous waste regulation.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware can potentially be affected by this action. Other types of entities not listed in the table can also be affected. Note that while this proposal will affect entities involved with hazardous waste management, it does not apply to the Hazardous Waste Manifest, which EPA is addressing in a separate electronic reporting rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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I. Overview

A. Why Does the Agency Want To Allow Electronic Reporting and Record-Keeping?

More than ten years ago, EPA published a notice entitled: ''Electronic Reporting at EPA: Policy on Electronic Reporting,'' (FRL–3815–4) announcing the goal of making electronic reporting available under EPA regulatory programs. We gave as reasons for this goal our expectation that enabling the submission and storage of electronic documents in lieu of paper documents can:

- Reduce the cost for both sender and recipient,
- Improve data quality by automating quality control functions and eliminating rekeying, and
- Greatly improve the speed and ease with which the data can be accessed by all who needed to use it.

Electronic reporting and record-keeping have a strong mandate in federal policy and law. As stated in the March, 1996, Reinventing Environmental Information Report, electronic reporting supports the President's overall regulatory re-invention goals of reducing the burden of compliance and streamlining regulatory reporting. In addition, the Government Paperwork Elimination Act (GPEA) of 1998, Public Law 105–277, requires that agencies be prepared to allow electronic reporting and recordkeeping under their regulatory programs by October 21, 2003. Given the enormous strides in data transfer and management technologies since 1990—particularly in connection with the Internet—replacing paper with electronic data transfer now promises increased productivity across almost all facets of business and government.

B. What Will the Proposed Regulations Do?

The proposed rule will remove existing regulatory obstacles to electronic reporting and record-keeping across a broad spectrum of EPA programs, and establish requirements to assure that electronic documents and electronic records are—for all purposes—as valid and authentic as their paper counterparts. These proposed requirements will apply to regulated entities that choose to submit electronic documents and/or keep electronic records, and under today's proposal, the choice of using electronic rather than paper for future reports and records will remain purely voluntary. Today's proposal will not amend compliance requirements under existing regulations and statutes and will not affect whether a document must be created, submitted, or retained under the existing provisions of Title 40 of the Code of Federal Regulations. Similarly, today's proposal will not affect the period of required record-retention, whether the stored electronic document must be signed, who is entitled to receive copies of the record, the number of copies that must be maintained, or any other requirements imposed by the underlying EPA, State, tribal or local program regulations. Public access to environmental compliance information will not be adversely affected by today's proposal. Electronic reporting and record-keeping provisions in this proposal will provide for continued public access to electronic documents equivalent to that provided for paper records under existing law.

For purposes of this proposal, EPA is using the term ''electronic reporting'' in a sense that excludes submission of a report via magnetic media, for example via diskette, compact disk, or tape; we are also excluding transmission via hard copy facsimile or ''fax''. Likewise, our use of the term ''electronic document'' throughout this Notice refers exclusively to documents that are transmitted via a telecommunications network, excluding hard copy facsimile. However, this proposal's exclusion of magnetic media submissions in no way indicates EPA's rejection of this technology as a valid approach to paperless reporting; we believe that in many cases magnetic media submission fulfills the goals of the Government Paperwork Elimination Act (GPEA). Many EPA programs have successfully used magnetic media submissions to implement their regulatory reporting,

including Hazardous Waste, Toxic Release Inventory, and Pesticide Registration. EPA expects these magnetic media approaches to paperless reporting to continue, and nothing in today's proposal should be understood to proscribe them.

For regulated entities that choose to submit electronic documents directly to EPA, today's proposal will require that these documents be submitted to a centralized Agency-wide electronic document receiving system, called the 'Central Data Exchange' (CDX), or to alternative systems designated by the Administrator. Regulated entities that wish to submit electronic documents directly to EPA will satisfy the requirements in today's proposal by successfully submitting their reports to the CDX. While we do not intend to codify any of the details of how CDX operates or how it is constructed, EPA does solicit comments on the characteristics of the CDX and the submission scenarios described in this preamble. In addition, the CDX design specifications will be included as a part of this rulemaking docket. For regulated entities that choose to keep records electronically, today's proposal requires the adoption of best practices for electronic records management. Importantly, today's proposal will not authorize the conversion of existing paper documents to an electronic format for record-retention purposes because no mechanism currently exists that can be relied upon in all cases to preserve the forensic data in an existing paper document when it is converted to an electronic form. However, today's proposal does not prohibit such conversions at the Administrator's discretion on a case-by-case basis.

Many facilities do not submit documents directly to EPA, but rather to States, tribes or local governments that are approved, authorized or delegated to administer a federal environmental program on EPA's behalf or to administer a state environmental program in lieu of the federal regulatory program in that State. We will refer to these as ''authorized State and tribal programs.'' This proposal will allow for EPA approval of changes to authorized State and tribal programs to provide for electronic reporting, and EPA approval will be based largely on an assessment of the State's or tribe's ''electronic document receiving system'' that will be used to implement the electronic reporting provisions. For this purpose, today's proposal includes detailed criteria that EPA will use to determine that an electronic document receiving system is acceptable. These criteria address such issues as system security, the approach to electronic signature and certification, chain-of-custody and archiving, including provisions that address how a State, tribe or local government manages electronic records that are directly associated with its electronic document receiving system, as well as certain data transfers between this system and regulated entities. Beyond this, today's proposal does not address State, tribal or local government electronic recordkeeping or data transfers carried out to administer their authorized programs. Today's proposal does not address any data transfers between EPA and States or tribes as a part of administrative arrangements to share data. Finally, it is worth noting that EPA can approve changes to authorized State or tribal programs that involve the use of CDX to receive data submissions from their regulated communities. CDX has been designed with the goal of fully satisfying the criteria that this proposal specifies for assessing State or tribal electronic document receiving systems; similarly, EPA will ensure that other systems the Administrator designates to receive electronic submissions will satisfy the criteria as well. In view of this, EPA is exploring opportunities to leverage CDX resources for use by States, tribes and local environmental agencies.

Similarly, many facilities maintain records to satisfy the requirements of authorized State and tribal programs. This proposal will also allow for EPA approval of changes to authorized State and tribal programs to provide for electronic record-keeping. EPA approval in this case will be based on a determination that the State's or tribe's program will require best practices for electronic records management, corresponding to EPA's provisions for electronic records maintained to satisfy EPA recordkeeping requirements.

For both document submission and record-keeping, the point of the proposed requirements is primarily to ensure that the authenticity and integrity of these documents and records are preserved as they are created, submitted, and/or maintained electronically, so that they continue to provide strong evidence of what was intended by the individuals who created and/or signed and certified them. Among other things, today's proposal is intended to ensure that the federal laws regarding the falsification of information submitted to the government still apply to any and all electronic transactions, and that fraudulent electronic submissions or record-keeping can be prosecuted to the fullest extent of the law. In establishing clear requirements for electronic reporting systems and electronic records, this proposed rule will help to minimize fraud by assuring that the responsible individuals can be readily identified.

While today's proposal will remove regulatory obstacles to electronic reporting and record-keeping, EPA will make electronic submission available as an option for specific reports or other documents only as the systems become available to receive them. Similarly, EPA will make electronic recordkeeping available as an option for specific record-keeping requirements only as programs become ready to adopt this change. In the case of electronic reporting, EPA plans to move aggressively toward implementation of CDX for high volume environmental reports submitted directly to EPA. EPA will publish announcements in the **Federal Register** as CDX and other systems become available for particular environmental reports and as programs become ready to make electronic recordkeeping an option. These points are discussed in more detail in Section III.C and D of this Preamble. To implement electronic reporting and recordkeeping under authorized State and tribal programs, EPA also plans to work with interested States and tribes to approve the necessary program changes as quickly and expeditiously as possible.

II. Background

A. What Is EPA's Current Electronic Reporting Policy?

On September 4, 1996, EPA published a document entitled ''Notice of Agency's General Policy for Accepting Filing of Environmental Reports via Electronic Data Interchange (EDI)'' (61 FR 46684) (hereinafter referred to as ''the 1996 Policy''), where ''EDI'' generally refers to the transmission, in a standard syntax, of unambiguous information between computers of organizations that may be completely external to each other (61 FR at 46685). This notice announced our basic policy for accepting electronically submitted environmental reports, and its scope was intended to include any regulatory, compliance, or informational (voluntary) reporting to EPA via EDI.

In the context of EDI, the ''syntax'' of the computer-to-computer transmissions may be thought of as the structure or format of the transmitted data files. And, ''format'' here refers to such things as the ordering and labeling of the individual elements of data, the symbol used to separate elements, the way that related elements are grouped together, and so on. For example, for a file consisting of people's names, a simple

format specification might be that (i) the elements occur in order: first-name, middle-name, last-name; (ii) the elements are labeled, respectively, ''F'', ''M'', and ''L''; (iii) each group of first, middle and last names is separated by a semi-colon; and (iv) there is a comma between any two elements in a group.

For purposes of the 1996 policy, the standard transmission formats used by EPA were to be based on the EDI standards developed and maintained by the American National Standards Institute (ANSI) Accredited Standards Committee (ASC) X12. By linking our approach to the ANSI X12 standards, we hoped to take advantage of the robust ANSI-based EDI infrastructure already in place for commercial transactions, including a wide array of commercial off-the-shelf (COTS) software packages and communications network services, and a growing industry community of EDI experts available both to EPA and to the regulated community. At the time EPA was writing this policy, ANSI-based EDI was arguably the dominant mode of electronic commerce across almost all business sectors, from aerospace to wood products, at least in the United States. EDI was also widely used in the Federal Government, most notably at the Department of Defense, but also, increasingly, at other agencies, including the Social Security Administration, the General Services Administration, the Department of Transportation, the Health Care and Finance Administration, and the Department of Housing and Urban Development, and the Department of Health and Human Services.

However, as the 1996 policy made clear, no specific EPA reporting requirement can be satisfied via EDI until the Agency develops the corresponding program-specific implementation guidance (61 FR 46686). This guidance generally needs to do at least three things. First, it needs to address such procedural matters as the interactions with the communications network (for EDI purposes, usually stipulated as a controlled-access, ''value-added network'' or ''VAN''), schedule for submissions and acknowledgments, transaction records to be maintained, and so on. Second, it needs to stipulate the specific ANSI X12 standard transmission formats—referred to as ''transaction sets''—to be used for the specified reports. This stipulation is essential, since ANSI provides hundreds of different transaction sets, each corresponding to a distinct type of commercial document, *e.g.* invoices, purchase orders, shipping notices, product specifications, reports of test results, and so on. Third, the guidance also needs to say how the stipulated transactions sets are to be interpreted. X12 transaction sets are generally designed to be somewhat generic—they typically leave a number of their components as ''optional'', and use data-element specifications that are open to multiple interpretations. (For a more detailed explanation of EDI and these implementation guidance documents, see section V.B.4 of this preamble.)

Given a public notice that the applicable implementation guidance is ready, the September, 1996, policy allows facilities to submit required reports electronically using EDI once they enter into a Terms and Conditions Agreement (TCA) with the Agency (61 FR 46685). Where the report in question requires a responsible individual at a facility to certify to the truthfulness of the submitted data, the TCA must provide for the use of a Personal Identification Number (PIN) as a form of electronic signature. Under the policy, the individual entering into the TCA is required to use a PIN assigned by EPA for this purpose (61 FR 46685). Finally, under the TCA, the facility is required to adhere to security and audit requirements as described in the notice (61 FR 46687).

Finally, the 1996 policy also explained that the various programs may require additional security procedures on a program-by-program basis (61 FR 46684). Such procedures may be covered in the program-specific implementation guidance, or can be provided through rule-making.

B. How Would Today's Proposal Change EPA's Current Electronic Reporting Policy?

For practical purposes, the most important changes that today's proposal makes to current policy is in our technical approach to electronic reporting. Generally, we propose to greatly broaden the options available for electronic submission of data. For example, while we will continue to support data transfer via standards-based EDI (as explained in section V.B.4 of this preamble), we will also provide options involving user-friendly ''smart'' electronic forms to be filled out on-line, on the Internet, or downloaded for completion off-line at the user's personal computer. In addition, we propose to support data transfers through the Internet, via email, or via on-line interactions with Web sites, in a variety of common application-based formats, such as those output by spreadsheet packages. In terms of electronic signature technology, while we may continue to allow PIN-based approaches, our plan is to emphasize digital signatures based on ''public key infrastructure'' (PKI) certificates, given the increasing support for—and acceptance of—PKI for commercial purposes. (For an explanation of PKI, see Section V.B.1 of this preamble.) And, we plan to consider and allow for other signature technologies as they become viable for our applications.

This proposal also represents some important changes in EPA's regulatory strategy as well. To begin with, we are proposing to abandon any attempt to use regulations or formal policies to place technology-specific or procedural requirements on regulated entities submitting electronic documents. In place of the technology-specific/procedural provisions, our regulation will require that electronic submissions be made to designated EPA systems, or to State, tribal or local government systems that are determined to satisfy a certain set of function-based criteria. Thus, as a rulemaking, today's proposal will govern electronic reporting by placing requirements on the systems that receive the electronic documents—rather than on the regulated entities submitting them—and by specifying these requirement in terms of technology-neutral functionality.

This new regulatory strategy does not mean that we are proposing to abandon any control over how electronic documents are submitted. We are proposing instead to require the use of the ''Central Data Exchange'' (CDX) system or other EPA designated systems for submissions to EPA. While the rule may be technology-neutral, CDX itself will incorporate a suite of very specific technologies, including digital signatures based on ''public key infrastructure'' (PKI) certificates, described in detail below. In addition, while the rule itself will not require more than the use of CDX for electronic submissions to EPA, using CDX will—as a practical matter—impose a very well-determined set of requirements on the reporting process for those who choose electronic submission instead of paper when reporting directly to EPA. Section V of this preamble will describe these requirements in some detail.

These changes in strategy are significant. They represent a decision that the mechanics of electronically submitting data should not be reflected in specific regulatory provisions. In addition, these changes give EPA the flexibility to adapt our electronic reporting systems to evolving technologies without having to amend our regulations with each technological innovation. That is, CDX or other

designated systems can be changed as appropriate, so long as they continue to satisfy the function-based criteria that the rule establishes. In general, we believe that this strategy will enable EPA, the States and tribes to offer regulated companies a very user-friendly approach to electronic reporting that can be tailored to the level of automation they wish to achieve, and can incorporate improved technologies as they become available without the delay associated with rulemaking.

C. Why Is EPA Proposing These Changes in Electronic Reporting Policy?

EPA is proposing these changes for three reasons. First, and most important, the technology environment has changed substantially since the September, 1996, policy was written. Web-based electronic commerce and Public Key Infrastructure (PKI) provide two obvious examples. While both were available and in use for some purposes in 1996, they had not yet achieved the level of acceptance and use that they enjoy today. We could not have anticipated in1996 that this evolution would occur as rapidly as it has. Clearly, these developments require that we extend our approach to electronic reporting beyond EDI and PINs. In addition, they teach us that it is generally unwise to base regulatory requirements on the existing information technology environment or on assumptions about the speed and direction of technological evolution.

Second, we believe that technology-specific provisions would, of necessity, be very complex and unwieldy. The resulting regulation would likely place unacceptable burdens on regulated entities trying to understand and comply with it, and might also be difficult for EPA to administer and enforce.

Third, and finally, an electronic reporting architecture that makes a centralized EPA, State or tribal system the platform for such functions as electronic signature/certification is now quite viable—and quite consistent with the standard practices of Web-based electronic commerce. In many ways, regulated entities' electronic transactions with the ''Central Data Exchange'' (CDX) will be similar to doing business with an on-line travel agency, book store, or brokerage, and with a similar client-server architecture. Given the state of technology five years ago, we could not have considered this approach in the September, 1996, policy.

D. What Is EPA's Approach to Electronic Record-Keeping?

Today's proposal sets forth the criteria under which the Agency considers electronic records to be trustworthy, reliable, and generally equivalent to paper records in satisfying regulatory requirements. The intended effect of this proposed rule is to permit use of electronic technologies in a manner that is consistent with EPA's overall mission and that preserves the integrity of the Agency's enforcement activities.

E. What Information Is EPA Seeking About Electronic Reporting and Record-Keeping Proposals?

In proposing to allow regulated entities to submit electronic documents and maintain electronic records, EPA has, at least, the following three goals:

- To reduce the cost and burden of data transfer and maintenance for all parties to the data exchanges;
- To improve the data—and the various business processes associated with its use—in ways that may not be reflected directly in cost-reductions, e.g. through improvements in data quality, and the speed and convenience with which data may be transferred and used; and
- To maintain or improve the level of corporate and individual responsibility and accountability for electronic reports and records that currently exists in the paper environment.

EPA is seeking comment and information on how well today's proposed regulatory provisions and the associated Central Data Exchange infrastructure will serve to fulfill these three goals. Concerning the first—addressing cost and burden—EPA is particularly interested in and seeks comment on whether today's proposal will make electronic reporting and record-keeping a practical and attractive option for smaller regulated entities, especially small businesses. Concerning the second—addressing the data and the associated business process—we are especially interested in comments on how our proposed approach to electronic reporting and record-keeping will affect third parties, for example State and local agencies that may collect and/or use the data in implementing EPA programs as well as members of the public who have an interest in the data as concerned citizens.

Concerning our third goal, it is essential that we continue to ensure sufficient personal and corporate responsibility and accountability in the submission of electronic reports and the maintenance of electronic records; otherwise we place at risk the continuing viability of self-monitoring and self-reporting that provides the framework for compliance under most of our environmental programs. Therefore, EPA is especially interested in any concerns or issues that commenters may wish to raise about the effect that moving from paper to the electronic medium may have on this compliance structure—as well as assessments of the approaches EPA is proposing to address these concerns.

F. How Were Stakeholders Consulted in Developing Today's Proposal?

Today's proposal reflects more than eight years of interaction with stakeholders—including State and local governments, industry groups, the legal community, environmental non-government organizations, ANSI ASC X12 sub-committees, and other federal agencies. Many of our most significant interactions involved electronic reporting pilot projects conducted with State agency partners, including the States of Pennsylvania, New York, Arizona, and several others. In addition, over a two-year period beginning in May, 1997, EPA worked together with approximately 35 States on the State Electronic Commerce/Electronic Data Interchange Steering Committee (SEES) convened by the National Governors' Association (NGA) Center for Best Practices (CBP). The product of the SEES effort was a document entitled, ''A State Guide for Electronic Reporting of Environmental Data,'' available in the docket for this rulemaking, along with reports on some of the more recent state/EPA electronic reporting pilots. Information on SEES is also available at: *www.nga.org/CBP/Activities/EnviroReporting.asp*. Today's proposal has benefitted greatly from the SEES discussions, and EPA believes that the proposal is generally consistent with the SEES ''State Guide''.

Beginning in June, 1999, EPA also sponsored a series of conferences and meetings with the explicit purpose of seeking stakeholder advice on today's rulemaking. These included:

- The Symposium on Legal Implications of Environmental Electronic Reporting, June 23–25, 1999, convened by the Environmental Law Institute;
- Two NGA-convened State meetings, held in Cleveland, April 11–12, 2000, and in Phoenix, June 1–2, 2000; and
- Two public meetings, held in Chicago, June 6, 2000, and in Washington, D.C., July 11, 2000.

Reports of these conferences and meetings are also available in the rulemaking docket.

III. Scope of Today's Proposal

A. Who May Submit Electronic Documents and Maintain Electronic Records?

Any regulated company or other entity that submits documents addressed by today's proposal (see section III.B., below) directly to EPA can submit them electronically as soon as EPA announces that the Central Data Exchange or a designated alternative system is ready to receive these reports. Any regulated company or other entity that maintains records addressed by today's proposal (see section III.C., below) under EPA regulations can store them in an electronic form subject to the proposed criteria for electronic record-keeping as soon as EPA announces that the specified records may be kept electronically. As noted in section I.B of this preamble, the rule will not authorize the conversion of existing paper records to an electronic format. Regulated companies or other entities that submit documents or maintain records under authorized State or tribal programs may submit or maintain them electronically as soon as EPA approves the changes to the authorized programs that are necessary to implement the State's or tribe's provisions for electronic reporting or recordkeeping.

Under today's proposal, the entities that can use electronic reporting and record-keeping will not be required to do so; they can still use the medium of paper for document submissions and records if they choose. Nonetheless, nothing in this proposal will prohibit State, tribal or local authorities from requiring electronic reporting or record-keeping under applicable State, tribal and local law.

B. How Does Today's Proposal Relate to the New E–SIGN Legislation?

The environmental reports and records that are the subject of this rule are generally not subject to the recently enacted ''Electronic Signatures in Global and National Commerce Act of 2000'' (''E–SIGN'' or ''the Act''), Public Law 106–229, because most of these governmentally-mandated documents are not amongst the ''transactions'' to which E–SIGN applies. However, the EPA has authority to permit electronic reporting under the statutes it administers and under the Government Paperwork Elimination Act (GPEA) of 1998, Public Law 105–277, *http://ec.fed.gove/gpedoc.htm.* E–SIGN, establishes the legal equivalence between: (1) Contracts written on paper and contracts in electronic form; (2) pen-and-ink signatures and electronic signatures; and (3) other legally-required written documents (termed ''records'' in the statute) and the same information in electronic form. As a general rule, if parties to a transaction in interstate commerce choose to use electronic signatures and records, E–SIGN grants legal recognition to those methods. E–SIGN provides that no contract, signature, or record relating to such a transaction shall be denied legal effect *solely* because it is in electronic form, nor may such a document be denied legal effect *solely* because an electronic signature or record was used in its formation. GPEA also provides such language for government filings covered by this rule and provides similar legal validity for associated electronic signatures. When E–SIGN takes effect on October 1, 2000, statutes or agency rules containing paper-based requirements that might otherwise deny effect to electronic signatures and records in consumer, commercial or business transactions between two or more parties will be superseded. E–SIGN does, however, permit federal and State agencies to set technology-neutral standards and formats for the submission and retention of electronic documents.

E–SIGN applies broadly to commercial, consumer, and business transactions in or affecting interstate or foreign commerce, including transactions regulated by both federal and State government. However, the conferees who drafted this legislation specifically excluded ''governmental transactions'' from the definition of transactions that are subject to E–SIGN; accordingly, E–SIGN does not cover transactions that are uniquely governmental, such as the transmission of a compliance report to a federal or State agency. Nonetheless, E–SIGN does cover documents that are created in a commercial, consumer, or business transaction, even if those documents are also submitted to a governmental agency or retained by the regulated community for governmental purposes. For example, an insurance contract that is commemorated in an electronic document will be covered by the provisions of E–SIGN, even if EPA or an authorized State requires that the policy-holder maintain proof of insurance as part of a federal or State environmental program. In order to ensure that these documents will meet governmental needs, the Act permits the government to set technology-neutral standards and formats for such records. In order that governmental agencies have time to promulgate these standards and formats, E–SIGN has a delayed effective date for its record-retention provisions of March 1, 2001. If a federal or State regulatory agency has proposed a standard or format for document retention by March 1, 2001, the Act will take effect with respect to those records on June 1, 2001.

C. Which Documents Could Be Filed Electronically?

With the exception of the Hazardous Waste Manifest (which EPA is addressing in a separate electronic reporting rule), today's proposal addresses document submissions required by or permitted under any EPA or authorized State, tribal or local program governed by EPA's regulations in Title 40 of the Code of Federal Regulations (CFR). Nonetheless, EPA will need time to develop the hardware and software components required for each individual type of document. Similarly, EPA will need time to evaluate State, tribal, and local electronic document receiving systems to ensure that they meet the criteria articulated in today's proposal. Accordingly, once this rule takes effect, documents subject to this rule submitted directly to EPA can only be submitted electronically after EPA announces in the **Federal Register** that the Central Data Exchange (CDX) or an alternative system is ready to receive them. Documents subject to this rule submitted under an authorized State or tribal program can only be submitted electronically once EPA has approved the necessary changes to the authorized program.

Both in developing the CDX, and in approving changes to authorized State and tribal programs related to electronic reporting, EPA plans to give priority to receipt of the relatively high volume environmental compliance reports that do not involve the submission of confidential business information (CBI). EPA believes that receipt of electronically transmitted CBI requires considerably stronger security measures than the initial version of CDX may be able to support, including provisions for encryption. While EPA does plan to enhance CDX to accommodate CBI, we will first want to gain experience implementing CDX in the non-CBI arena and also take the time to explore CBI security issues with companies that submit confidential data. EPA seeks comments and advice on priorities for electronic reporting implementation. EPA also seeks comments on this proposal's global approach, and whether specific exclusions should be added to the rule.

D. Which Records Can Be Maintained Electronically and Which Can Not?

Today's proposal addresses records that EPA or authorized State, tribal or local programs require regulated entities to maintain under any of the environmental programs governed by Title 40 of the CFR or related State, tribal and local laws and regulations. Nonetheless, individual EPA programs may need additional time to consider more specific provisions for administering the maintenance of electronic records under their regulations. Similarly, EPA will need time to evaluate State, tribal, and local programs' provisions for administering electronic records maintenance to ensure that such records will meet the criteria articulated in today's proposal.

Accordingly, once this rule takes effect, any records subject to this rule submitted directly to EPA can only be maintained electronically after EPA announces in the **Federal Register** that EPA is ready to allow electronic records maintenance to satisfy the specified record-keeping requirements. Records subject to this rule maintained under an authorized State or tribal program can only be maintained electronically once EPA has approved the necessary changes to the authorized program. For electronic records specified in such **Federal Register** announcements or authorized program changes, they can be maintained in lieu of paper records so long as they meet the requirements in this proposal, unless paper records are specifically required in regulations promulgated on or after promulgation of this final rule. However, today's proposal will not apply to paper records that are already in existence—whether these are maintained under EPA programs or under authorized State, tribal or local programs—and will not provide that any of these paper records can be converted to an electronic format. In addition, today's proposal does not address contracts, grants, or financial management regulations contained in Title 48 of the CFR. EPA is addressing such procurement-related activities separately. Accordingly, today's proposal does not apply to records maintained under these Title 48 regulations, whether this record-keeping was administered by EPA or by a State, tribal or local program under EPA authorization.

E. How Would Today's Proposal Implement Electronic Reporting and Record-Keeping?

EPA proposes our overall policy and requirements for electronic reporting and record-keeping as a new 40 CFR part 3, which consists of four (4) Subparts. Subpart A provides that any reporting requirement in Title 40 can be satisfied with an electronic submission to EPA that meets certain conditions (specified in Subpart B) once EPA publishes a notice that electronic document submission is available for this requirement. Similarly, Subpart A provides that any record-keeping requirement in Title 40 can be satisfied with electronic records that meet certain conditions (specified in Subpart C) once EPA publishes a notice that electronic record-keeping is available for this requirement. Subpart A also provides that electronic reporting and record-keeping can be made available under EPA-authorized State, tribal or local environmental programs as soon as EPA approves the necessary changes to these authorized programs (in accordance with Subpart D). In addition, subpart A makes clear: (1) That electronic document submission or record-keeping, while permissible under the terms of this part, will not be required; and (2) that this regulation will confer no right or privilege to submit data electronically and will not obligate EPA or State, tribal or local agencies to accept electronic data except as provided under this regulation.

Subpart B sets forth the general requirements for acceptable electronic documents submitted to EPA. It provides that electronic documents must be submitted either to EPA's Central Data Exchange (CDX) or other EPA designated systems. It also includes general requirements for electronic signatures. Subpart C sets forth requirements that regulated entities must satisfy if they wish to maintain their electronic records in satisfaction of EPA record-keeping requirements. Finally, subpart D sets forth the process and criteria for EPA approval of changes to authorized State, tribal and local environmental programs to allow electronic document submissions or record-keeping to satisfy requirements under these programs. With respect to electronic document submissions, subpart D includes detailed criteria for acceptable State, tribal or local agency electronic document receiving systems against which EPA will assess authorized program implementations of electronic reporting.

The table below describes the applicability of each of these proposed new subparts.

Subpart	Applicability
A. General Provisions	Companies and other entities regulated under Title 40 of the Code of Federal Regulations, and State, tribal and local agencies with electronic document receiving systems used to receive documents under their authorized programs.
B. Electronic Reporting to EPA	Companies and other entities regulated under Title 40 of the Code of Federal Regulations.
C. Electronic Record-keeping under EPA Programs.	Companies and other entities regulated under Title 40 of the Code of Federal Regulations.
D. Approval of Electronic Reporting and Record-keeping under State Programs.	State, tribal and local agencies with electronic document receiving systems or electronic record-keeping programs for which EPA approval is required.

Given the proposed provisions of Subpart A, a regulated entity wishing to determine whether electronic reporting or record-keeping was available under some specific regulation will have to verify that EPA has published a **Federal Register** notice announcing their availability and will have to locate any additional provisions or instructions governing the electronic option for the particular reporting or record-keeping requirements. EPA seeks comments on whether the new Part 3 should include specific cross-references to such announcements and instructions to the extent that these are codified elsewhere in Title 40. The cross references could be organized by CFR subparts of Title 40, and could provide a simple listing of program-specific regulations for which EPA has implemented electronic reporting or record-keeping under the provisions of today's proposal. EPA invites suggestions on the most helpful cross-referencing scheme.

IV. The Requirements in Today's Proposal

A. What Are the Proposed Requirements for Electronic Reporting to EPA?

Today's proposal specifies just two requirements for electronic reporting to

EPA. First, electronic documents must be submitted to an appropriate EPA electronic document receiving system; generally this will be EPA's Central Data Exchange (CDX), although EPA can also designate additional systems for the receipt of electronic documents. Second, where an electronic document must bear a signature under existing regulations or guidance, it must be signed (by the person authorized to sign under the current applicable provision) with an electronic signature that can be validated using the appropriate EPA electronic document receiving system. The proposal stipulates that the electronic signature will make the person who signs the document responsible, or bound, or obligated to the same extent as he or she would be signing the corresponding paper document by hand. Only electronic submissions that meet these two requirements will be recognized as satisfying a federal environmental reporting requirement, although failure to satisfy these requirements will not preclude EPA from bringing an enforcement action based on the submission.

It should be noted that the second requirement, concerning signatures, will apply only where the document would have to bear a signature were it to be submitted on paper, either because this is stipulated in regulations or guidance, or because a signature is required to complete the paper form. Today's proposal is not intended to require additional signatures on documents when they are migrated from paper to electronic submission. The EPA electronic document receiving system will indicate to the submitter whether a signature is required to complete submission of an electronic document—although the presence or absence of this indication will not affect whether or not a signature is required for a document to have legal effect.

Beyond these two requirements, the proposed rule does not specify any required hardware or software. Accordingly, the proposed rule text does not include any detail about CDX per se or about what will be required of regulated entities who wish to use it. Nonetheless, in publishing today's proposal, one of EPA's goals is to share our plans for the CDX and to invite comments on the technical approaches that it represents. Therefore, section V, below, explains the details of CDX as it is currently planned—including CDX technical approaches to satisfying our proposed functional criteria, and what use of CDX to submit electronic documents will require of the users. We are also including the draft CDX design specifications in the docket for today's proposed rule. In reviewing these materials, however, the reader should bear in mind that the details of CDX that they specify have not been finalized, and may be affected by the comments received on today's proposal. In the preamble to the notice of final rulemaking for today's proposal, EPA will describe the details of CDX as it will actually be implemented, and will highlight any significant changes from the design as described in this proposal.

Of course, even after the current CDX design is finalized and implemented, the system may change—to take advantage of opportunities offered by evolving technologies, as well as to correct any deficiencies that operational experience reveals. Our proposed regulatory strategy—avoiding the codification of technology-specific/procedural provisions—is meant to accommodate such changes without requiring that we amend our regulations. Nonetheless, EPA recognizes that such changes can be disruptive to regulated entities that participate in electronic reporting; therefore, we are adding provisions that commit EPA to provide adequate public notice where a contemplated change may have this impact. In general, we foresee four kinds of cases:

- Major changes that can be disruptive to regulated entities; these will likely affect the kinds of hardware or software required to submit electronic reports—examples may include required changes to the file formats CDX will accept, or to the required electronic signature technology, but will not generally include optional upgrades to software, the provision of additional formatting (or other technical) options, or changes to CDX that simply reflect changes to the regulatory reporting requirements that the system is supporting;
- Minor changes that will likely not be disruptive; these will affect the user interface but without affecting the hardware or software required to submit electronic reports—examples may include changes to screen layouts, or sequencing of user prompts;
- Transparent changes that will affect CDX operation without any apparent change in interaction with submitters—an example may be a change to the CDX archiving process; and
- Emergency changes necessary to protect the security or operational integrity of CDX—an example may be an upgrade to the system firewall protection.

Our approach will then be to provide public notice and seek comment on major changes at least a year in advance of contemplated implementation. For minor changes we will provide public notice at least 60 days in advance of implementation. For transparent changes and emergency changes we will make decisions on whether and when to provide public notice on a case-by-case basis. EPA seeks comment on this approach, including the kinds of cases we distinguish and the proposed time-frames for notice. We are especially interested in views on the appropriateness of the time-frame for notice of major changes—and specifically on whether a shorter time-frame, e.g. 9 months or 6 months, would provide adequate notice while giving EPA greater flexibility to make timely responses to changes in the technological environment. We also seek comment on the more general question of whether it is in the best interests of EPA and our regulated entities to codify these public notice provisions at all, or whether they may place at risk our ability to be sufficiently responsive to the changing needs of our user community. We are also interested in the question of whether the different kinds of cases are or can be defined with sufficient precision to form the basis for workable regulatory provisions, and we welcome any suggestions for alternative regulatory language.

B. What Requirements Must Electronically Maintained Records Satisfy?

1. *General Approach.* In today's proposed rule, EPA is proposing a set of criteria that will have to be met by regulated entities that maintain electronic records in lieu of paper records, to satisfy record-keeping requirements under EPA regulations in Title 40 of the CFR. The proposed criteria address the minimal functional capabilities that an electronic record-retention system must possess in order for an electronic record or document to meet a federal environmental record-keeping requirement. Regulated entities that use electronic systems to create, modify, maintain, or transmit electronic records will need to employ procedures and controls designed to meet the minimum criteria in today's rule. These criteria are designed to insure that electronic records are trustworthy and reliable, available to EPA and other agencies and their authorized representatives in accordance with applicable federal law, and admissible as evidence in a court of law to the same extent as a corresponding paper record.

2. *EPA's Proposed Criteria for Electronic Record-Retention Systems.* In general, EPA believes that for electronic records to be trustworthy and reliable,

their corresponding electronic record-retention system must: (1) Generate and maintain accurate and complete copies of records and documents in a form that does not allow alteration of the record without detection; (2) ensure that records are not altered throughout the records' retention period; (3) produce accurate and complete copies of an electronic record and render these copies readily available, in both human readable and electronic form as required by predicate regulations, throughout the entire retention period; (4) ensure that any record bearing an electronic signature contains the name of the signatory, the date and time of signature, and any information that explains the meaning affixed to the signature; (5) protect electronic signatures so that any signature that has been affixed to a record cannot be detached, copied, or otherwise compromised; (6) use secure, computer-generated, time-stamped audit trails to automatically record the date and time of operator entries and actions that create, modify, or delete electronic records; (An audit trail is an important element of any acceptable electronic record, for it provides an electronic record of key entries and actions to a record throughout its life cycle. Such audit trail documentation needs to be retained for a period at least as long as that required for the subject electronic records. Audit trail documentation also needs to be available for agency review.) (7) ensure that records are searchable and retrievable for reference and secondary uses, including inspections, audits, legal proceedings, third party disclosures, as required by predicate regulations, throughout the entire retention period; (8) archive electronic records in an electronic form that preserves the context, metadata, and audit trail; (Depending on the record retention period required in predicate regulations, regulated entities must insure that the complete records, including the related metadata, can be maintained in secure and accessible form on the preexisting system or migrated to a new system, as needed, throughout the required retention period.) and (9) make computer systems (including hardware and software), controls, and attendant documentation readily available for agency inspection. EPA believes that where these 9 criteria are met, records required to be maintained under EPA regulations, can be kept electronically, including where they involve or incorporate signatures.

3. *Electronic Records with Electronic Signatures.* Where electronic records involve or incorporate electronic signatures meeting the requirements under Subpart C of this proposal, EPA will consider the electronic signatures to be equivalent to hand-written signatures. EPA believes the criteria described in paragraph B.2. above address the conditions for cases of electronic records involving signatures, such as: first, a signed electronic record must contain information associated with the signing that clearly indicates the name of the signer, the date and time when the electronic record was signed, and, the meaning associated with the signature (such as review, approval, responsibility, authorship, etc.); second, electronic signatures must be linked to their respective electronic records to ensure that the signatures cannot be excised, copied or otherwise transferred so as to falsify an electronic record by ordinary means; third, this information will be subject to the same controls as those for electronic records and must be included as part of any human readable form of the electronic record (such as electronic display or printout). EPA seeks comment on whether these criteria are appropriate and whether—taken together with the general criteria—they are sufficient to ensure that signatures associated with records fulfill their purpose. EPA also seeks comment on whether these criteria are appropriate for the maintenance of electronic records containing digital signatures. (For an explanation of digital signatures, and their role in CDX, see Section V.B.1 of this preamble.) The special issues involved in maintaining digitally signed records are discussed in Section IV.D.6 of this preamble—in connection with archiving requirements for electronic document receiving systems—and EPA is interested in views on whether these issues need to be more explicitly addressed by the criteria for electronic record-retention systems discussed here, especially the criterion provided in § 3.100(5), which addresses the maintenance of the electronic signature as a part of the electronic record. EPA seeks comment on whether this provision should be expanded to accommodate some of possible procedures for archiving digital signatures referred to at the end of Section IV.D.6.

4. *The Relation of These Requirements to Food and Drug Administration (FDA) Criteria.* The criteria set forth in today's proposed rule—both the general and those specific to records with associated signatures—are intended to be consistent with criteria set forth for electronic document systems in other relevant regulations, such as FDA's criteria in 21 CFR part 11. EPA seeks comment on whether today's proposed requirements achieve this consistency, and whether this consistency is an appropriate goal for this rulemaking.

5. *Storage Media Issues.* Given the fast-paced evolution of technology, it is realistic to expect that electronic records will be transferred from one media format to another during the required period of record retention. While EPA allows for such transfers in today's propose rule, any such transfer must occur in a fashion that ensures that the entire electronic record is preserved without modification. As noted earlier, the electronic record will include not only the electronic document itself, but also the required information regarding time of receipt, date of receipt, etc. Any method of migrating electronic records from one electronic storage medium to another that fails to meet this criterion will not produce records that meet federal environmental record-retention requirements. For example, a CD–ROM version of a record originally stored on electromagnetic tape will not satisfy federal record-keeping requirements unless the method for transferring the record from one medium to the other employs error-checking software to ensure that the data is completely and faithfully transcribed. EPA seeks comment on whether this criterion is sufficient to ensure that the integrity and authenticity of the electronic record is maintained throughout its required record retention period.

6. *Additional Options.* In addition to the criteria discussed above, EPA is currently evaluating the need for additional controls for electronic records under this rule. Over the course of the next five (5) months, EPA plans to conduct additional analysis, and based on the results of this analysis and the public comments received on the electronic record provisions contained in today's proposal, EPA may determine that additional provisions are required for electronic records. If such a determination is made, prior to proposal of the final rule, EPA will publish a supplemental notice detailing any additional electronic record provisions to be included in the final rule. We realize that the electronic records criteria in today's rule are not as detailed as that contained in FDA's 21 CFR part 11 and seeks comments on whether our proposed criteria are sufficient to ensure the authenticity, integrity, and non-repudiation of electronic records maintained by regulated facilities in fulfillment of their compliance obligations. EPA is considering whether or not to include

additional provisions found in the FDA regulations in our final rule. Such provisions could include the following: (1) Establishment and implementation of written policies that limit system access to authorized individuals, as well as the use of authority checks to ensure that only authorized individuals can use the system, electronically sign a document, access the operation or computer system input or output device, alter a record, or perform the operation at hand; (2) establishment and implementation of written policies that hold individuals accountable and responsible for actions initiated under their electronic signatures, in order to deter record and signature falsification; (3) use of device (*e.g.,* terminal) checks to determine the validity of the source of data input or operational instruction; (4) use of additional measures such as document encryption and use of appropriate digital signature standards to ensure, record authenticity, integrity, and non-repudiation; (5) routine and documented validation of systems to ensure accuracy, reliability, consistent intended performance, and the ability to discern invalid or altered records; (6) establishment and implementation of written policies governing education and training of personal and certification that persons who develop, maintain, or use electronic record signature systems have the education, training, and experience to perform their assigned tasks. EPA is also seeking comment on the general feasibility of converting existing paper documents—including litigation-sensitive records—to electronic documents, as well as comments on the strengths and weakness of existing technologies available for this purpose.

C. What Is the Process That EPA Will Use To Approve Changes To Authorized State and Tribal Programs Related to Electronic Reporting and Record-Keeping?

EPA expects that States, tribes and local agencies that administer EPA-authorized environmental programs will wish to implement electronic reporting and recordkeeping at least as quickly and extensively as EPA. Therefore, in overseeing these programs, EPA wishes to balance multiple objectives of minimizing administrative burden on States, providing State flexibility for varying State approaches, and ensuring that State systems are robust enough to meet the demands of a strong enforcement capability. EPA considered several options for meeting these needs, including program-by-program approval processes—in each case under applicable EPA program-specific regulations—State self-certifications, and a centralized approval process. This proposal provides for State flexibility by specifying performance criteria rather than requiring specific technologies, and balances other objectives though use of a hybrid process for approving changes to authorized State and tribal programs.

Under this process, EPA will provide a single set of substantive performance criteria, listed in today's proposal, that will apply to any authorized program where EPA determines that electronic reporting and record-keeping will involve substantive changes to the program that will require EPA approval. Today's proposal contains language that would make compliance with these Part 3 criteria an element of all authorized State, tribal, or local programs that wish to accept electronic reports or allow electronic recordkeeping, although the language does not change the procedural requirements for modifications to any of these program. This means, for example, that a State planning to institute electronic reporting for an authorized program will have to meet the normal EPA approval requirements for that program—whether the approval sought is for a single program or for an electronic document receiving system that would support multiple authorized, delegated, or approved environmental programs. In the case where multiple programs will be affected, the State will still need to seek modification of each such program under existing program approval or revision procedures; however, EPA expects that it will evaluate such multiple applications in a single internal review. Moreover, EPA solicits comment on whether another approach should be taken to State and tribal program modification or revision for electronic reporting or record-keeping.

Alternatively, State, tribal or local agencies may wish to rely on third-party systems to receive reports on their behalf, where these systems are operated or owned by commercial or not-for-profit organizations. Today's proposal will allow this on the condition that the electronic document receiving system employed by the State, tribal or local agency satisfy the substantive performance criteria that we specify, and authorization approvals are obtained where necessary.

D. What Criteria Are EPA Proposing That State Electronic Report Receiving Systems Must Satisfy?

In today's proposed rule, EPA is providing a set of criteria that will have to be met by any system that is used to receive electronic documents submitted to satisfy electronic document submission requirements under any EPA-authorized State, tribal, or local environmental program. The proposed criteria address the functional capabilities that EPA believes a State's, tribe's or local government's ''electronic document receiving system'' must have if it is to ensure the authenticity and non-repudiation of these electronic documents. EPA has developed these criteria to ensure that any electronic document has the same legal dependability as its paper counterparts. EPA does not intend to imply that information or documents derived from electronic reporting or record-keeping systems that do not meet all of EPA's criteria, or from transactions that were not in compliance with all applicable requirements and agreements, could not be introduced as evidence at trial, would not constitute admissions, or would not constitute records required by, or used for compliance with, applicable statutes (*e.g.,* Clean Water Act section 309(c)(4), Resource Conservation and Recovery Act section 3008(d)(3)). EPA's criteria are intended to result in systems and records that will provide the best evidence for use by plaintiffs and prosecutors in enforcement actions, and to facilitate the success of such enforcement actions.

These criteria are designed to ensure any electronic document used as evidence in the course of prosecuting an environmental crime or civil violation will have the same or better evidentiary value as its paper equivalent. For example, the criteria are designed to ensure that in prosecuting the crime of deliberate falsification of compliance data, the identity of the person who signed a falsified document can be established beyond a reasonable doubt. One of the criteria, entitled ''Validity of Data,'' and proposed in section 3.2000(b), addresses this standard directly. In general, a system that is used to receive electronic documents must be capable of reliably generating proof for use in private litigation, enforcement proceedings, and criminal proceedings in which the standard for conviction is proof beyond a reasonable doubt that the electronic document was actually submitted by the signatory and that the data it contains was not submitted in error.

To satisfy this general criterion, an electronic document receiving system must establish: (1) That an electronic document was sent (or not sent), (2) when the document was sent, (3) by whom the document was sent, including both individual and the identity of any entity the individual is authorized to represent, (4) when the

document was received, (5) that the document was not altered from the time it was sent to the time it was received, and (6) the contents of the document sent. In addition the electronic document receiving system must store and be able to retrieve every electronic document without alteration to its content or loss or the information regarding time of transmission, receipt, and authorship. The remaining, more specific criteria have been developed to meet these goals, while at the same time taking account of what can reasonably be expected of the various types of electronic reporting technologies currently available.

It should be noted that many of these criteria will not apply, or not apply in full, where the electronic document receiving system will not be used to receive documents bearing signatures or documents used in litigation or enforcement proceedings. Generally, documents not requiring signature are less likely to play a role in criminal prosecutions; therefore, the criterion that refers to ''Validity of Data'' might not apply to systems that receive such documents. In addition, the specifications of ''electronic signature method,'' and ''electronic signature/ certification scenario'' will be inapplicable, along with any provision connected with ''system security requirements,'' ''registration process,'' ''transaction record,'' and ''system archives'' that refers to signature. EPA invites comment on the exclusion of these criteria in cases where systems will not receive signed documents or documents used in litigation or enforcement and criminal proceedings. EPA will consider the possibility of developing a set of criteria explicitly addressing electronic document receiving systems that will not receive electronically signed documents if it appears that States, tribes or local governments want to implement such systems for their authorized environmental programs. Such systems might be appropriate, for example, in the cases where agencies wished to accept electronic submissions of data but continued to require that associated certification statements be signed and submitted on paper. EPA invites comment on whether it would be worth developing the alternative set of criteria for systems that exclude electronic signatures.

1. *General System-Security Requirements.* Proposed section 3.2000(a) requires every system used to receive electronic documents to (1) have robust protections against unauthorized access to the system; (2) have robust protections against the unauthorized use of any electronic signature on documents received; (3) provide for the detection of unauthorized access or attempted access to the system and unauthorized use or attempted use of any electronic signature on documents received; (4) provide safeguards to prevent the modification of an electronic report once an electronic signature has been affixed; (5) ensure that every electronic record is protected from modification or deletion; (6) provide safeguards to ensure that the system clock is accurate and protected from tampering or other compromise; and (7) provide safeguards to prevent any other corruption or compromise of the system.

We believe each of the seven proposed requirements is important to maintain the overall security of an electronic document receiving system. We seek comment on whether—taken together—they are sufficient to ensure that the system can maintain the integrity and authenticity of the electronic documents it receives and maintains.

2. *Electronic Signature Method.* To support the goals articulated under proposed section 3.2000(b) as the ''Validity of Data'' criterion, proposed section 3.2000(c) stipulates that an electronic document receiving system must validate only those electronic signatures that are created by a method that (1) Involves a registration process that identifies the bearer of an electronic signature; (2) includes all elements of an adequate signature/certification scenario (described in paragraph 4, below); (3) provides safeguards to prevent excise, modification, or appropriation of an affixed electronic signature; (4) provides safeguards to prevent use of an electronic signature by anyone other than the individual to whom it has been issued; and (5) ensures that it is impossible to modify an electronic document without detection once the electronic signature has been affixed. This last proposed requirement is sometimes expressed by saying that the signature must be ''bound'' to the contents of the report. We seek comment on whether these conditions are appropriate, and whether—taken together—they suffice to ensure that electronic signatures affixed to electronic documents will have the same or better evidentiary value as handwritten signatures on paper documents for purposes of prosecuting an environmental crime or civil violation.

3. *Submitter Registration Process.* In order to link a digital signature to the bearer of that signature, proposed section 3.2000(d) requires that an electronic document receiving system validate only those electronic signatures that are established through a process which registers identified individuals both as system users and as signature holders. EPA also proposes to require that an individual may not complete this registration process without first executing an agreement with the administering agency to properly use and protect the electronic signature.

Of course, the registration process must also establish the identity of the registering individual and any entity that the individual is authorized to represent. Given the general ''Validity of Data'' criterion under section 3.2000(b), the process must establish the registrant's identity with information that will be sufficient to prove that this individual was the signature holder for purposes of private litigation, enforcement proceedings, and criminal proceedings. This requires at least that the registrant provide evidence of identity which can be verified by information sources that are independent of this individual and the regulated entity with which he or she is associated.

As noted above, the rule requires that a registrant sign an agreement to properly use and protect his or her electronic signature. EPA proposes that the terms in any such agreement include, at a minimum, a commitment to: (1) Protect the electronic signature from unauthorized use; (2) be as legally-bound by use of the electronic signature as by hand-written signature; (3) where the signature device is based on a secret, *e.g.,* a code, to maintain the secrecy of the electronic signature device; (4) immediately report any evidence that the electronic signature has been compromised; and (5) where the assistance of third parties may be required to protect a signature from unauthorized use—such as the assistance of system administrators in ensuring computer security, to secure such assistance. EPA believes that this agreement is important to ensure that the holder of an electronic signature understands how to properly use and protect the electronic signature. It is also important to ensure that the signature holder understand the legal effect of affixing the electronic signature to an electronic document. A proof that an individual's registered electronic signature was affixed to a document will establish a permissive inference that the individual who was issued that signature affixed the signature and did so with the intent to sign the document. To achieve these goals, EPA believes that the signature agreement should

consist of at least the following language:

''In accepting the electronic signature issued by [specify name of issuing agency or organization] to sign electronic documents submitted to [specify the name of the electronic document receiving system] on behalf of [specify the name of regulated entity the signature-holder represents], I, [name of electronic signature holder],

(1) Agree to protect the signature from use by anyone except me, and to confirm system security with third parties where necessary. Specifically, I agree to [specify procedures appropriate to the form of electronic signature, for example, to maintain the secrecy of the code where the signature is based on a secret code];

(2) Understand and agree that I will be held as legally bound, obligated, or responsible by my use of my electronic signature as I would be using my hand-written signature, and that legal action can be taken against me based on my use of my electronic signature in submitting an electronic document to [specify the name of the receiving agency];

(3) Agree never to delegate the use of my electronic signature or make my signature available for use by anyone else;

(4) Understand that whenever I electronically sign and submit an electronic document to [specify the name of the electronic document receiving system], acknowledgments and a copy of my submission as received will be made available to me;

(5) Agree to review the acknowledgments and copies of documents I electronically sign and submit to [specify the name of the electronic document receiving system];

(6) Agree to report to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, any evidence of the loss, theft, or other compromise of any component of my electronic signature;

(7) Agree to report to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, any evidence of discrepancy between an electronic document I have signed and submitted and what [specify the name of the electronic document receiving system] has received from me;

(8) Agree to notify [specify the agency or organization to be reported to] if I cease to represent [specify the name of regulated entity the signature-holder represents] as signatory of that organization's electronic submissions to [specify the name of the electronic document receiving system] as soon as this change in relationship occurs and to sign a surrender certification at that time.''

In addition, given the importance of this agreement, EPA is also proposing that the registration process require that the agreement be renewed periodically, with the Administrator to determine the frequency of and the exact terms of the renewal statement, as well as whether a wet ink signature will be required. In making these determinations, EPA is proposing that the Administrator ensure that electronic reporting meets the overall goals of security and validity of data—articulated under proposed sections 3.2000(a) and 3.2000(b)—while taking into account the importance of keeping EPA practices consistent with marketplace standards for issuance and use of electronic signature devices in commerce. Given that both the technologies and marketplace practices surrounding electronic signatures are still evolving rapidly, EPA believes that the Administrator may need to revisit these determinations more than once, the proposed provision for these renewal agreements is intended to provide this flexibility.

In terms of frequency of renewal, likely candidates for the Administrator to consider are once every two years or three years, but he or she may certainly set a longer renewal cycle (either in general or with regard to a particular State, tribal or local government system) if less frequent renewal better corresponds to marketplace standards and can be determined to still meet security and validity of data goals. EPA seeks comment on the various alternatives for renewal frequency—including one year and longer than three years—considering both marketplace standards and the goals of security and validity of data. EPA also seeks comment on whether any of the candidate renewal cycles would raise any administrative issues for State, tribal or local governments, and whether the Administrator's ability to revisit this determination—with the implied potential for a change in system requirements—poses any problems for systems planning or management.

Concerning the terms of the renewal agreement, EPA believes that in the interest of supporting the goals of security and validity of data, the Administrator is likely to require the holder of the electronic signature to attest to compliance with the terms of the prior agreement since the time it was signed. To accomplish this, the Administrator may require that the signature-holder sign a statement that consists of at least the following:

''In continuing to use the electronic signature issued by [specify name of issuing agency or organization] to sign electronic documents submitted to [specify the name of the electronic document receiving system] on behalf of [specify the name of regulated entity the signature-holder represents], I, [name of electronic signature holder] continue to,

(1) Agree to protect the signature from use by anyone except me, specifically, to [specify procedures appropriate to the form of electronic signature, for example, to maintain the secrecy of the code where the signature is based on a secret code];

(2) Understand and agree that I will be held as legally bound, obligated, or responsible by my use of my electronic signature as I would be by using my hand-written signature, and that legal action can be taken against me based on my use of my electronic signature in submitting an electronic document to [specify the name of the receiving agency];

(3) Agree never to delegate the use of my electronic signature or make my signature available for use by anyone else;

(4) Understand that whenever I electronically sign and submit an electronic document to [specify the name of the electronic document receiving system], acknowledgments and a copy of my submission as received will be made available to me;

(5) Agree to review the acknowledgments and copies of documents I electronically sign and submit to [specify the name of the electronic document receiving system];

(6) Agree to report to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, any evidence of the loss, theft, or other compromise of any component of my electronic signature;

(7) Agree to report to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, any evidence of discrepancy between an electronic document I have signed and submitted and what [specify the name of the electronic document receiving system] has received from me;

(8) Agree to notify [specify the agency or organization to be reported to] if I cease to represent [specify the name of regulated entity the signature-holder represents] as signatory of that organization's electronic submissions to [specify the name of the electronic document receiving system] as soon as this change in relationship occurs and to sign a surrender certification at that time.

''Moreover, I certify that I have complied with the terms of the signature registration agreement I signed on [insert date of prior agreement], and

since that date I have reviewed, signed and submitted all the electronic documents submitted with my electronic signature to [specify the name of the electronic document receiving system] on behalf of [specify the name of regulated entity the signature-holder represents].''

EPA seeks comment on all of these proposed registration agreement and renewal statement provisions, including the proposed provision for administrative determination of the frequency and terms of the renewal agreements. Given the purpose of these agreements and renewal statements, EPA is particularly interested in comment on whether all of them are necessary, particularly considering requirements for the on-screen certification described under Electronic Signature/Certification, in the next section of this preamble (Section IV.D.4). To the extent that all these agreements and renewals are necessary, EPA also seeks comment on whether the specific language suggested for each provision is adequate or necessary. It should be noted that EPA is currently not proposing to codify the specific language for these certifications and statements in the rule, and EPA seeks comments on the question of codification. It should also be noted that the proposed rule specifies that the signature agreement be signed on paper or in other media that EPA may designate. While EPA will initially require signature agreements to be signed on paper—and the Administrator may initially require this of renewals as well—EPA has the flexibility to allow electronic signatures in the future, as circumstances may warrant, and when EPA believes that electronic signatures can effectively substitute for hand-written signatures on paper for these electronic signature agreements and renewals. EPA seeks comment on whether any or all of these agreements and statements should be signed on paper.

EPA also seeks comment on a possible additional certification statement, required to be signed when a signature holder surrenders the signature for whatever reason—e.g., change of jobs or retirement—although this requirement is not included as a provision in today's proposal. In this surrender certification, the signature holder would be required to truthfully attest to compliance with the terms of the agreement since the most recent agreement was signed. If such a requirement is added, then EPA believes that the surrender certification signed by the signature holder should consist of at least the following:

''I certify that, since the time that I was first issued the electronic signature by [specify name of issuing agency or organization] to sign electronic documents submitted to [specify the name of the electronic document receiving system] on behalf of [specify the name of regulated entity the signature-holder represents], I have complied with the terms of agreement to which I then subscribed, and specifically that I have:

(1) Protected the signature from use by anyone except me. Specifically, I have [specify procedures appropriate to the form of electronic signature, for example, maintained the secrecy of the code where the signature is based on a secret code];

(2) Understood that I am held as legally bound, obligated, or responsible by my use of my electronic signature as I would be using my hand-written signature and that legal action can be taken against me based on my use of my electronic signature in submitting an electronic document to [specify the name of the receiving agency];

(3) Never delegated the use of my electronic signature or made my signature available for use by anyone else;

(4) Understood that whenever I electronically signed and submitted an electronic document to [specify the name of the electronic document receiving system], acknowledgments and a copy of my submission as received were made available to me;

(5) Reviewed the acknowledgments and copies of documents I electronically signed and submitted to [specify the name of the electronic document receiving system];

(6) Reported to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, if I ever had any evidence of the loss, theft, or other compromise of any component of my electronic signature;

(7) Reported to [specify the agency or organization to be reported to], within twenty-four (24) hours of discovery, if I ever had any evidence of discrepancy between an electronic document I signed and submitted and what [specify the name of the electronic document receiving system] had received from me.

''Moreover, I certify that I have complied with the terms of the signature registration agreement I signed on [insert date of the agreement signed when electronic signature was first issued], and since that date I have reviewed, signed and submitted all the electronic documents submitted with my electronic signature to [specify the name of the electronic document receiving system] on behalf of [specify the name of regulated entity the signature-holder represents].''

Finally, EPA also solicits comment on whether some other mechanism is needed, in lieu of the registration agreement, to ensure that holders of electronic signatures properly use and protect their signatures. Specifically, EPA seeks comment on the possible alternative of adding a provision paralleling 21 CFR section 11.100(c)(2) (under the Food and Drug Administration's electronic signature rule) requiring that signature holders, upon request, ''provide additional certification or testimony that a specific electronic signature is the legally binding equivalent of the signer's handwritten signature.'' EPA seeks comment on whether codifying such a provision would provide a better method of ensuring the proper use and protection of signatures than the agreements, renewals and related certification statements that we are currently proposing.

EPA also proposes to require that an electronic document receiving system have a mechanism to automatically revoke an electronic signature whenever 1) there is any evidence the submitter has violated the registration agreement; 2) there is any evidence the electronic signature has been compromised; or 3) there is notification from an entity that the holder of an electronic signature previously authorized to represent that entity is no longer authorized to represent the entity. Revocation of a signature would not necessarily mean that the signature holder cannot be held accountable for previous uses of that signature, but it might lead the agency involved to require that particular materials be resubmitted. EPA seeks comment on whether there are other circumstances that should result in automatic invalidation of an electronic signature.

It should be added that EPA proposes to require registration of any individual who submits electronic documents to an electronic document receiving system on behalf of an entity, regardless of whether the individual is issued an electronic signature, because EPA believes that registration strengthens system security and data integrity. Accordingly, the registration process for an individual who is not being issued an electronic signature will simply omit the signature-specific requirements. EPA seeks comment on this more general registration requirement.

4. *Electronic Signature/Certification Scenario.* In order for electronic document receiving systems to provide the same functionality as existing paper-based systems, the act of affixing an

electronic signature to an electronic document must have the same meaning and legal effect as signing a paper document. In some instances, a signature indicates an intent to be bound to the commitments made in a document and constitutes an assertion that contents of the document are both truthful and accurate. In order to ensure that an electronic signature has the same meaning as its handwritten, paper counterpart, proposed section 3.2000(e) would require that an electronic document receiving system validate only those electronic signatures that are generated or affixed to an electronic document using a ''signature/certification scenario'' that ensures that the signatory understands and intends the legal consequence of affixing an electronic signature to an electronic document. This feature of an electronic document receiving system is important to ensure that each signed electronic document it receives can be used in civil and criminal enforcement, including cases against the holder of the electronic signature as signer of the electronic document.

EPA proposes to require than an electronic document receiving system must validate only electronic signatures that have been affixed after: (1) The submitter has scrolled through on-screen pages that present all the data to be certified in a familiar, human-readable format (§ 3.2000(e)(1)(i)); (2) the screen displays a certification statement that is similar or identical to the certifying language required on the corresponding paper submissions of the report, this display occurring just above the place on the screen where the submitter is prompted to initiate the signing process (§ 3.2000(e)(1)(ii)); and (3) the submitter has seen a warning—prominently displayed together with the certification statement described in (2)—that by initiating the signing process the submitter agrees that he or she is using the signature in compliance with the signature agreement that was signed when the signature device was issued (§ 3.2000(e)(1)(ii)).

The point of the first proposed condition is to ensure that the submitter reviews that data being submitted as a part of the signing process. Accordingly, an acceptable system must display the data in a format that clearly associates each data element with the name or label of the corresponding data field and also allow the submitter to carefully review all the data without time constraint. The point of the third proposed condition is to make certain the submitter fully understands that by activating the signature, he or she is taking a step with the same legal implications as signing and sending a report on paper. EPA is proposing this condition because of many environmental programs under which signing and certifying a false report—whether on paper or electronically—may subject the signatory to criminal prosecution. At least for those cases where the ''click of a mouse'' may create the potential for criminal liability, then, EPA believes it is important to ensure that the submitter understands what the consequences of the act might be. For this purpose, EPA believes that this warning statement should consist of at least the following:

''WARNING: By signing this report, you agree that you are [name of authorized signature holder], have protected the security of your electronic signature as required by the electronic signature agreement which you signed on [date of most recent signing], and are otherwise using your electronic signature in accordance with that agreement.''

—Although we are not proposing to codify this language in the rule. EPA seeks comments on whether this language should be codified, and, more generally, on whether the three conditions to be satisfied prior to signing are necessary and sufficient to establish that the signature was affixed with the requisite intent.

EPA also seeks comment on three alternative versions of this third proposed condition that would replace the ''together with a prominently displayed warning. * * *.'' language of (§ 3.2000(e)(1)(ii)) with a separate provision to be inserted just before (§ 3.2000(e)(1)(ii)). The simplest version would read:

''The signatory attests to compliance with an electronic signature agreement that is presented on-screen, refers to the signatory by name, and includes an acknowledgment that the signatory is the authorized registrant to whom the signature was issued; and * * *''.

A more robust version would read:

''The signatory attests to a statement that he or she is the authorized registrant—referred to by name—to whom the signature was issued, has taken reasonable steps to protect the signature, and does not have any reason to think that the signature has been used by anyone else; and * * *''.

The most robust version would read:

''The signatory attests to compliance with an electronic signature agreement that is presented on-screen, refers to the signatory by name, and includes an acknowledgment that the signatory is the authorized registrant to whom the signature was issued, has not in the past authorized any other person to sign on his or her behalf, has not at any time compromised the electronic signature, has reviewed all automatic acknowledgments for past submissions as described in paragraph (e)(2) of this section, and has no evidence that the signatory's electronic signature or any other feature of the electronic submission mechanism has been compromised; and * * *''

Corresponding to the three versions of the proposed regulatory provision, the suggested (but not proposed to be codified) language would be, starting with the simplest:

''(1) I, [name of signatory], am the authorized holder of the electronic signature I am about to use;

(2) I understand and agree that I will be held as legally bound, obligated, or responsible by my use of my electronic signature as I would by using my hand-written signature.''

next, the more robust:

''(1) I, [name of signatory], am the authorized holder of the electronic signature I am about to use;

(2) I have taken reasonable steps to protect my signature;

(3) To the best of my knowledge, my signature has never been used by anyone else.''

and, finally, the most robust:

''(1) I, [name of signatory], am the authorized holder of the electronic signature I am about to use;

(2) I have taken reasonable steps to protect my signature;

(3) To the best of my knowledge, my signature has never been used by anyone else;

(4) I have no other evidence that any component of my electronic signature has been lost, stolen or compromised in any way;

(5) I have reviewed all the acknowledgments and copies of my previous submissions to [specify the name of the electronic document receiving system].''

EPA seeks comment on the appropriateness of these variant alternatives to the proposed 'warning' provision—and their corresponding suggested statements—for purposes of establishing the intent with which the signature was applied, helping to show that the signatory was in fact the authorized signature holder, and preventing signature compromise or repudiation. EPA is especially interested in the question of whether any of these provisions might tend to discourage regulated entities from choosing to submit environmental reports electronically. EPA is also interested in comments on the need for

any version of this 'warning' provision in view of the certifications provided in conjunction with the renewals of signature agreement discussed in the preceding section of this preamble (Section IV.D.3).

In addition, we are proposing that, once the electronic signature is affixed, and the electronic document submitted, the signature/certification scenario must include two responses from the electronic document receiving system. The first is simply an automatic acknowledgment that the report has been received and any affixed electronic signature validated, with the time and date of receipt. The purpose of this acknowledgment is, at least in part, to alert the registered holder of an electronic signature if someone has appropriated the registered electronic signature and used it to submit spurious electronic documents. As noted above, the registered holder of the electronic signature will not be allowed to sign another electronic document once aware that it has been compromised.

EPA also proposes to require that the automatic acknowledgment be sent to an address that does not share the same access control—for example, that is not protected by the same passwords or confidential log-in procedures—as the system from which the electronic report was signed and sent. The intent of this requirement is to frustrate unauthorized use of an electronic signature without detection. To elude detection, the intruder will have to compromise not only the signature protections, but also the additional system's access controls. The additional address could be electronic or could be a United States Postal Service address. In any event, the feature of the electronic document receiving system should aid in the detection of compromised electronic signatures and reduce the frequency and strength of false claims that an electronic signature has been appropriated without the knowledge of the registered holder of the electronic signature.

The second response is what we are calling the 'copy of record', also automatically created and made available to the submitter. The copy of record must include the complete electronic document that was submitted. The copy of record must be complete in the sense that it must accurately associate all of the information provided by the submitter with the descriptions or labeling of the information being requested. In addition, to be complete, the copy of record must include all the warnings, instructions and certification statements presented to the submitter as a part of the signature/certification scenario. Finally, this copy of record must: (1) Be viewable on-screen in a human-readable format that makes clear the association between each of the information elements provided by the submitter and the descriptions or labels in terms of which these elements were requested; (2) include the date and time of receipt; and (3) be signed with a secure, immutable agency electronic signature that is ''bound'' to this electronic document. As the name would suggest, the copy of record must be archived by the agency system, made available to the submitter for viewing and downloading, and protected from unauthorized access.

The proposed copy of record requirement is intended to detect spurious or compromised submissions, enabling timely disavowal of unintended submissions and reducing the frequency and strength of claims that an electronic document has been modified in transmission or unintentionally submitted. Under the signature/certification scenario in today's proposed rule, the copy of record will be—strictly speaking—made available to the registered holder of the electronic signature. If the signature has somehow been compromised—or if the data is somehow different from what was intended to be submitted—this copy of record, together with the acknowledgments discussed above, will give the signature-holder an opportunity to alert the agency to the compromise of his/her signature and/or his/her data. This proposed requirement is also intended to protect the agency from attempts to falsely repudiate a submission.

EPA seeks comment on whether the number and type of responses from the electronic document receiving system adequately address the issue of spurious or compromised submissions. Specifically, we seek comment on the requirements placed on the automatic acknowledgments. In addition, we are interested in views on whether it will be generally feasible for electronic document receiving systems to create copies of record with all the attributes we are proposing that they have, and whether all of these attributes are necessary for the copy of record to fulfill its intended purpose.

5. *Transaction Record.* To help settle potential disputes over whether certain submissions were made, when they were made, what they contained, or who made them, an electronic document receiving system must create a transaction record for every submission of an electronic document. EPA will require that this record be created automatically, and include the precise routing of the signed electronic document from the submitter's computer to the receiving system and the copy of record described above. In addition, based on the receiving system's clock, this transaction record must include the precise date and time of: (1) The initial receipt of the reported data; (2) the receipt of the submitter's signed certification of the data (where this step is subsequent to the initial data transfer); (3) the sending of the acknowledgment notice; and (4) the creation of the copy of record. These details may be regarded as providing the ''chain of custody'' for the submitted report, and help to establish its authenticity. EPA seeks comment on whether this transaction record specification is sufficiently robust to provide for ''chain of custody''.

6. *System Archives.* EPA also proposes to require that electronic document receiving systems maintain the contents of the transaction record described above—including the copy of record—for as long as they may be needed for enforcement or other programmatic purposes. In addition we are also proposing that the system must maintain records that show, for any given electronic submission not only what information was displayed to the user during the submission process—including the instructions, prompts, data labels, etc. captured in the copy of record—but also how this information was displayed, including the sequencing, functioning and overall appearance of these interface elements. The reason is that it may be difficult to interpret what some of the submission's data elements mean if we do not know the context within which they were provided—*e.g.,* to what on-screen display or query a ''yes'' was responding. Depending on exactly how the signing process is implemented, at least some of this interface information may be captured within the scope of what is bound by the signature, e.g., if the signature is applied to the entire content of the screens that are reviewed by the signatory during the signature/certification scenario. To whatever extent this occurs, the archiving of the ''copy of record'' would contribute to this archiving of the interface.

The system must maintain the archived records in a way that can be shown to have preserved them without any modification since the time they were created; the system must be able to make these records available to users in a timely way as they are needed. EPA seeks comments on these archiving criteria, and especially on whether there are any issues raised by the need to maintain the copy of record—which

includes electronic signatures—over long periods of time. Of particular concern are copies of record that include digital signatures, as they will for electronic submissions received by the Central Data Exchange (CDX). (For an explanation of digital signatures, and their role in CDX, see Section V.B.1 of this preamble.) Ideally, the system will preserve digital signatures in a form which allows them to be validated at any point during the life of the archived records that contain them; this is the standard implied by § 3.2000(g)(2)(i) that requires the copies of record to be preserved ''in their entirety'' for the life of the archive. However, EPA realizes that this ideal may be difficult to implement in practice for several reasons, including:

- The sensitivity of digital signatures to very minimal (and unavoidable) deterioration of the magnetic medium in which the records are stored—so that they no longer can be validated, even though the records remain usable in every other way;
- The possible software dependence of the validation process—so that, as the archives' systems environment evolves over long periods of time, it may become increasingly difficult to operate the validation software designed to work with the archived signatures; and
- The dependence of validation on the accessibility of a public key infrastructure (PKI) certificate that was valid when the digital signature was created—so that, over time, it may become increasingly difficult to determine the keys and identifying information associated with the signature.

EPA seeks comments on these and related difficulties that may stand in the way of validating archived digital signatures, and we welcome any advice on how these might be overcome. If these difficulties cannot be overcome, or overcome only at great expense, then EPA would seek to revise § 3.2000(g)(2), by specifying alternatives to maintenance of the original signature and its validation as archived that would still allow users to demonstrate both the validity of the signature and the integrity of the record as a true picture of the data as it was signed. A possible approach might involve an archivists' wet-ink-on-paper certification that the digital signature was valid at the time the record was placed in the archive, together with appropriate measures to preserve the record unchanged. On another approach, the archivist might digitally resign the document at certain intervals, adding appropriate certifications about the validity of the original (or previous) signature on the document. EPA also seeks comment on such alternative approaches.

E. What Are the Costs and Benefits Associated With Today's Proposal?

EPA estimates that today's proposal could result in an average annual reduction in reporting and record-keeping costs for those information collections identified as potentially benefitting from offering an electronic reporting option. Based on this analysis, EPA estimates that CROMERRR could result in an average annual reduction in burden of $52.3 million per year for those facilities reporting, $1.2 million per year for EPA, and $1.24 million for each of the 30 states that were assumed to implement programs over the eight years of the analysis. For details of this study, see the technical background document, Cross Media Electronic Reporting and Recordkeeping Rule Cost Benefit Analysis in the Docket for today's proposal. EPA requests comment on whether the underlying assumptions and the methods used in the cost benefit analysis provide a realistic estimate of the costs and benefits associated with electronic reporting and recordkeeping.

1. *Scope and Method.* The purposes of the analysis was to estimate the labor hour and total cost effects (either savings or increases) attributable to each of the major elements of the CROMERRR proposal and to assess, qualitatively, the environmental implications. The major elements include: the use of modern electronic technologies for the production, completion, signing, transmitting, and recording without the use of paper copies. Within the assessment of technologies we chose three forms of electronic reporting (web forms, EDI, and XML) that EPA's CDX plans to support. For those entities using web forms, the costs of reporting to EPA electronically would be negligible, as EPA intends to provide the web forms and signature capabilities needed. In the latter two approaches (EDI and XML), EPA anticipates additional up-front cost will be incurred by regulated entities to establish EDI or XML file generation capabilities, but the savings will be larger over time, as these entities can more fully automate their reporting to EPA.

In the course of establishing projected estimates of costs and savings of electronic reporting and recordkeeping, EPA had to establish a baseline of current costs. The current costs of paper-based reporting to EPA and States delegated the authority to manage an EPA reporting program were based on an extensive assessment of EPA's official information collection request (ICR) submissions that would be subject to the CROMERRR rule, as well as more detailed cost estimates performed on major EPA systems. In performing the analysis, over 50 ICRs were extensively reviewed and approximately 70 other ICRs were more summarily reviewed. A list of the ICRs, and the approach used to analyze them, are contained in Appendix A of EPA's Cross Media Electronic Reporting and Recordkeeping Rule Cost Benefit Analysis. In the course of analyzing the ICR costs, reporting costs were broken into discrete functional areas (such as data entry, mailing, reconciliation, archiving and program management) and were analyzed for costs.

In addition to the ICR analysis, EPA performed analysis of the general costs and benefits of electronic reporting experienced by commercial and government agencies, as described in the EPA Electronic Reporting Benefit/Cost Justification Report (June 30, 1999). EPA also conducted in-depth analyses of business processes and associated costs for several major EPA programs. These analyses include analyses for Toxic Release Inventory (TRI), National Pollutant Discharge Elimination System (NPDES), Public Water Supply System (PWSS) and selected Clean Air Act reports. In addition, EPA, in conjunction with State partners in the Arizona Department of Environmental Quality (ADEQ) and the Texas Natural Resources Conservation Commission (TNRCC), conducted assessments of the potential impacts and opportunities presented by environmental electronic reporting on their EPA-delegated state programs and affected regulated entities. These programmatic and state analyses are available in the CROMERRR docket. EPA also reviewed similar analyses performed for other EPA electronic reporting efforts, such as the proposed Hazardous Waste Manifest Automation Rule. EPA invites comments on the approach used for conducting the analysis and on the list of ICRs analyzed—whether this list encompasses the spectrum of EPA requirements impacted by CROMERRR and what additional information collections, if any, should be incorporated into further analysis.

Based on the combined review of the functional areas (including data entry, mailing, reconciliation, archiving and program management) of individual ICRs, EPA identified general trends in the relative distribution of costs for each of the categories. Using the analyses conducted under the more in-depth studies performed, EPA was able to

estimate the impacts of electronic reporting on each of the functional areas (including data entry, mailing, reconciliation, archiving and program management). For instance, by offering facilities the electronic submission as an alternative to printing and mailing the paper submissions, the percentage of costs attributed to ''mailing'' could be eliminated. Using this logic, EPA added the relative percentages of reductions in each of these functional areas, and determined that a general reduction of 11 percent in the overall cost of reporting could be achieved through web-based submissions, and that a 25 percent reduction could be achieved for those facilities that implement EDI or XML based exchanges.

EPA is also considering a second series of analyses, using an alternative form of calculating the costs and savings to the Agency. In performing this alternative analysis EPA would still break the costs for a program report into discrete functional areas (i.e., data entry, mailing, etc.), however the estimates of reduction would use ''absolute'' values instead of percentages. As an example, EPA program X has identified that the mailing of form B requires 10 minutes per submission. The costs for facilities choosing to submit electronically would take into account the elimination of mailing, and the costs for electronic reporting under that program would be reduced by 10 minutes for each submission. The advantage of this approach is that it offers potentially greater accuracy for estimating costs for each reporting program. A disadvantage is where the functional activity, such as program management, is only partially impacted by electronic reporting, determining an ''absolute'' value could involve arbitrary judgement calls on a program by program basis. EPA requests comment on ways to improve an analysis of this type as well as suggestions for other approaches that may better identify the potential costs and benefits of the proposed electronic reporting and recordkeeping rule.

As discussed further below, two sets of regulatory cost reduction (savings) estimates were projected—one for web based submissions and one for EDI/XML—based on a range of alternate assumptions regarding the national adoption rates for automation options. In both cases, it was assumed that 77 percent of all reports would be prepared, transmitted, and recorded electronically at full implementation. The implementation rates of facilities, however, will vary depending on the degree to which the facility implements electronic reporting for environmental requirements directly with EPA or with State regulatory agencies managing EPA-delegated/authorized environmental programs. The rates are also affected by the method (Web, EDI, or XML) the facility chooses to use in reporting to EPA or the delegated State agency. The table below describes the implementation rates for facilities under the scenarios described. The table also presents the current ''As-Is'' rates of paper or diskette exchange and the impacts of electronic reporting on these rates over an eight year period.

FACILITY IMPLEMENTATION RATES BY REPORTING METHOD

[In percentages]

Reporting method	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
As-is:								
Delegated	100	100	95	89	81	73	64	56
Non-delegated	100	100	96	66	50	45	36	28
Mixed delegation	100	100	96	77	66	59	50	42
Web:	0	0	0	0	0	0	0	0
Delegated	0	0	4	8	12	18	24	30
Non-delegated	0	0	3	25	32	37	42	48
Mixed delegation	0	0	3	17	22	27	33	39
EDI:	0	0	0	0	0	0	0	0
Delegated	0	0	1	2	2	3	4	5
Non-delegated	0	0	1	4	6	6	7	8
Mixed delegation	0	0	1	3	4	5	6	6
XML:	0	0	0	0	0	0	0	0
Delegated	0	0	0	2	4	6	8	10
Non-delegated	0	0	0	4	12	12	14	16
Mixed delegation	0	0	0	3	8	9	11	13

Recordkeeping rates are not presented in the table above. However, it was also assumed that a very low number of facilities (0.5 percent) of the current regulated entities, would elect to acquire new electronic recordkeeping systems to implement the CROMERRR recordkeeping option. EPA is seeking comments on the implementation rates for reporting and recordkeeping as described in this proposed rule.

For EPA, the average annual cost to implement and operate electronic reporting and record-keeping is $25.8 million, and the average annual cost savings compared to equivalent paper-based systems is $1.2 million. The average annual cost to implement an electronic reporting system is $1.1 million for each state, and $1,273 for each facility. The net average annual cost savings of electronic reporting compared to an equivalent paper-based submission is $1.24 million for each state, and $1,140 for each facility. The total average annual costs of implementing and reporting electronically for all facilities is $3,420 million, which presents a net average annual savings for all facilities of $52.3 million over current paper-based reporting. The average annual cost to implement a new electronic record keeping system is $40,000 for each facility, and the net average annual cost savings for operating the electronic record keeping system is $23,080.

These costs are based on FY 2000 dollars and include a 7.0 % annual discount rate. Therefore, our estimates indicate that implementation of electronic reporting will result in a net burden reduction for all participants, but facilities may not find it cost-effective to develop an electronic records system unless it addresses both EPA and non-EPA business purposes. The table below summarizes the total cost of the current ''as is'' paper system and the future ''to be'' electronic reporting and record-keeping costs over the next eight (8) years for EPA, States, and regulated entities. In preparing this

analysis, EPA chose to be conservative in assigning implementation rates and used technology costs based on the current year.

SUMMARY AS-IS VERSUS TO-BE COSTS AND CUMULATIVE SAVINGS ($M)

[In FY 2000 Dollars]

Cost	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
As-Is costs:								
Facilities	3,863.0	3,883.7	3,775.0	3,669.2	3,566.1	3,444.1	3,369.2	3,274.7
States	58.7	59.0	57.4	55.8	54.2	52.7	51.2	49.8
EPA	25.8	26.9	26.9	27.1	27.2	27.4	27.5	27.6
To-Be costs:								
Facilities	3,863.0	3883.7	3,771.3	3,629.4	3,520.8	3,357.7	3,278.7	3,197.8
States	58.7	59.0	42.3	40.1	38.4	37.5	36.2	35.0
EPA	28.4	30.7	42.3	26.9	21.5	19.6	19.3	18.4
Difference	(2.6)	(3.9)	3.5	55.6	66.8	109.3	113.8	101.0

It should be stressed that the facility cost and cost-savings estimates that these totals represent are averages per facility, and these averages cannot be translated into costs/cost-savings per report submitted electronically. The cost-related effects of introducing electronic reporting for a particular report may depend on circumstances that are unique to the data being reported, and these specifics are not reflected in the per facility averages. Accordingly, while the facility cost and cost-savings estimates are based in part on considering the ICRs that are likely to be affected by the proposed rule, the resulting cost/cost-savings numbers cannot be used 'in reverse' to calculate cost and burden reductions associated with introducing electronic reporting for any individual ICR.

In addition, the actual costs and cost-savings for implementing facilities will vary widely depending on the electronic submission approach. Companies choosing to submit using web forms will have much lower initial investment costs, but will receive less savings than companies that choose to automate their systems to generate EDI or XML file submissions to EPA. In the latter case, EPA assumes that costs associated with the implementation of EDI or XML will result from companies configuring existing XML or EDI software to EPA prescribed formats, and companies will tend not to invest in EDI hardware or software for the singular purpose of submitting data to EPA. If the electronic commerce industry trends continue, the costs of implementing technologies will decline and the number of facilities and states implementing electronic reporting will increase, thereby increasing the overall net benefits of the rule. EPA is also continuing to research electronic record-keeping options that will improve the cost effectiveness of electronic record-keeping while meeting federal enforcement requirements. EPA is seeking comment from reviewers on alternative record keeping approaches and on EPA's assumption that facilities choosing to submit data via XML or EDI to EPA will not acquire new hardware or software.

2. *Qualitative Implications.* In addition to the cost savings identified through implementation of this proposal, EPA also has identified a number of qualitative benefits through implementation of an electronic system. These qualitative benefits of electronic reporting include: enhanced quality of data received and entered into our systems, faster public access to data submitted to EPA, better tracking of compliance submissions by industry and government agencies, and opportunities for re-engineering current paper processes. EPA's Cross Media Electronic Reporting and Record-keeping Rule Cost Benefit Analysis describes the qualitative aspects in more detail.

V. The Central Data Exchange (CDX)

A. What Is EPA's Concept of the CDX?

EPA's Office of Environmental Information (OEI) is currently developing the specifications for a 'central data exchange' that will serve as EPA's primary gateway for electronic documents received by EPA. As noted in section I.B of this preamble, CDX is being designed with the goal of fully satisfying the criteria that this proposal specifies for assessing State or tribal electronic document receiving systems; similarly, EPA will ensure that other systems the Administrator designates to receive electronic submissions satisfy the criteria as well. With respect to the electronic document submission process and criteria addressed by today's proposal, we intend CDX functions to include:

- Access management—allowing or denying an entity access to CDX;
- Data interchange—accepting and returning data via various of file transfer mechanisms;
- Signature/certification management—providing devices and required scenarios for individuals to sign and certify what they submit;
- Submitter and data authentication—assuring that electronic signatures are valid and data is uncorrupted;
- Transaction logging—providing date, time, and source information for data received to establish ''chain of custody'';
- Acknowledgment and provision of copy of record—providing the submitter with confirmations of the data received;
- Archiving—placing files received and transmission logs into secure, long-term storage;
- Error-checking—flagging obvious errors in documents and document transactions, including duplicate documents and unauthorized submissions;
- Translation and forwarding—converting submitted documents into formats that will load to EPA databases, and forwarding them to the appropriate systems;
- Outreach—providing education and other customer services (such as user manuals, help desk) to CDX users.

The idea is to eventually provide—to the greatest extent possible—one way and one place for the regulated community to exchange electronic documents with EPA. States may also choose to use CDX as a gateway for electronic data submissions from their regulated community, as a cost-effective alternative to building their own system. EPA is exploring opportunities to leverage CDX resources for use by authorized/approved state programs. CDX may also provide the platform for State-EPA data exchanges that

implement administrative arrangements for data sharing. However, as with the provisions of the proposed rule, the features and functions of CDX described in this Section will generally be inapplicable to these State-EPA exchanges.

With respect to EPA's electronic transactions with regulated entities, our hope is that the uniformity of process and technology that CDX provides will help both EPA and regulated entities realize economies of scale from their investments in data exchange technologies. This is not to say that use of CDX to submit electronic documents will necessarily involve substantial investment; it will require little more of a submitter than access to a computer with a browser and an Internet connection. However, for organizations that have invested heavily in the computerized management of their environmental data, CDX is also being designed to support substantial automation of the data transfer processes. In addition, EPA hopes that CDX's centralization of data exchange will eventually provide the platform for greater integration or consolidation of environmental reporting.

B. What Are the CDX Building Blocks?

To support its various functions, we are designing CDX to incorporate a number of key building blocks, including:

- Digital signatures based on public key infrastructure (PKI),
- A process for registering users and managing their access to the CDX,
- A characteristic systems architecture,
- Electronic data interchange (EDI) standards, and
- A characteristic environment in which electronic reporting transactions will be conducted.

These building blocks—as explained in detail in the following sections—are meant to ensure that CDX can perform the functions of an electronic document receiving system under the proposed rule. EPA believes that these building blocks, taken together, will satisfy the criteria in today's proposal for electronic document receiving systems, but seeks comment on this general question.

1. Public Key Infrastructure (PKI)-Based Digital Signatures

PKI-based digital signatures are the product of two concepts:

- ''Asymmetric'' cryptography, and
- An institutional framework for ''certifying'' the identity of a signature-holder, provided by PKI.

Taking these in order, ''asymmetric'' cryptography is based on a mathematical relationship that exists between certain pairs of numbers, for example number A and number B, such that

- If A is used to encrypt some message, B and only B can decipher it, and
- If B deciphers the message, it can only have been encrypted with A.

For purposes of a digital signature, then, A and B are uniquely assigned to individual X. (How this works is described below, in connection with explaining the ''institutional framework'' provided by PKI.) One of the numbers, say A, submitter X shares with no-one. This is X's ''private key''. The other, B, is X's ''public key'', and X shares B with anyone to whom X wishes to send a message—X may even publish B together with information that identifies him/her as X.

Given his two keys, X then signs an electronic document as follows: (1) X uses a standard formula or algorithm to produce a number uniquely related to the content of the electronic document. This is referred to as the ''message digest'' or ''hash'' of the document. (2) X uses A, the private key, to encrypt this hash; this encrypted hash is X's digital signature, and it is unique both to X and to the particular message it signs. (3) X attaches this digital signature to his/her message (which is otherwise not encrypted), and sends it.

When Y gets X's message, Y validates X's signature by: (1) Deriving the hash of the message, using the same standard algorithm that X used; (2) deciphering X's digital signature, using X's public key, B; and (3) comparing the hash Y derived (in step1) with the deciphered signature. The two numbers—the derived hash and the deciphered signature—should agree. If (and only if) they do, then Y knows both that the signature was produced using A (which belongs to X), and that the message has not changed since X signed it.

Because the digital signature is specific to the particular document, and is unique in each case, to say that X is a ''signature-holder'' in this context is to refer to A and B, the private/public key-pair. The A/B key-pair does belong to X and plays the same role in each of the many digital signatures X may create through the process described above. Accordingly, it is this key-pair—rather than the individual signatures they are used to create—that is associated with the process of certifying a signature-holder's identity that is provided by PKI.

Turning to this, PKI is a way of reliably establishing and maintaining the identity of the individual associated with a given key-pair used in producing digital signatures. This protocol involves the issuance of a ''PKI certificate'' by a ''trusted'' ''certificate authority'' (CA). The CA is ''trusted'' in the sense that it operates in conformance with an appropriate certificate policy, and has demonstrated this conformance through its operations across a wide range of electronic commerce applications.

Issuing a certificate for individual X typically involves the following steps: (1) X applies to the CA for a certificate; (2) the CA requests various pieces of personal information from X, and/or notarized verifications of X's personal information, and/or X to appear in person, to provide the CA with the bases for ''proving'' X's identity; (3) the CA provides X with a way to generate his unique key pair; (4) the CA conducts the ''identity proofing'' process—matching what X has provided against information about X in various commercial databases, official documents, etc.; (5) when the ''identify proofing'' is successfully completed, the CA creates a ''certificate'' for X that incorporates his public key, along with various pieces of identifying information about X; (6) the CA digitally signs the certificate to certify its authenticity, and makes it available to users through directory services. Some of these steps—especially the ''identity proofing'' process—may vary considerably, depending on requirements for security/certainty and the policies and practices of the particular CA. In the approach that EPA is currently planning, certificate issuance will be incorporated into a broader CDX registration process. The discussion of registration in the next section will include some of the proposed specifics of ''identity proofing'' and related steps for CDX purposes.

The use of PKI-based digital signatures is itself supported by a very robust infrastructure of electronic commerce tools and practices, private- and public-sector policies and standards, as well as a very large and growing body of theoretical research into the mathematical foundations for this approach. Within the federal government, the importance of PKI is recognized not only by the ACES initiative (discussed below), but also by a standing ''Federal PKI Steering Committee'' with the mandate to promote and coordinate the adoption of PKI-based digital signatures for a broad range of applications across all federal

agencies. In addition, federal agencies may rely on security and PKI technical requirements published in the Federal Information Processing Standards (FIPS) developed by the National Institute of Standards and Technology, available at *http://csrc.nist.gov/fips/*.

2. The CDX Registration Process

Under the system EPA is designing, to submit electronic documents to EPA you must first register with CDX, and—at least at the outset—registration will be by invitation from EPA. Generally, as CDX is readied to receive a specified report, EPA will extend registration invitations to all individuals who currently submit that report to EPA on behalf of their organizations, and are identified as having this responsibility in EPA's Facility Registry System (FRS) database. If you have this responsibility but do not receive an invitation, you will have the opportunity to notify EPA and put yourself on our invitation list. However, if you submit the specified report to a State, tribal or local agency, you will not receive a CDX invitation, since your reporting transaction would be with that agency's electronic document receiving system, and not with CDX.

If you decide to accept an invitation to report electronically, you will go through a registration process that involves three steps:

- Invitation and verification,
- Certificate issuance, and
- Access and agreement.

Taking these in order, EPA will initiate the process by sending you a letter, through the United States Postal Service. The letter will indicate the opportunity to report electronically, provide a CDX web-site address and access code, and invite you to start the registration process by logging on to the CDX site and verifying your name, address, organizational affiliation and area of reporting responsibility as posted on that site. This verification session will conclude by providing you with the web-site address for the Certificate Authority (CA) that will take you through step 2 of the process.

Of course, you may not have the responsibilities that the CDX site indicates. That is, you may not be the individual who signs and submits the environmental reports the site specifies on behalf of your company. In that case, you will be invited to indicate the individual(s) who do(es) have these responsibilities, and that will conclude your own interaction with CDX. EPA will then update FRS, and issue new invitation letter(s) to the correct individual(s). Assuming you are the correct individual, step 1 may in some cases involve EPA asking for a letter from a responsible company official, on company letterhead, confirming that you have the responsibility to the sign and submit the environmental reports in question. Finally, as a part of step 1 you may also be prompted to nominate one or two individuals as ''alternate'' submitters, to receive their own invitations to register and, via step 2, to obtain their own PKI certificates. EPA is considering this provision for ''alternates'' so that there will always be someone at the facility available to sign electronic submissions with their own private key, in case you— as the primary submitter—are unavailable during a period when a document is due. EPA seeks comment on the value of the confirming letter, and of providing for these ''alternates'', and on whether these would impose any unacceptable costs or burdens on regulated entities.

Moving on to step 2, certificate issuance will largely be in the hands of the certificate authority (CA). EPA's current plan is to secure CA services through the General Service Administration's (GSA) Access Certificates for Electronic Services (ACES) program. Under ACES, EPA will contract with one of the ACES vendors to issue and manage certificates for individuals wishing to submit electronic reports to CDX. More information on ACES is available at the ACES website: *www.gsa.gov/aces.*

Assuming the ACES approach, then, issuance of your certificate will consist of a sequence of events similar to the following:

- You log onto the ACES CA's web-site, using the address provided at the end of step 1, and the access code provided in the initial invitation letter;
- You provide personal and business information that may include some of the following items—your name, home address, e-mail address, social security number, telephone number, credit card number, driver's license information, employer's address, common name of your employer, legal company name of your employer, name and telephone number of your direct manager, and name and telephone number of a human resource contact;
- During this initial ACES CA session, the CA will also enable you to generate—on your own computer—a public and private key pair, and your public key would automatically be included in your certificate request;
- The CA will use your personal and business information to conduct the identity-proofing process; this takes approximately three days;
- After the CA validates your identity, you will receive a letter via the US Postal Service notifying you that your certificate is ready; notification will include a PIN for access to the certificate retrieval website;
- You may be asked to return to the ACES CA web site to confirm the receipt of your certificate and acknowledge that you have read and agree to abide by the conditions of your new EPA-sponsored certificate;
- You will download the certificate to your browser, the CA notifies CDX that you have received your certificate, and CDX initiates step 3.

Under the ACES approach, the personal information you supply for purposes of ''identity proofing'' must include at least three items, and at least one of these must be something assigned to you based on an in-person identity verification process, *e.g.* a passport number or driver's license number. In addition, because your identity as an official of a regulated company is central to your relationship with EPA, the ''identity proofing'' performed by the CA may also include verification of your company's identity, including address, legal name, names of directors and officers, and current operating status. EPA seeks comment on any aspect of this ''identity proofing'' approach, and specifically on the need to have the CA collect the personal and business information listed above, as well as any comment on the ACES certificate issuance process as a whole.

It is worth stressing that the items of personal information selected for ''identity proofing'' will be submitted to the CA, and not to EPA, and this personal information will not be available to or maintained by EPA. However, some basic personal information—specifically, your name, your contact information (email address, phone/fax/mobile/pager numbers), your mailing address and your organizational role (*e.g.*, consultant, environmental manager, etc.) may be submitted to (or verified as correct by) EPA as a part of step 1 of the registration process, preceding ACES certificate issuance. Step 1 may also involve EPA's collecting or verifying some of the business-related items that can also be associated ACES ''identity proofing''—specifically, your employer's address, common name of your employer, legal company name of your employer, name and telephone number of your direct manager—plus, possibly, the following additional items of information: facility name and address, EPA program reporting area (*e.g.* Hazardous Waste, NPDES, etc.), EPA program or permit identification number, and preferred

method of electronic reporting (*e.g.*, web form, EDI, etc.). EPA seeks comment on the need to collect/verify these items of personal and business-related information as a part of step 1 of the registration process.

In step 3, CDX will create a system account for you, including a controlled-access mailbox, sending you by regular mail the password and user identification code to gain access to your account. When you initially use these to access your account, you will be instructed to download any client desktop software from CDX that may serve to support the digital signing of your electronic submissions. You will conclude the registration process by printing out and signing on paper a registration agreement included with the downloaded software. The agreement will affirm your understanding that, among other things:

- Digital signature/certification has the full legal force of a corresponding signature created with wet ink on paper;
- You must protect the access to your CDX mailbox, to your client CDX desktop, and to the private key used to create your digital signature;
- You must never delegate the use of your private key, or provide anyone else access to it in any other way;
- You must immediately notify EPA if you have any reason to suspect that your CDX mailbox, CDX-supplied client software, or private key has been compromised

The full agreement would conform closely to the text suggested in subsection IV.D.3 of this preamble.

Upon receiving this agreement, with wet-ink-on-paper signature, CDX will recognize you as a fully-registered and authorized user. As proposed in today's rule, CDX will require a process for you to renew your registration, probably once every two years, although—corresponding to the discussion in Section IV.D.3 of this preamble—EPA seeks comment on less frequent renewals, for example, at intervals of 3, 4, or 5 years. This will include certifying that you have complied with the terms of your initial registration agreement, and, in particular, that you have not in any way compromised or delegated access to your private key, to your private CDX account, or to your CDX client software, and that you have no other evidence that any of these items have been compromised. Again, the full text of this agreement would conform closely to the text suggested for agreement renewal in Section IV.D.3 of this preamble. This certification will probably be printed out by your desktop software, require a wet-ink-on-paper signature, and be submitted through the United States Postal Service. Failure to submit this certification would terminate your access to CDX, and could lead EPA to require supplemental certification of previous submissions. The EPA is seeking comment on this proposed approach to registration renewal, the requirement that the agreement be renewed, and the frequency of the renewal. We are also seeking comment on whether it could be accomplished via an electronic submission rather than on paper.

3. The CDX Architecture

In designing the CDX architecture, EPA has been guided by three goals:

- Flexibility in exchanging data—that is, the ability to support a number of different data exchange mechanisms, including batch file transfers in various formats, web-based file uploads, as well as on-line data entry;
- Uniformity in signing/certifying submissions—that is, providing for a uniform way for individuals to sign and certify their electronic documents, no matter how the data they contain was transferred; and
- Adequate security for all aspects of CDX operation—that is, the assurance that authorized users of CDX, including EPA, retain control over the CDX operations for which they are responsible.

The goal of flexibility arises from knowledge that the organizations that might want to submit electronic documents to CDX apply information technology to environmental management many different ways. At the one extreme may be large companies that have correspondingly large quantities of data to submit—data that they maintain in databases and would prefer transfer in as automated a mode as possible. At the other extreme are small businesses that may be equipped to enter their data into some sort of user-friendly 'smart' form—on-line or off-line—but would not otherwise computerize their environmental data. And, in the middle, are organizations that may use relatively simple database or spreadsheet tools for their environmental data, but are not prepared to automate a data transfer process. In designing CDX, EPA in trying to accommodate all of these varying levels of computerization—providing organizations with modes of data transfer that fit their capabilities while allowing them to take advantage of whatever level of data capture and automation they have already achieved.

While organizations may differ considerably in how they want and are able to transfer data, there needs to be a consistent approach for the responsible company official's review and certification—by signing—to the truth and accuracy of the data transferred. In all cases this will be accomplished by a human interaction with the medium in which the data is displayed, and some human action to create the signature in that medium. For any case that calls for a signature, CDX will always provide the same uniform set of procedures for reviewing the data and creating the signature.

The CDX will also be designed to provide the requisite system security. Obviously, the CDX must involve protection for the data that CDX receives and maintains from any unwanted intrusion or tampering. It must also protect the data as it travels from the submitter to the CDX. The system security must also include elements that ensure that the signature/certification process is not compromised. For example, CDX must provide certificate holders with a way to secure their private key and to control access to any messages that confirm or respond to submissions, so that they can be assured that no spurious transactions with CDX will be conducted using their electronic signature.

To achieve these goals, EPA is planning to base CDX implementation on client-server architecture. This means that CDX will manage the transactions with submitters through a computer operated by EPA that interacts with computers at the submitter's site. To provide for the desired flexibility, the EPA server is being designed to accept data via a variety of transfer mechanisms in variety of formats, ranging from Internet File Transfer Protocol (FTP) submissions of spread-sheet files to standards-based electronic data interchange (EDI) transmissions via private value-added network (VAN). These file formats and transfer protocols will be discussed below.

To ensure a uniform signature/certification process, CDX would provide the computers from which it accepts electronic documents (otherwise known as ''client'' personal computers (PCs)) with copy-protected and password-protected client software that will support the digital signing of your electronic documents. You will be prompted to download and install this software once you complete the registration/certification process, and access your password-protected mailbox on the CDX server. (You would also be given a detailed user's guide, which will provide step-by-step instructions on download and installation.).

To operate this CDX client software, and interact with the CDX server, your PC system will have to have: Internet

access; at least a 486 processor (with Pentium recommended); 2 to 5 MB of available hard-drive space to install program software; access to a printer; and Microsoft Windows 95, 98 or NT 4.0. Given the planned use of digital signature certificates, your system will also be required to run one of the following Web browsers: Internet Explorer 4.01, Internet Explorer 5.0, Netscape 3–4.05, Netscape 4, or subsequent versions of these browsers. In addition, you should have backup capability of some form (e.g. tape system, off-line disk storage, or access to a separate network server.); an effective backup program provides protection against system malfunctions and ensures that you can retain a copy of your submissions as required by EPA regulations. EPA seeks comment on whether these system requirements impose unacceptable costs or burdens on regulated entities, and whether additional processors and operating systems should be accommodated.

Concerning protection of the server, CDX will be designed to incorporate ''firewall'' security, in addition to the usual system security provisions to control physical access to the system and prohibit unauthorized internal access. Very generally, a ''firewall'' is software that controls the flow of data files between a system and a network to which it is connected, to ensure (among other things) that only files from recognized and safe sources are allowed to enter. As transmissions flow through the CDX firewall, for example, they will be automatically virus-scanned, and the system would not attempt to process a file that contains a suspected virus. (If a virus is detected, the submitter would be notified and asked to resubmit the report.) The server will also be protected with intrusion detection software that alerts the system operators to suspected attempts to penetrate or ''hack'' the system. The system operators will use the logging capability of the firewall and the intrusion detection system to monitor the health and status of the system and respond to unauthorized efforts to use or modify the system. In terms of protecting the system clock, CDX will be configured so that changes to the clock can only be made under a single user ID and password, and the server will be placed in a locked rack so that an unauthorized person cannot use a reboot sequence to change the clock settings. In addition, the system clock will be synchronized with the atomic clock at least once a day to ensure that the system time is extremely accurate.

Once a submission passes through the firewall, CDX will initiate the first of several processes that, among other things, will create a robust archive of the original submission, including:

- The submission files in their entirety, exactly as they were sent, including any enveloping/addressing/routing/date-time information. These will be captured and archived upon receipt by CDX, immediately after a successful virus scan; archiving will include a digital signing of the files by EPA to ensure file integrity;
- The electronic document as it was signed with its submitter digital signature affixed; these will be captured after the digital signatures are verified, and will include data generated by the verification process;
- The electronic document as it was signed, with the verified digital signature affixed, the date and time of receipt and EPA's digital signature of the entire content; this will constitute the ''copy of record''
- The submission acknowledgments sent back to the submitter with EPA signatures, including the data and time these are transmitted.

If, at a later date, there is a question about the file that was received, the EPA can use this sequence of archived files to verify that no changes have been made to the original input from the submitter. Of course, we believe the fact that these archived files are digitally signed will make it impossible for any of these files to be modified without detection. As noted earlier, a digital signature is a function of the ''message digest'' or ''hash'' of the document or file it is used to sign. Any modification to the file would change its ''hash''—which will be different for each variation of the file—and this would automatically invalidate the signature. A change in even a single character of a file or document would invalidate its digital signature, and would trigger an error warning when processed by the CDX server.

In terms of archive storage, the CDX will archive to multiple formats: hard disk, tape, and optical media. This use of multiple formats is designed to ensure that degradation of one format would not jeopardize EPA's long-term storage capability for submitted data. The CDX archives will be written out to an online disk system when they are first created. They will be copied to an off-line disk system and also backed up to magnetic tape every day, with full backups to tape on a weekly basis. The schedule for backup to optical media—and the requirements for rapidity of retrieval—have not yet been decided, and EPA welcomes any suggestions in this area. The optical media archiving is intended to provide for long-term storage, extending to periods of 20–50 years.

Finally, CDX will also provide security for data exchanges. To protect client-server transactions, including the report submission and transmission of acknowledgments, CDX will use a protocol that encrypts the files being exchanged between a ''client'' PC and the CDX server while these files travel through the network. In addition, the private key, as already noted, will be password protected; it will also provide separate password protection of access to the private key that generates the digital signature. To further protect a user's account from theft or spurious use by an intruder across a company network, current planning calls for the CDX client software to be ''localized'' to the particular PC on which it is installed—preventing access to this software installed on a particular PC from other PCs connected to it via a network. It is worth adding that, when the private key is created—in connection with the registration process—this can be done in a way that prohibits its export. If this option is invoked, the private key can never be moved—whether to a floppy or to another computer—so if a signature-holder had to move to another machine, the existing public/private key pair assigned to this individual will have to be abandoned, and he or she will have to apply for a new certificate. While EPA is not currently planning to require this option, we are seeking comment both on whether it would involve too much burden for users and on whether the option is necessary to protect the private key from compromise.

4. Electronic Data Interchange (EDI) Standards

As discussed in section IIA, above, EPA has, historically, based its approach to electronic reporting on EDI standards, specifically those developed and maintained under ANSI ASC X12. Today's proposal represents a departure from this approach, in that the regulatory language itself does not specify any particular data formats or transaction set standards. In addition, as already noted, the system that EPA is proposing to use in implementing electronic reporting—the 'Central Data Exchange'—will not specify ANSI X12 standards as the only syntax for automated transfers of compliance data. Nonetheless, the EDI standards on which we have relied in the past will still serve to define many of the data sets that we expect CDX to accept from our submitters.

There are two reasons for this. The first is simply that a significant minority

of very large company submitters conduct their electronic commerce using ANSI-based EDI; we want to be able to accommodate these companies and allow them to conduct their transactions with CDX using the same infrastructure they use in commerce. The second reason, is generally that ANSI standards continue to provide a precise, well-documented and widely-recognized way of describing the structure of electronic transactions—including the elements of data involved and how they are related to each other. By providing this clarity, these standards-based descriptions facilitate the implementation of an electronic transfer even where ANSI X12 is replaced by another format for the data files—that is, another way of ordering, grouping, labeling and separating the elements of data. In addition, many of the commercial off-the-shell (COTS) electronic commerce products can translate X12 syntax into other formats, such as ''extended mark-up language'' (XML).

CDX will make EDI available for many, if not all, of the reports and other documents it is set up to receive. Beyond issues of configuring the CDX server software to recognize and process EDI-formatted files, implementation of EDI is largely a matter of developing the implementation guidance for each of the environmental reports to be supported. As noted in Section II.A of this preamble, the implementation guidance does three things. First, it addresses such procedural matters as: interactions with the communications network (which, under current plans, can be a 'value-added network' or 'VAN', but can also be the Internet), schedule for submissions and acknowledgments, transaction records to be maintained, and so on. Second, it stipulates the specific ANSI X12 standard file transmission formats—that is, ''transaction sets''—to be used for the specified reports. Third, the guidance specifies how the stipulated transaction sets being used are to be interpreted as they are applied to the environmental report in question.

As noted in Section II.A, X12 transaction sets are generic in the sense that they typically leave a number of their components as 'optional', and use data-element specifications that are open to multiple interpretations. Therefore the implementation guidance must, at the very least, establish the correlation between the generic data elements and the specific data elements in the EPA report that would be put into this format—in essence, this is to specify which data field in the EPA report goes where in the transaction set format. This is sometimes described as mapping the generic transaction set to the particular set of data elements it will serve to format. The result of this ''mapping'' process is often referred to as the ''implementation convention'' (IC) of the transaction set for the report or document in question. Accordingly, each EPA program-specific implementation guidance will include the applicable ICs.

EPA has written and codified ICs for many of the Agency's major compliance reports, and several more are under development. These ICs have been (or will be) approved as a 'Federal Implementation Convention'. This approval process, which involves public notice and comment, is managed by the Federal Electronic Data Interchange Standards Management Coordinating Committee (FESMCC), under the Federal Information Processing Standard Publication (FIPS PUB) 161–2, entitled ''Electronic Data Interchange.'' All approved Federal IC's are registered with the National Institute of Standards and Technology (NIST). The NIST registry, now including 863E, is posted at: *http://snad.ncsl.nist.gov/fededi/.* Whenever EPA intends to upgrade to a new version or release of the ANSI X12 standards, or in any other way modify the applicable IC, EPA will give notice of its intent in the **Federal Register** and will establish a conversion date. Affected regulated entities will then have a minimum of sixty (60) calendar days from the conversion date to conform to the modified IC; EPA will discontinue support of the previous version of the IC no sooner than ninety (90) calendar days after the conversion date.

The full list of currently approved ICs is:

- 863E—Report of Test Results (Discharge Monitoring Report): This IC is available in *PDF*, *RTF*, *ASCII*, *SEF* formats for Version 4010 from *http://snad.ncsl.nist.gov/dartg/edi/4010-ic.html*
- The 863S—Report of Test Results (Safe Drinking Water) IC is currently in the FESMCC approval process. When approved, it will be available in *PDF, RTF, ASCII, SEF* formats for Version 4010.

In addition, ANSI ASC X12 has recently approved a new transaction set specifically developed by EPA to support environmental reporting, the 179. The 179 consolidates several EPA reports into a single transaction set. The 179 can convey a Discharge Monitoring Report, Hazardous Waste Report, Toxic Release Inventory report, the Air Emission Inventory report, or Risk Management Plan. The 179 was published initially in the ANSI ASC Version 4031. The ICs for the 179 are being developed and will coordinated through the FESMCC process and published on the NIST web site after approval.

5. The Transaction Environment

As explained in earlier sections, CDX would allow submitters to transmit data either through automated file transfer, or via on-screen ''smart forms'' provided as a part of the downloaded ''desktop''. In either case, however, the signature/certification ''scenario''—that is, the series of steps surrounding the digital signing of the report—will be the same, consisting of:

- A data review sequence,
- The signature process, and
- An acknowledgment sequence.

These steps will largely be governed by operation of the CDX software, and the interaction of the client PC with the CDX server.

Taking these in order, data review will take place online, with the CDX server providing the transmitted data for submitter review in a format that is easily read and understood, possibly with a visual layout similar to the applicable paper form (if there is one). The server will present the data one screen at a time—downloaded to the client browser—and it will not allow the submitter to initiate the signing process until the last screen has appeared. The review sequence will end when the submitter clicks a button at the bottom of the last data screen to initiate signature.

Once initiated, the signature process will first display the certification statement, certifying to the truth of the data to be submitted, and also including a warning that by initiating the signing process the submitter agrees that he or she is using the signature in compliance with the signature agreement that was signed when the signature device was issued. The exact content and wording of the first of these statements will be consistent with the language suggested for this purpose in sub-section IV.D.4 of this preamble. In any event, the submitter will be prompted to click agreement with this statement, after which the submitter will be prompted to enter his or her password launching the digital signature process. The digital signature will be created by using the submitter's private key to encrypt a 'hash' of all the elements of the screens the submitter has reviewed—including screen layout, data field labels, data elements, and certification statements. Once the signature is created and affixed, the signed report will be immediately transmitted to the server.

Transmission to the server will initiate the acknowledgment sequence. Upon receipt of the transmission, CDX will automatically create an acknowledgment that includes the date and time of receipt. This acknowledgment will be posted to the submitter's password-protected mailbox on the server, and/or to a submitter-specified email address. In addition, the server will also create a ''copy of record'' of the submission, by applying an EPA digital signature to the entire file received, including the submitter's digital signature. EPA will count this ''copy of record'' as the ''original'' of the submission for all legal purposes, and will maintain this electronic document in the CDX archive. As currently planned, this ''copy of record'' will be placed in the submitter's password-protected mailbox on the server. When the submitter next logs into CDX, the first screen he or she sees will present the list of copies of record (and acknowledgments, unless these are sent by email) that currently await submitter review; the submitter will be able to download and archive these documents. Of course, the submitter will be encouraged to review these copies of record to confirm that they correspond with what he or she intended to submit, and to notify EPA immediately in the case of any discrepancy.

In our design of this three-part scenario (data review, signature process, and acknowledgment), our major goals have been to make CDX simple, intuitive and easy for submitters to use, while—at the same time—ensuring that a submitter knows and understands what he or she is certifying, the meaning of affixing a digital signature to the electronic document, what has happened, and what EPA considers to be the document that was submitted. EPA seeks comment on the appropriateness of these goals and whether more or less should be designed into CDX to ensure that it meets these goals.

VI. Regulatory Requirements

A. Executive Order 12866

''Pursuant to the terms of Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is a ''significant regulatory action'' because it raises novel legal and /or policy issues. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Executive Order 13132

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under Section 6 of Executive Order 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 does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The proposed rule would not require States to accept electronic reports. The effect of this rule would be to provide additional regulatory flexibility to States because States could choose to accept electronic data in satisfaction of EPA reporting requirements. Authorized States that did choose to accept electronic reports under this rule would incur expenses initially in developing systems or modifying existing systems to meet the criteria in this rule. However, the Cost/Benefit analysis associated with this proposed rule, summarized in section IV.E of this preamble, estimates that States' overall cost savings from implementing electronic reporting will more than compensate for these initial expenses. Additionally, EPA believes that even in the absence of this proposed rule, States' implementing electronic reporting on their own initiative would generally choose to meet the criteria that this rule proposes. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, EPA did consult with State and local officials in developing this rule.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 2002.02) and a copy may be obtained from Sandy Farmer by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460, by email at *farmer.sandy@epamail.epa.gov,* or by calling (202) 260–2740. A copy may also be downloaded off the Internet at *http://www.epa.gov/icr.*

The proposed rule would allow reporting entities to voluntarily submit reports and other information electronically, thereby streamlining and expediting the process for reporting. It will also allow facilities to maintain electronic records for information/data currently required by regulation or statute to be maintained by the regulated entity onsite. EPA is proposing this rule on cross-media electronic reporting and record-keeping, in part, under the authority of the Government Paperwork Elimination Act, Public Law 105–277, which amends the PRA.

The CROMERRR ICR primarily covers the registration information which will be collected from individuals wishing to submit electronic reports on behalf of a regulated entity and will be used to establish the identity of that individual and the regulated entity he or she will represent. It also covers activities incidental to electronic reporting. Submission of reports in an electronic format will be voluntary.

The total annual reporting and record-keeping burden this ICR estimates for all facilities is 874,853 hours, which includes the tasks of collecting data, managing the system, and keeping records. A more detailed description of these activities includes the following: registering with EPA or State electronic document receiving systems, including invitation, verification, certificate issuance, and access and agreement; renewing registration with the electronic document receiving system once every two years; activities related to maintaining the electronic signature, including renewing the signature

certificate, reporting loss, theft, or other compromise of any component of an electronic signature, and surrender of electronic signature; and facility electronic record-keeping, including generating and maintaining complete e-records and documents. It is expected that tasks associated with system registration will take an average of one (1) hour per registrant/entity and the estimated number of likely respondents is 324,370. For the first year, there will be start-up and annual operation and maintenance (O&M) costs. Costs for the following two years will only involve annual O&M, based on the assumption that the registration will be valid for three years. Total annual start-up costs are estimated at $10,700,000.00 and annual O&M costs are estimated at $5,100,123.96.

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.

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.

Comments are requested 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. Send comments on the ICR to the Director, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after August 31, 2001, a comment to OMB is best assured of having its full effect if OMB receives it by October 1, 2001. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, provides that, whenever an agency promulgates a proposed rule under section 553 of the Administrative Procedures Act, after being required by that section or any other law to publish a general notice of rulemaking, the agency generally must prepare an initial regulatory flexibility analysis (IRFA). The agency must prepare a Final Regulatory Flexibility Analysis (FRFA) for a final rule unless the head of the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

Today's rule is not subject to the RFA because electronic reporting and record-keeping is voluntary and will only apply to those States and tribes that seek EPA approval to allow electronic reporting and record-keeping under their authorized programs and to regulated entities that seek to maintain records or transmit compliance reports electronically to EPA or authorized/approved States or tribes. These changes will reduce the burden on all affected entities, including small businesses. Accordingly, this rule is certified as having no Significant economic impact on a substantial number of small businesses. Respondent burden is the burden placed upon each individual reporting entity involved in set up, configuration and implementation of electronic submission of environmental compliance reports. Regulated entities will find that the initial set up process requires some expenditure of time and resources, but in the long run, this process will reduce the time spent on submissions each year. The Cost/Benefit analysis associated with this proposed rule, summarized in section IV.E, estimates that electronic reporting and record-keeping, when fully implemented, will reduce regulated facility compliance cost by more than $300 million per year. The Administrator therefore certifies, pursuant to section 605(b) of the RFA, that this rule will not have a significant economic impact on a substantial number of small entities.

E. Unfunded Mandates Reform Act

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

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small-government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The Agency has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year. Today's rule provides additional flexibility to the States in complying with current regulatory requirements and reduces the burden on affected governments. Thus, today's rule is not subject to the requirements in sections 202 and 205 of the UMRA.

The Agency has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments and thus this rule is not subject to the requirements in section 203 of UMRA. This rule will not significantly affect small governments because it provides additional flexibility in complying with pre-existing regulatory requirements.

F. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves information technology standards for electronic formats and for electronic signatures. EPA is exploring a number of standards-based approaches to Web forms, including electronic data exchange formats based upon the American National Standards Institute (ANSI) Accredited Standards Committee's (ASC) X12 for Electronic Data Interchange or EDI. EPA is also proposing Internet data exchange formats based on the Extensible Mark-up Language (XML) specifications developed by the World Wide Web Consortium (W3C). The World Wide Web Consortium, however, is not a voluntary consensus standards body within the meaning of the NTTAA, and EPA could not identify an applicable consensus standard for creating and transmitting data using XML. Therefore, EPA has decided to propose an XML data exchange format, referred to as a document type definition for Internet transmissions as an alternative to the ANSI ASC X12 formats that are customarily transmitted across Value Added Networks. It is possible that the ANSI ASC X12 standards body will develop standards for XML document definitions in the future, and EPA will monitor this situation as we develop a final rulemaking.

G. Executive Order 13045

The Executive order, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that EPA determines (1) ''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. EPA interprets the Executive Order 13045 as encompassing only those regulatory actions that are risk-based or health-based, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

This rule is not subject to Executive Order 13045 because it is not an economically significant action as defined by Executive Order 12866 and it does not involve decisions regarding environmental health or safety risks. This rule develops technical procedures for the voluntary submission of environmental compliance data electronically.

H. Executive Order 13175

Executive Order 13175, entitled, ''A 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. The proposed rule would not require Indian tribes to accept electronic reports. The effect of this rule would be to provide additional regulatory flexibility to Indian tribes because tribes could choose to accept electronic data in satisfaction of EPA reporting requirements. Authorized tribal programs that did choose to accept electronic reports under this rule would incur expenses initially in developing systems or modifying existing systems to meet the criteria in this rule. However, the Cost/Benefit analysis associated with this proposed rule, summarized in section IV.E of this preamble, estimates that tribes' overall cost savings from implementing electronic reporting will more than compensate for these initial expenses. Additionally, EPA believes that even in the absence of this proposed rule, Indian tribes' implementing electronic reporting on their own initiative would generally choose to meet the criteria that this rule proposes. 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.

I. Executive Order 13211 (Energy Effects)

This rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. EPA has concluded that this rule is not likely to have any adverse energy effects.

List of Subjects

40 CFR Part 3

Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Electronic Reporting and recordkeeping requirements, electronic reports, electronic records.

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Electronic Reporting and recordkeeping requirements, electronic reports, electronic records.

40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Electronic Reporting and recordkeeping

requirements, Electronic reports, Electronic records.

40 CFR Part 123

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous substances, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records.

40 CFR Part 142

Environmental protection, Administrative practice and procedure, Chemicals, Indians-lands, Radiation protection, Reporting and recordkeeping requirements, Water supply, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 145

Environmental protection, Confidential business information, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water supply, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records.

40 CFR Part 162

Environmental protection, Administrative practice and procedure, Reporting and recordkeeping requirements, Pesticides and pests, State registration of pesticide products, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 233

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records.

40 CFR Part 257

Environmental protection, Waste treatment and disposal, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 258

Environmental protection, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and record-keeping requirements, Water pollution control, Water supply, Electronic Reporting and recordkeeping requirements, Electronic reports, Electronic records.

40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous substances, Insurance, Intergovernmental relations, Oil pollution, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records.

40 CFR Part 403

Environmental protection, Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 501

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Sewage disposal, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records.

40 CFR Part 745

Environmental protection, Hazardous substances, Lead poisoning, Reporting and recordkeeping requirements, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

40 CFR Part 763

Environmental protection, Administrative practice and procedure, Toxic substances, Asbestos, Hazardous substances, Imports, Reporting and recordkeeping requirements, Electronic Reporting and record-keeping requirements, Electronic reports, Electronic records, Intergovernmental relations.

Dated: August 23, 2001.

Christine Todd Whitman,

Administrator.

Therefore, it is proposed that title 40 chapter I of the Code of Federal Regulations be amended by adding a new part 3, and revising parts 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745, and 763 to read as follows:

PART 3—[NEW] ELECTRONIC REPORTING; ELECTRONIC RECORDS

Subpart A—General Provisions

Sec.
3.1 Scope.
3.2 Implementation.
3.3 Definitions.
3.4 [Reserved]

Subpart B—Electronic Reporting to EPA

3.10 What are the requirements for acceptable electronic documents?
3.20 How will EPA provide notice of changes to the Central Data Exchange?
3.30 [Reserved]

Subpart C—Electronic Record-keeping Under EPA Programs

3.100 What are the requirements for acceptable electronic records?
3.200 [Reserved]

Subpart D—Electronic Reporting and Record-keeping Under EPA-Approved State Programs

3.1000 How are authorized State, tribal or local environmental programs modified to allow electronic reporting?
3.2000 What are the criteria for acceptable electronic document receiving systems?
3.3000 How are authorized State, tribal or local environmental programs modified to allow electronic record-keeping?
3.4000 [Reserved]

Authority: 7 U.S.C. 136 to 136y; 15 U.S.C. 2601 to 2692; 33 U.S.C. 1251 to 1387; 33 U.S.C. 1401 to 1445; 33 U.S.C. 2701 to 2761; 42 U.S.C. 300f to 300j–26; 42 U.S.C. 6901–6992k; 42 U.S.C. 7401 to 7671q; 42 U.S.C. 9601 to 9675; 42 U.S.C. 11001 to 11050; 15 U.S.C. 7001; 44 U.S.C. 3504 to 3506.

Subpart A—General Provisions

§ 3.1 Scope.

What Is Covered by This Part?

(a) This part sets forth the conditions under which EPA will accept the submission of electronic reports and other electronic documents, as well as the maintenance of electronic records, by regulated entities, as satisfying requirements under this Title to submit reports or other documents, or to keep records. This part also sets forth the standards and process for EPA approval of changes to authorized State, tribal,

and local environmental programs to allow electronic report or document submission or electronic record maintenance in satisfaction of requirements under such authorized programs. This part does not require submission of electronic reports or documents or electronic recordkeeping in lieu of paper. This part confers no right or privilege to submit or maintain data electronically and does not obligate EPA, or State, tribal or local agencies to accept electronic data.

(b) Subpart C of this part applies to records in electronic form that are created, modified, maintained, archived, retrieved, or transmitted by regulated entities under any recordkeeping requirements under this Title. However, Subpart C of this part does not provide for the conversion of existing paper documents or records into electronic form. Subpart C of this part also does not apply to the Agency's recordkeeping requirements set forth in regulations governing contracts, grants, and financial management programs.

§ 3.2 Implementation.

What Requirements May Be Satisfied by Electronic Reporting and Electronic Recordkeeping?

(a) *Electronic reporting to EPA.* Any requirement in this Title that a document be created and transmitted or otherwise provided to EPA may be satisfied with an electronic document, in lieu of a paper document, provided that:

(1) The electronic document satisfies the requirements of § 3.10; and

(2) EPA has published a notice in the **Federal Register** announcing that EPA is prepared to receive in electronic form documents required or permitted by the named Part or Subpart of this Title.

(b) *Electronic recordkeeping under EPA programs.* Except as provided under paragraph (d) of this section or excluded under § 3.1(b), any requirement in this Title that a record be maintained may be satisfied by maintaining an electronic record, in lieu of a paper record provided that:

(1) The electronic record satisfies the requirements of § 3.100; and

(2) EPA has published a notice in the **Federal Register** announcing that EPA is prepared to recognize electronic records under the named Part or Subpart of this Title.

(c) *Electronic reporting and recordkeeping under an EPA-authorized State, tribal, or local environmental program.* Except as provided under paragraph (d) of this section, any requirement under authorized State, tribal, or local environmental programs that reports or documents be submitted or records be maintained may be satisfied with electronic report or document submission, or with electronic record maintenance, respectively, provided that: EPA has approved, in accordance with Subpart D of this part, the changes to the authorized State, tribal, or local environmental program to allow the electronic report or document submission or the electronic record maintenance in satisfaction of the authorized program requirement.

(d) *Limitation on the use of electronic records under EPA programs and EPA-authorized State, tribal, or local environmental programs.* Electronic records that meet the requirements of this Part may be used in lieu of paper records unless paper records are specifically required by other provisions in this Title that take effect on or after [date of promulgation of this regulation].

§ 3.3 Definitions.

What definitions are applicable to this part? The definitions set forth in this section apply when used in this part.

Acknowledgment means a confirmation of document receipt.

Administrator means the Administrator of the Environmental Protection Agency.

Agency means the Environmental Protection Agency or a State, tribal, local or other federal agency that administers a federal environmental program under this Title.

Agency electronic signature means an electronic signature of an individual who is authorized to sign an electronic document on an agency's behalf.

Authorized State, Tribal, or local environmental program means an environmental program which EPA has approved, authorized, or delegated to a State, tribe or local government to administer under a federal environmental program.

Communicate means to successfully and accurately convey a document, data, or information from one entity to another.

Electronic document means a document that is submitted to an agency or third-party as an electronic record, and communicated via a telecommunications network. For purposes of this part, electronic document excludes documents submitted on such magnetic media as diskettes, compact disks or tapes; it also excludes facsimiles.

Electronic document receiving system means any set of apparatus, procedures, software, records or documentation used to receive documents communicated to it via a telecommunications network.

Electronic record means any combination of text, graphics, data, audio, pictorial, or other information represented in digital form that is created, modified, maintained, archived, retrieved or distributed by a computer system.

Electronic record-retention system means any set of apparatus, procedures, software, records or documentation used to retain exact electronic copies of electronic records and electronic documents.

Electronic submission mechanism means any set of apparatus, procedures, software, records or documentation used to communicate an electronic document to an electronic document receiving system.

Electronic signature means any electronic record that is incorporated into (or appended to) an electronic document for the purpose of expressing the same meaning and intention that an individual's handwritten signature would express if affixed in the same relation to the document's content presented on paper.

Electronic signature device means a code or other mechanism that is used to create electronic signatures. Where the device is used to create an individual's electronic signature, then the code or mechanism must uniquely belong to or be associated with or assigned to that individual. Where the device is used to create an organization's electronic signature, then the code or mechanism must uniquely belong to or be associated with or assigned to that organization.

EPA means the United States Environmental Protection Agency.

Handwritten signature means the scripted name or legal mark of an individual, handwritten by that individual with a writing or marking instrument such as a pen or stylus and executed or adopted with the present intention to authenticate a writing in a permanent form. The physical instance of the scripted name or mark so created constitutes the handwritten signature. The scripted name or legal mark, while conventionally applied to paper, may also be applied to other hard media.

Metadata means data that describes the properties of other data or collections of data (*e.g.,* a database); with respect to a database or file containing data, metadata could include information about the database's structure, the date and time that data was created or added or changed, definitions of the data elements, descriptions of the accuracy of the data, etc.

Receive means to successfully acquire electronic documents in a format that can be processed by the receiving system.

Regulated entity means any entity that maintains records or submits documents to EPA to satisfy requirements under this Title, or that maintains records or submits documents to a State, tribal, or local agency to satisfy requirements under programs authorized under this Title. A State, tribal, or local agency or tribe may be a regulated entity where it maintains records or submits documents to satisfy requirements that apply to it under this Title (including regulations governing authorized State, tribal, or local programs); a State, tribal, or local agency will not be a regulated entity where it maintains records or submits documents exclusively for other purposes, for example as a part of administrative arrangements between States and EPA to share data.

Submit means to communicate a document so that it is received by the intended recipient.

Third-party system means an electronic document receiving system that is owned or operated by an entity that is neither a submitter of the electronic documents the system receives nor an agency to which these electronic documents are submitted.

§ 3.4 [Reserved]

Subpart B—Electronic Reporting to EPA

§ 3.10 What are the requirements for acceptable electronic documents?

(a) An electronic document will satisfy a federal environmental reporting requirement or otherwise substitute for a paper submission permitted or required under this Title only if:

(1) The electronic document is submitted to an electronic document receiving system as provided under paragraph (b) of this section, and

(2) The electronic document bears valid electronic signatures, as provided in paragraphs (c), (d) and (e) of this section, to the same extent that the paper submission for which it substitutes would bear handwritten signatures.

(b) Electronic documents submitted to EPA to satisfy a federal environmental reporting requirement or otherwise substitute for a paper submission permitted or required by a federal environmental program must be submitted to either:

(1) EPA's Central Data Exchange; or

(2) Another EPA electronic document receiving system that the Administrator may designate for the receipt of specified submissions.

(c) An electronic signature is valid if and only if:

(1) The electronic signature is created by a person who is authorized to sign the document, with an electronic signature device that this person is authorized to use; and

(2) The electronic signature meets the validation requirements of the electronic document receiving system to which it is submitted.

(d) A valid electronic signature on any electronic document submitted to satisfy a federal or federally authorized State, tribal or local government environmental reporting requirement legally binds or obligates the signatory, or makes the signatory responsible, to the same extent as the signatory's hand-written signature on a paper document submitted to satisfy the same federal or federally authorized environmental reporting requirement.

(e) Proof that an individual's electronic signature was affixed to an electronic document is evidence, and may suffice to establish, that the individual who was issued that signature affixed the signature and did so with the intent to sign the electronic document to give it effect.

§ 3.20 How will EPA provide notice of changes to the Central Data Exchange?

(a) Except as provided under paragraph (b) of this section, whenever EPA plans to change Central Data Exchange hardware or software in ways that would affect the submission process:

(1) Where the equipment, software or services needed to submit electronic reports to the Central Data Exchange would be changed, EPA will provide public notice and seek comment on the proposed change at least a year in advance of the proposed implementation data;

(2) Otherwise, EPA will provide public notice at least sixty (60) days in advance of implementation.

(b) Any change which the Administrator determines is needed to ensure the security and integrity of the Central Data Exchange is exempt from the provisions of paragraph (a) of this section. However, to the extent consistent with ensuring the security and integrity of the system, EPA will provide public notice of any change to the Central Data Exchange made under the authority expressly reserved by this subsection.

§ 3.30 [Reserved]

Subpart C—Electronic Recordkeeping under EPA Programs

§ 3.100 What are the requirements for acceptable electronic records?

(a) An electronic record or electronic document will satisfy a recordkeeping requirement of an EPA-administered federal environmental program under this Title only if it is generated and maintained by an acceptable electronic record-retention system as specified under this subsection. For purposes of maintaining electronic records that satisfy recordkeeping requirements under this Title, an acceptable electronic record-retention system must:

(1) Generate and maintain accurate and complete electronic records and electronic documents in a form that may not be altered without detection;

(2) Maintain all electronic records and electronic documents without alteration for the entirety of the required period of record retention;

(3) Produce accurate and complete copies of any electronic record or electronic document and render these copies readily available, in both human readable and electronic form, for on-site inspection and off-site review, for the entirety of the required period of record retention;

(4) Provide that any electronic record or electronic document bearing an electronic signature contain the name of the signatory, the date and time of signature, and any information that explains the meaning of the affixed signature;

(5) Prevent an electronic signature that has been affixed to an electronic record or electronic document from being detached, copied, or otherwise compromised;

(6) Use secure, computer-generated, time-stamped audit trails that automatically record the date and time of operator entries and actions that create, modify, or delete electronic records or documents;

(7) Ensure that record changes do not obscure previously recorded information and that audit trail documentation is retained for a period at least as long as that required for the subject electronic records or electronic documents to be available for agency review;

(8) Ensure that electronic records and electronic documents are searchable and retrievable for reference and secondary uses, including inspections, audits, legal proceedings, third party disclosures, as required by applicable regulations, for the entirety of the required period of record retention;

(9) Archive electronic records and documents in an electronic form which preserves the context, meta data, and audit trail, and, if required, must ensure that:

(i) Complete records can be transferred to a new system;

(ii) Related meta data can be transferred to a new system;

(iii) Functionality necessary for use of records can be reproduced in new system; and

(b) Computer systems (including hardware and software), controls, and attendant documentation maintained under this Part must be readily available for, and subject to, agency inspection.

(c) Where electronic records bear electronic signatures that meet the requirements in paragraphs (a)(4) and (a)(5) of this section, EPA will consider the electronic signatures to be equivalent to full handwritten signatures, initials, and other general signings as required by federal or federally authorized State, tribal or local government environmental regulations, unless specifically excepted by regulations(s) effective on or after [date of promulgation of this regulation].

§ 3.200 [Reserved]

Subpart D—Electronic Reporting and Recordkeeping Under EPA-Approved State Programs

§ 3.1000 How are authorized State, tribal or local environmental programs modified to allow electronic reporting?

(a) State, tribes, or local environmental programs that wish to receive electronic reports or documents in satisfaction of requirements under such programs must revise or modify the EPA-approved State, tribal, or local environmental program to ensure that it meets the requirements of this part. The State, tribe, or local government must use existing State, tribal, or local environmental program procedures in making these program revisions or modifications.

(b) In order for EPA to approve a program revision under paragraph (a) of this section the State, tribe, or local government must demonstrate that electronic reporting under this program will:

(1) Use an acceptable electronic document receiving system as specified under § 3.2000;

(2) Require that any electronic report or document must bear valid electronic signatures, as provided in § 3.10(c), (d) and (e), to the same extent that the paper submission for which it substitutes would bear handwritten signatures under the State, tribal, or local environmental program.

§ 3.2000 What are the criteria for acceptable electronic document receiving systems?

An electronic document receiving system that is acceptable for purposes of receiving electronic reports or documents submitted under provisions of an authorized State, tribal or local environmental program must meet all of the following requirements:

(a) *General system-security.* An acceptable electronic document receiving system must:

(1) Have strong and effective protections against unauthorized access to the system;

(2) Have strong and effective protections against the unauthorized use of any electronic signature on electronic documents submitted or received;

(3) Provide for the detection of unauthorized access or attempted access to the system and unauthorized use or attempted use of any electronic signature on electronic documents submitted or received;

(4) Prevent the modification of an electronic document once an electronic signature has been affixed;

(5) Ensure that the electronic documents and other files necessary to meet the requirements under paragraphs (f) and (g) of this section are protected from modification or deletion;

(6) Ensure that the system clock is accurate and protected from tampering or other compromise; and

(7) Have strong and effective protections against any other foreseeable corruption or compromise of the system.

(b) *Validity of data.* An acceptable electronic document receiving system must generate data sufficient to prove, in private litigation, civil enforcement proceedings, and criminal proceedings, that:

(1) The electronic document was not altered in transmission or at any time after receipt; and

(2) The electronic document was submitted knowingly and not by accident; and

(3) In the case of documents requiring the signature of an individual, that the document was actually submitted by the authorized signature holder and not some other person.

(c) *Electronic signature method.* By virtue of its presence as a part of an electronic document submitted or received, an electronic signature must uniquely identify the particular individual who has used it to sign an electronic document or otherwise certify to the truth or accuracy of the document contents; therefore, an acceptable electronic document receiving system must only validate electronic signatures created with a method that:

(1) Meets the registration requirements of paragraph (d) of this section;

(2) Meets the signature/certification requirements of paragraph (e) of this section;

(3) Prevents an electronic signature from being excised, modified, or copied for re-use without detection once it has been affixed to an electronic document by the authorized individual;

(4) Provides protection against the use of a specific electronic signature by unauthorized individuals;

(5) Ensures that it is impossible to modify an electronic document without detection once the electronic signature has been affixed.

(d) *Submitter registration process.* An acceptable electronic document receiving system must require that anyone who submits an electronic document to the system first register with the agency to which the document is to be submitted. The registration process must establish the identities of both the registrant, who is the prospective submitter, and any entity that the registrant is authorized to represent, and must establish that the registrant is authorized to submit the document in question for the entity being represented. In addition, where the documents to be received will require signature, the registration process must:

(1) Establish the registrant's identity, and the registrant's relation to any entity for which the registrant will submit electronic documents, with evidence that can be verified by information sources that are independent of the registrant and the entity or entities in question and that would be sufficient to identify the registrant as the signature holder for purposes of supporting litigation consistent with paragraph (b) of this section;

(2) Establish and document a unique correlation between the registrant and the code or device that will constitute or create the electronic signature of the registrant as a submitter;

(3) Require that the registrant sign on paper, or in such other manner or medium as the Administrator in his or her discretion may determine as appropriate for a category of electronic reports, an electronic signature agreement specifying at a minimum that the registrant agrees to:

(i) Protect the electronic signature from unauthorized use, and follow any procedures specified by the agency for this purpose;

(ii) Be held as legally bound, obligated, or responsible by use of the assigned electronic signature as by hand-written signature;

(iii) Where the signature method is based on a secret code or key, maintain the confidentiality of each component of the electronic signature;

(iv) In any case, never to delegate the use of the electronic signature, or in any other way intentionally provide access to its use, to any other individual for any reason; and

(v) Report to the entity specified in the electronic signature agreement, within twenty-four hours of discovery, any evidence of the loss, theft, or other compromise of any component of an electronic signature;

(4) Provide for the automatic and immediate revocation of an electronic signature in the event of:

(i) Any actual or apparent violation of the electronic signature agreement;

(ii) Any evidence that the signature has been compromised, whether or not this is reported by the registrant to whom the signature was issued; or

(iii) Notification from an entity that the registrant is no longer authorized by the entity to submit electronic documents on its behalf;

(5) Require that the registrant periodically renew his or her electronic signature agreement, under terms that the Administrator determines provide adequate assurance that the criteria of paragraphs (a) and (b) of this section are met, taking into account both applicable contractual provisions and industry standards for renewal or re-issuance of signature codes or devices.

(e) *Electronic signature/certification scenario.* An acceptable electronic document receiving system that may be used to accept electronic documents bearing an electronic signature must:

(1) Not allow an electronic signature to be affixed to the electronic document until:

(i) The signatory has been provided an opportunity to review all of the data to be transmitted in an on-screen visual format that clearly associates the descriptions or labeling of the information being requested with the signatory's response and which format is identical or nearly identical to the visual format in which a corresponding paper document would be submitted; and

(ii) A certification statement that is identical to that which would be required for a paper submission of the document appears on-screen in an easily-read format immediately above a prompt to affix the certifying signature, together with a prominently displayed warning that by affixing the signature the signatory is agreeing that he or she is the authorized signature holder—referred to by name—has protected the security of the signature as required by the electronic signature agreement signed under paragraph (d)(3) of this section and is otherwise using the signature in compliance with the electronic signature agreement;

(2) Automatically respond to the receipt of an electronic document with transmission of an electronic acknowledgment that:

(i) States that the signed electronic document has been received, clearly identifies the electronic document received, indicates how the signatory may view and download a copy of the electronic document received from a read-only source, and states the date and time of receipt; and

(ii) Is sent to an address whose access is controlled by password, codes or other mechanisms that are different than the controls used to gain access to the system used to sign/certify and send the electronic document;

(3) Automatically creates an electronic ''copy of record'' of the submitted report that includes all the warnings, instructions and certification statements presented to the signatory during the signature/certification scenario as described under paragraph (e)(1) of this section, and that:

(i) Can be viewed by the signatory, in its entirety, on-screen in a human-readable format that clearly and accurately associates all of the information provided by the signatory with the descriptions or labeling of the information that was requested;

(ii) Includes the date and time of receipt stated in the electronic acknowledgment required by paragraph (e)(2) of this section;

(iii) Has an agency electronic signature affixed that satisfies the requirements for electronic signature method under paragraphs (c)(3), (c)(4), and (c)(5) of this section;

(iv) Is archived by the system in compliance with requirements paragraph (g) of this section;

(v) Is made available to the submitter for viewing and down-loading; and

(vi) Is protected from a unauthorized access.

(f) *Transaction Record.* An acceptable electronic document receiving system must create a transaction record for each received electronic document that includes:

(1) The precise routing of the electronic report from the submitter's computer to the electronic document receiving system;

(2) The precise date and time (based on the system clock) of:

(i) Initial receipt of the electronic document;

(ii) Sending of electronic acknowledgment under paragraph (e)(2) of this section;

(iii) Copy of record created under paragraph (e)(3) of this section;

(3) Copy of record as specified under paragraph (e)(3) of this section.

(g) *System archives.* An acceptable electronic document receiving system must:

(1) Maintain:

(i) The transaction records specified under paragraph (f) of this section, and

(ii) Records of the system on-screen interface displayed to a user under paragraph (e) of this section that can be correlated to the submission of any particular report (including instructions, prompts, warnings, data formats and labels, as well as the sequencing and functioning of these elements);

(2) Maintain the records specified under paragraph (g)(1) of this section for at least the same length of time as would be required for a paper document that corresponds to the received electronic document, and in a way that:

(i) Can be demonstrated to have preserved them in their entirety without alteration since the time of their creation; and

(ii) Provides access to these records in a timely manner that meets the needs of their authorized users.

§ 3.3000 How are authorized State, tribal or local environmental programs modified to allow electronic recordkeeping?

(a) State, tribes, or local environmental programs that wish to allow the maintenance of electronic records or documents in satisfaction of requirements under such programs must revise or modify the EPA-approved State, tribal, or local environmental program to ensure that it meets the requirements of this part. The State, tribe, or local government must use existing State, tribal or local environmental program procedures in making these program revisions or modifications.

(b) In order for EPA to approve a program revision under paragraph (a) of this section the State, tribe, or local government must demonstrate that records maintained electronically under this program will satisfy the requirements under § 3.100 of this part.

§ 3.4000 [Reserved]

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

2. Section 51.286 is added to Subpart O of this part to read as follows:

§ 51.286 Electronic reporting.

States that wish to receive electronic documents or allow electronic recordkeeping must revise the State Implementation Plan to satisfy the requirements of 40 CFR part 3—(Electronic reporting).

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401–7601.

2. Section 60.7 is amended by revising introductory text in paragraph (a) to read as follows:

§ 60.7 Notification and recordkeeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification consistent with the requirements of 40 CFR part 3—(Electronic reporting), as follows:

* * * * *

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

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

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

2. Section 63.6 is amended by adding a new paragraph (k) to read as follows:

§ 63.6 Compliance with standards and maintenance requirements.

* * * * *

(k) Electronic documents and recordkeeping. Submission of electronic documents and retention of electronic records shall comply with the requirements of 40 CFR part 3—(Electronic reporting).

PART 70—STATE OPERATING PERMIT PROGRAMS

1. The authority citation for part 70 continues to read as follows:

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

2. Section 70.1 is amended by adding a new paragraph (f) to read as follows:

§ 70.1 Program overview.

* * * * *

(f) States that choose to receive electronic documents or allow electronic recordkeeping must satisfy the requirements of 40 CFR part 3—(Electronic reporting) in their program.

PART 123—STATE PROGRAM REQUIREMENTS

1. The authority citation for part 123 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

2. Section 123.25 is amended by revising paragraphs (a)(44) and (a)(45), and adding a new paragraph (a)(46) to read as follows:

§ 123.25 Requirements for permitting.

(a) * * *

(44) Section 122.35 (As an operator of a regulated small MS4, may I share the responsibility to implement the minimum control measures with other entities?);

(45) Section 122.36 (As an operator of a regulated small MS4, what happens if I don't comply with the application or permit requirements in §§ 122.33 through 122.35?); and

(46) For States that wish to receive electronic documents or allow electronic recordkeeping, 40 CFR part 3—(Electronic reporting).

* * * * *

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

1. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

2. Section 142.10 is amended by adding paragraph (h) to read as follows:

§ 142.10 Requirements for a determination of primary enforcement responsibility.

* * * * *

(h) Has adopted regulations consistent with 40 CFR part 3—(Electronic reporting) if the State receives electronic documents or allows electronic record-keeping.

PART 145—REQUIREMENTS FOR STATE PROGRAMS

1. The authority citation for part 145 continues to read as follows:

Authority: 42 U.S.C. 300f *et. seq.*

2. Section 145.11 is amended by revising paragraphs (a)(30), (a)(31), (a)(32), and adding paragraph (a)(33) to read as follows:

§ 145.11 Requirements for permitting.

(a) * * *

(30) Section 124.12(a)—(Public hearings);

(31) Section 124.17(a) and (c)—(Response to comments);

(32) Section 144.88—(What are the additional requirements?); and

(33) For States that wish to receive electronic documents or allow electronic recordkeeping, 40 CFR part 3—(Electronic reporting).

* * * * *

PART 162—STATE REGISTRATION OF PESTICIDE PRODUCTS

1. The authority citation for part 162 continues to read as follows:

Authority: U.S.C. 136v, 136w.

2. Section 162.153 is amended by adding a new paragraph (a)(6) to read as follows:

(a) * * *

(6) *Electronic reporting and Recordkeeping under State Registration of Pesticide Products.* States that choose to receive electronic documents or allow electronic records under the regulations pertaining to State registration of pesticides to meet special local needs, must ensure that the requirements of 40 CFR part 3—(Electronic reporting) are satisfied by their State registration program.

* * * * *

PART 233—404 STATE PROGRAM REGULATIONS

1. The authority citation for part 233 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. A new § 233.39 is added to Subpart D of this part to read as follows:

§ 233.39 Electronic Reporting and Recordkeeping.

States that choose to receive electronic documents or allow electronic recordkeeping must include the requirements of 40 CFR part 3—(Electronic reporting) in their State program.

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

1. The authority citation for part 257 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a)(1), 6944(a) and 6949(c), 33 U.S.C. 1345(d) and (e).

2. Section 257.30 is amended by adding a new paragraph (d) to read as follows:

§ 257.30 Recordkeeping requirements.

* * * * *

(d) The Director of an approved State program may receive electronic documents or allow electronic recordkeeping only if the State program includes the requirements of 40 CFR part 3—(Electronic reporting).

PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. The authority citation for part 258 continues to read as follows:

Authority: 33 U.S.C. 1345 (d) and (e); 42 U.S.C. 6902(a), 6907, 6912(a), 6944, 6945(c) and 6949a(c).

2. Section 258.29 is amended by adding a new paragraph (d) to read as follows:

§ 258.29 Recordkeeping requirements.

* * * * *

(d) The Director of an approved State program may receive electronic documents or allow electronic recordkeeping only if the State program includes the requirements of 40 CFR part 3—(Electronic reporting).

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

1. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912 and 6926.

2. Section 271.10 is amended by revising paragraph (d) to read as follows:

§ 271.10 Requirements for generators of hazardous waste.

* * * * *

(b) The State shall have authority to require and shall require all generators to comply with reporting and recordkeeping requirements equivalent to those under 40 CFR 262.40 and 262.41. States must require that generators keep these records at least 3 years. States that choose to receive electronic documents or allow electronic recordkeeping must include the requirements of 40 CFR part 3—(Electronic reporting) in their Program (except that States that choose to receive electronic manifests and/or permit the use of electronic manifests must comply with paragraph (f) of this section).

* * * * *

2. Section 271.12 is amended by revising paragraph (h) to read as follows:

§ 271.12 Requirements for hazardous waste management facilities.

* * * * *

(h) Inspections, monitoring, recordkeeping, and reporting. States that choose to receive electronic documents or allow electronic recordkeeping must include the requirements of 40 CFR part 3—(Electronic reporting) in their Program (except that States that choose to receive electronic manifests and/or permit the use of electronic manifests must comply with paragraph (i) of this section);

* * * * *

PART 281—APPROVAL OF STATE UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 281 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991 (c), (d), (e), (g).

(2) Section 281.40 is amended by revising paragraph (d) to read as follows:

§ 281.40 Requirements for compliance monitoring program and authority.

* * * * *

(d) State programs must have procedures for receipt, evaluation, retention and investigation of records and reports required of owners or operators and must provide for enforcement of failure to submit these records and reports. States that choose to receive electronic documents or allow electronic recordkeeping must include the requirements of 40 CFR part 3—(Electronic reporting) in their State program.

* * * * *

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

1. The authority citation for part 403 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. Section 403.8 is amended by adding a new paragraph (g) to read as follows:

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

* * * * *

(g) A POTW pretreatment program may receive electronic documents or allow electronic recordkeeping only if the POTW pretreatment program includes the requirements of 40 CFR part 3—(Electronic reporting).

2. Section 403.12 is amended by adding a new paragraph (q) to read as follows:

§ 403.12.40 Reporting requirements for POTW's and industrial users.

* * * * *

(q) The Control Authority may receive electronic documents or allow electronic recordkeeping only in compliance with the requirements of 40 CFR part 3—(Electronic reporting).

PART 501—STATE SLUDGE MANAGEMENT PROGRAM REGULATIONS

1. The authority citation for part 501 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. Section 501.15 is amended by adding a new paragraph (a)(4) to read as follows:

§ 501.15 Requirements for permitting.

(a) * * *

(4) Information requirements: All treatment works treating domestic sewage shall submit to the Director within the time frames established in paragraph (d)(1)(ii) of this section the information listed in (i)–(xii) of this paragraph. The Director of an approved State program may receive electronic documents or allow electronic recordkeeping only if the State program includes the requirements of 40 CFR part 3—(Electronic reporting).

* * * * *

PART 745—LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

1. The authority citation for part 745 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2681–2692 and 42 U.S.C. 4852d.

2. Section 745.327 is amended by adding a new paragraph (f) to read as follows:

§ 745.327 State or Indian Tribal lead-based paint compliance and enforcement programs.

* * * * *

(f) *Electronic reporting and Record-keeping under State or Indian Tribal programs.* States and Tribes that choose to receive electronic documents or allow electronic records under the authorized State or Indian Trial lead-based paint program, must ensure that the requirements of 40 CFR part 3—(Electronic reporting) are satisfied in their lead-based paint program.

PART 763—ABSESTOS

1. The authority citation for part 763 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607(c), 2643, and 2646.

2. Section 763.98 is amended by revising paragraphs (a)(1), (b)(3), and (d)(3) to read as follows:

§ 763.98 Waiver; delegation to State.

(a) *General.* (1) Upon request from a State Governor and after notice and comment and an opportunity for a public hearing in accordance with paragraphs (b) and (c) of this section, EPA may waive some or all of the requirements of this subpart E if the State has established and is implementing or intends to implement a program of asbestos inspection and management that contains requirements that are at least as stringent as the requirements of this subpart. In addition, if the State chooses to receive electronic documents or allow electronic recordkeeping, the State program must include, at a minimum, the requirements of 40 CFR part 3—(Electronic reporting).

* * * * *

(b) * * *

(3) Detailed reasons, supporting papers, and the rationale for concluding that the State's asbestos inspection and management program provisions for which the request is made are at least as stringent as the requirements of Subpart E of this part, and that, if the State chooses to receive electronic documents or allow electronic Recordkeeping, the State program includes, at a minimum, the requirements of 40 CFR part 3—(Electronic reporting).

* * * * *

(d) * * *

(3) The State has an enforcement mechanism to allow it to implement the program described in the waiver request and any electronic reporting and recordkeeping requirements are at least as stringent as 40 CFR part 3—(Electronic reporting).

* * * * *

3. In part 763, paragraph I, of appendix C to subpart E of this part is amended to add a new subparagraph (I) to read as follows:

Appendix C to Subpart E—Asbestos Model Accreditation Plan

I. Asbestos Model Accreditation Plan for States

* * * * *

(I) Electronic Reporting and Recordkeeping

States that choose to receive electronic documents or allow electronic recordkeeping must include, at a minimum, the requirements of 40 CFR part 3—(Electronic reporting) in their programs.

[FR Doc. 01–21810 Filed 8–30–01; 8:45 am]

BILLING CODE 6560–50–M

Federal Register

Friday,
August 31, 2001

Part VI

Department of the Interior

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Information Collection Request for Adult Education Annual Report Form OMB #1076–0120 requires renewal. The proposed information collection requirement, with no appreciable changes, will be submitted after the comment period to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Bureau is soliciting public comments on the subject proposal.

DATES: Written comments must be submitted on or before October 30, 2001.

ADDRESSES: Comments are to be mailed or hand delivered to William Mehojah, Director, Office of Indian Education Programs, Department of the Interior, Bureau of Indian Affairs, 1849 C St., NW, Mail Stop Room 3512–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Garry Martin, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS 3512, Washington, DC 20240; 202–208–3478.

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collection is necessary to assess the need for adult education programs in accordance with 25 CFR 46, Subpart A, Sections 46.20 and 46.30.

II. Method of Collection

The Adult Education Program regulations under 25 CFR 46, Subpart A, contain the program requirements which govern the program. Information collected from the contractors will be used for administrative planning, setting short- and long-term goals, and analyzing and monitoring the use of funds.

III. Data

Title of the collection of information: Bureau of Indian Affairs Adult Education Program Annual Report Form. OMB Number: 1076–0120; Expiration Date: August 31, 2001.

Type of review: Renewal of a currently approved information collection.

Summary of the collection of information: The collection of information provides pertinent data concerning the adult education programs.

Description of the need for the information and proposed use of the information: Submission of this information is necessary to assess the need for adult education programs. The information is needed for the utilization and management of program resources to provide education opportunities for adult American Indians and Alaska Natives to complete high school requirements, and to gain new skills and knowledge for individual student self-enhancement.

The information collected with the annual report will be used by the Bureau or tribally-controlled programs for fiscal accountability and appropriate direct services documentation. The results of the data are used for administrative planning.

Affected entities: Tribal adult education contractors.

Estimated number of respondents: 70. Respondents are tribal adult education program administrators.

Proposed frequency of responses: Annually.

Burden: The estimate of total annual reporting and record keeping burden that will result from the collection of information: Reporting 4 hours per response × 70 respondents = 280 hours.

Estimated annual costs: $5,040.00 (4 hours × 70 × $18.00 = salary dollars). Cost for record keeping, auditing, is part of their costs for administering this program under Tribal Priority Allocation activity of the tribal budget

IV. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agencies' estimate of the burden (including the hours and cost) of the proposed collection of information, including the validity of the methodology and assumption used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

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; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

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

All written comments will be available for public inspection in Room 3543 of the Main Interior Building, 1849 C Street, NW, Washington, DC from 9 a.m. until 3 p.m., Monday through Friday, excluding legal holidays.

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 Office of Management and Budget control number.

Dated: June 20, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–22001 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–02–P

Federal Register

Friday,
August 31, 2001

Part VII

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Early Season; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AH–79

Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Early Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special early season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

DATES: This rule takes effect on September 1, 2001.

ADDRESSES: You may inspect comments received, if any, on the proposed special hunting regulations and tribal proposals during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. You should send communications regarding the documents to: Director (FWS/MBM), U.S. Fish and Wildlife Service, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358–1714).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 14, 2001, **Federal Register** (66 FR 42712), we proposed special migratory bird hunting regulations for the 2001–02 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, with hunting by non-tribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10—September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the April 30, 2001, **Federal Register** (66 FR 21298), we requested that tribes desiring special hunting regulations in the 2001–02 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;

(b) methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) steps that would be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(d) tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985–86 hunting season. We finalized the guidelines beginning with the 1988–89 hunting season (August 18, 1988, **Federal Register** [53 FR 31612]).

Although the proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the early-season proposals. Late-season hunting will be addressed in late-September. As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about October 1 or later each year and have a primary emphasis on waterfowl.

Status of Populations

In the July 24, 2001 **Federal Register**, we reviewed the status for various populations for which early seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey and population status reports for blue-wing teal, Canada goose populations hunted in September seasons, sea ducks, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons. As a result of these status reports, we have responded by proposing Flyway frameworks that are essentially the same as those of last season for the 2001–02 waterfowl hunting season (July 24, 2001, **Federal Register**, 66 FR 38494). The tribal seasons established below are commensurate with the population status.

Comments and Issues Concerning Tribal Proposals

For the 2001–02 migratory bird hunting season, we proposed regulations for 29 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with early-season proposals are included in this final rulemaking; 21 tribes have proposals with early seasons. Comments and revised proposals received to date are addressed in the following section. The comment period for the proposed rule, published on August 14, 2001, closed on August 24, 2001. Because of the necessary brief comment period, we will respond to any comments received on the proposed rule and/or these late-season regulations not responded to herein in the September late-season final rule.

We received one comment regarding the notice of intent published on April 30, 2001, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members. The Michigan Department of Natural Resources commented on the establishment of tribal regulations on 1836 Treaty areas. Michigan believed it was premature of the Service to establish waterfowl regulations in areas covered by the 1835 Treaty until such time as the issue of 1836 Treaty hunting rights are affirmed by a court of competent jurisdiction.

Service Response

Our position is that the Federal Government does recognize the Treaty of 1836 as reserving to the affected tribes or bands hunting rights in the ceded territory. Further, the Federal courts have already confirmed the retention of reserved fishing rights in the territory ceded by the Treaty of 1836 in *United States* v. *Michigan,* 471 F.Supp. 192 (W.D. Mich. 1979), *remanded,* 623 F.2d 448 (6th Cir. 1980), *order modified,* 653 F.2d 277 (6th Cir. 1981), *cert. denied,* 454 U.S. 1124 (1981). That case and cases dealing with other treaty cessions, such as *Lac Courte Oreilles* v. *Wisconsin* (i.e., both the 1837 and the 1842 Treaties), provide persuasive precedent for the belief that hunting as well as fishing rights were reserved by the tribes in the Treaty of 1836. We have not altered our position on this matter.

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the ''Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)'' was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement, the ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)'' was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). Copies of these documents are available from us at the address indicated under the caption **ADDRESSES.** In addition, an August 1985 Environmental Assessment titled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the same address.

Endangered Species Act Considerations

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *'' Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBM, at the address indicated under the caption **ADDRESSES.**

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 million and $1.084 billion at small businesses in 1998. Copies of the Analysis are available upon request.

Executive Order (E.O.) 12866

Collectively, the rules covering the overall frameworks for migratory bird hunting are economically significant and have been reviewed by the Office of Management and Budget (OMB) under E.O. 12866. This rule is a small portion of the overall migratory bird hunting frameworks and was not individually submitted and reviewed by OMB under E.O. 12866.

Energy Effects—E.O. 13211

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808 (1) and this rule will be effective immediately.

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 9/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned control number 1018–0023 (expires 7/31/2003). The information from this survey is used to estimate the magnitude, the geographical and temporal distribution of harvest, and the portion it constitutes of the total population. A Federal 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.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not ''significantly or uniquely'' affect small governments, and will not produce a Federal mandate of $100 million or more in any given year on local or State government or private entities. Therefore, this proposed rule is

not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that this rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship with Tribes

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, 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 have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, by virtue of the tribal proposals received in response to the April 30, 2001, request for proposals and the August 14, 2001, proposed rule, we have consulted with all the tribes affected by this rule.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the tribes would have insufficient time to communicate these seasons to their member and non-tribal hunters and to establish and publicize the necessary regulations and procedures to implement their decisions.

We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication.

Therefore, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), we prescribe final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j, Pub L. 106–108.

Note: The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature).

2. Section 20.110 is revised to read as follows:

§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Non-tribal Hunters)

Doves

Season Dates: Open September 1, close September 15, 2001; then open November 16, 2001, close January 13, 2002.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or 10 white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

General Conditions: A valid Colorado River Indian Reservation hunting permit is required for all persons 14 years and older and must be in possession before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

(b) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Non-tribal Hunters)

Sandhill Cranes

Season Dates: Open September 15, close October 21, 2001.

Daily Bag Limit: Three sandhill cranes.

Permits: Each person participating in the sandhill crane season must have a valid Federal sandhill crane hunting permit in their possession while hunting.

General Conditions: The possession limit is twice the daily bag limit. The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and non-tribal hunters must comply with basic Federal migratory bird hunting regulations in 50 CFR part

20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

(c) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)

All seasons in Minnesota, 1854 Treaty Zone:

Ducks and Mergansers

Season Dates: Open September 15, close December 2, 2001.

Daily Bag Limit for Ducks: 18 ducks, including no more than 12 mallards (only 6 of which may be hens), 3 black ducks, 9 scaup, 6 wood ducks; 6 redheads, 3 pintails and 3 canvasbacks.

Daily Bag Limit for Mergansers: 15 mergansers, including no more than 3 hooded merganser.

Geese (All species)

Season Dates: Open September 1, close December 17, 2001.

Daily Bag Limit: 12 geese.

Coots and Common Moorhens (Gallinule)

Season Dates: Open September 15, close December 2, 2001.

Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.

Sora and Virginia Rails

Season Dates: Open September 1, close December 2, 2001.

Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate. There is no possession limit.

Common Snipe and Woodcock

Season Dates: Open September 1, close December 2, 2001.

Daily Bag Limit: Eight snipe and three woodcock.

General Conditions

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

3. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

4. There are no possession limits on any species, unless otherwise noted above. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(d) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

All seasons in Michigan, 1836 Treaty Zone:

Ducks

Season Dates: Open September 15, 2001, close January 15, 2002.

Daily Bag Limit: 12 ducks, which may include no more than 2 pintail, 2 canvasback, 3 black ducks, 1 hooded merganser, 3 wood ducks, 3 redheads, and 6 mallards (only 3 of which may be hens).

Canada Geese

Season Dates: Open September 1, close November 30, 2001, and open January 1, 2002, close February 8, 2002.

Daily Bag Limit: Five geese.

Other Geese (white-fronted geese, snow geese, and brant)

Season Dates: Open September 20, close November 30, 2001.

Daily Bag Limit: Five geese.

Sora Rails, Common Snipe, and Woodcock

Season Dates: Open September 1, close November 14, 2001.

Daily Bag Limit: Five rails, five snipe, and five woodcock.

Mourning Doves

Season Dates: Open September 1, close November 14, 2001.

Daily Bag Limit: Ten mourning doves.

General Conditions

A valid Grand Traverse Band Tribal license is required and must be in possession before taking any wildlife. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

(e) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Ducks

A. Wisconsin and Minnesota 1837 and 1842 Zones:

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 4 black ducks, 4 redheads, 4 pintails, and 2 canvasbacks.

B. Michigan 1836 and 1842 Treaty Zones:

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 pintails, and 1 canvasback.

Mergansers: All Ceded Areas.

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: Five mergansers.

Geese: All Ceded Areas.

Season Dates: Begin September 1 and end December 2, 2001. In addition, any portion of the ceded territory which is open to State-licensed hunters for goose hunting after December 1 shall also be open concurrently for tribal members.

Daily Bag Limit: 10 geese in aggregate.

Other Migratory Birds: All Ceded Areas except where noted below

A. Coots and Common Moorhens (Common Gallinules)

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: 25 sora and Virginia rails singly, or in the aggregate.

Possession Limit: 25.

C. Common Snipe

Season Dates: Begin September 15 and end December 2, 2001.

Daily Bag Limit: Eight common snipe.

D. Woodcock

Season Dates: Begin September 4 and end December 2, 2001.

Daily Bag Limit: Five woodcock.

E. Mourning Doves: 1837 and 1842 Ceded Territories

Season Dates: Begin September 1 and end October 30, 2001.

Daily Bag Limit: Fifteen mourning doves.

General Conditions

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin* (Voigt) and *Mille Lacs Band* v. *State of Minnesota* cases. The respective Chapter 10 of these Model Codes regulate territory migratory bird hunting. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR Part 20 as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

3. Particular regulations of note include:

A. Nontoxic shot will be required for all waterfowl hunting.

B. Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

C. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above. Possession limits are applicable only to transportation and do not include birds that are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

D. The tribe proposes that the baiting restrictions included in the respective sections 10.05 (2)(h) of the model ceded territory conservation codes be amended to include language which parallels that in place for non-tribal members as published in 64 FR 29804, June 3, 1999.

E. They also propose to remove the shell limit restrictions included in the respective sections 10.05(2)(b) of the model ceded territory conservation codes.

5. Michigan—Duck Blinds and Decoys. Tribal members hunting in Michigan will comply with tribal codes that contain provisions that parallel applicable Michigan laws concerning duck blinds and/or decoys.

(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters).

Non-tribal Hunters on Reservation

Geese

Season Dates: Open September 1, 2001, close September 15, 2001.

Daily Bag and Possession Limits: 5 and 10, respectively.

Tribal Hunters Within Kalispel Ceded Lands

Ducks

Season Dates: Open September 15, 2001, close January 31, 2002.

Daily Bag Limit: 7 ducks, including no more than 2 female mallards, 1 pintail, 4 scaup, 2 redheads. The season on canvasbacks is closed, except one canvasback may be included in the daily bag for 38 consecutive days within the Pacific Flyway duck season.

Geese

Season Dates: Open September 1, close January 31, 2002.

Daily Bag Limit: 3 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

General: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

(g) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)

Ducks

Season Dates: Open September 15, close December 31, 2001.

Daily Bag Limits: 10 birds.

Geese

Season Dates: Open September 1, close December 31, 2001.

Daily Bag Limits: 10 geese.

General

Possession limits are twice the daily bag limits. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Non-toxic shot is required. Use of live decoys, bait, and commercial use of migratory birds are prohibited.

(h) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)

Canada Geese

Season Dates: Open September 1, close September 15, 2001 early season, then open September 16, close December 2, 2001 regular season, and open February 2, close February 17, 2002 late season.

Daily Bag Limits: Five geese in the early and late seasons and two geese in the regular portion of the season.

White-fronted Geese, Snow Geese, Blue Geese, and Brant

Season Dates: Open September 16, close December 2, 2001.

Daily Bag and Limits: 10 geese which could include no more than 2 white-fronted geese and 2 two brant.

Rails, Snipe, and Woodcock

Season Dates: Open September 15, close November 14, 2001.

Daily Bag Limit: 25 rails, 8 snipe, and 3 woodcock.

General

A. All tribal members will be required to obtain a valid tribal resource card and 2001–02 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallels state regulations.

(3) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

(i) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)

Ducks

Season Dates: Open September 20, 2001, close January 20, 2002.

Daily Bag Limits: 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 wood ducks, 1 pintail, 1 hooded merganser, and 1 canvasback.

Canada Geese

Season Dates: Open September 1, 2001, close January 20, 2002.

Daily Bag and Possession Limits: Five geese.

Sora Rails, Snipe, and Woodcock

Season Dates: Open September 1, close November 14, 2001.

Daily Bag Limit: Five rails, five snipe, and five woodcock.

General

Possession limits are twice the daily bag limits.

(j) Makah Indian Tribe, Neah Bay, Washington (Tribal Members)

Ducks and Coots

Season Dates: Open September 15, 2001 close January 13, 2002.

Daily Bag Limit: Seven ducks including no more than one canvasback and one Redhead.

Geese

Season Dates: Open September 8, 2001 close January 13, 2002.

Daily Bag Limit: Four.

General

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the tribe: (1) As per Makah Ordinace 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 miles of an occupied area; (2) Hunters must be eligible, enrolled Makah tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl; (3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within one mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation; (4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited; (5) Steel or bismuth shot only for waterfowl is allowed, the use of lead shot is prohibited; (6) The use of dogs is permitted to hunt waterfowl.

(k) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nonmembers).

Band-tailed Pigeons

Season Dates: Open September 1, close September 30, 2001.

Daily Bag and Possession Limits: 5 and 10 pigeons, respectively.

Mourning Doves

Season Dates: Open September 1, close September 30, 2001.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

General Conditions

Tribal and non-tribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

(l) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only).

Geese

Season Dates: Open September 1, close November 16, open November 26, close December 31, 2001.

Daily Bag and Limits: Three Canada geese. Hunters will be issued three tribal tags for geese in order to monitor goose harvest. An additional three tags will be issued each time birds are registered. A season quota of 150 birds is adopted. If the quota is reached before the season concludes, the season will be closed at that time.

Woodcock

Season Dates: Open September 1, close November 12, 2001.

Daily Bag and Possession Limits: 5 and 10 woodcock, respectively.

General Conditions

The tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal members hunting on the Reservation or on lands under the jurisdiction of the tribe must comply to all State of Wisconsin regulations. Tribal members and nontribal members hunting on the Reservation or on lands under the jurisdiction of the tribe will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Indian hunters would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

(m) Point No Point Treaty Tribes, Kingston, Washington (Tribal Members Only).

Ducks and Mergansers

Season Dates: Open September 15, 2001, close February 28, 2002.

Daily Bag and Possession Limits: Seven ducks, including no more than two hen mallards, two pintails, one canvasback, one harlequin, and two redheads. Possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 15, 2001, close February 28, 2002.

Daily Bag and Possession Limits: Four geese, and may include no more than three light geese. The season on Aleutian Canada geese is closed. Possession limit is twice the daily bag limit.

Brant

Season Dates: Open September 15, 2001, close February 28, 2002.

Daily Bag and Possession Limits: Two brant. Possession limit is twice the daily bag limit.

Coots

Season Dates: Open September 15, 2001, close February 28, 2002.

Daily Bag Limits: 25 coots.

Mourning Doves

Season Dates: Open September 1, 2001, close January 15, 2002.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Snipe

Season Dates: Open September 15, 2001, close January 15, 2002.

Daily Bag and Possession Limits: 10 and 20 snipe, respectively.

Band-tailed Pigeon

Season Dates: Open September 1, 2001, close January 15, 2002.

Daily Bag and Possession Limits: 5 and 10, respectively.

General Conditions

All hunters authorized to hunt migratory birds on the reservation must obtain a tribal hunting permit from the respective tribe. Hunters are also required to adhere to a number of special regulations available at the tribal office.

(n) Seminole Tribe of Florida, Big Cypress Seminole Reservation, Clewiston, Florida (Tribal Members and Non-tribal Hunters)

Mourning Dove

Season Dates: September 16, 2001, through January 20, 2002.

Daily Bag Limit: 12.

General Conditions

Hunting is on Sundays only. All other Federal regulations contained in 50 CFR part 20 apply.

(o) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)

Ducks

Season Dates: Open September 15, 2001, close January 15, 2002.

Daily Bag and Possession Limits: Five ducks, including no more than one canvasback. The season on harlequin ducks is closed. Possession limit is twice the daily bag limit.

Geese

Season Dates: Open September 15, 2001, close January 15, 2002.

Daily Bag and Possession Limits: Four geese, and may include no more than two snow geese and one dusky Canada goose. The season on Aleutian and Cackling Canada geese is closed. Possession limit is twice the daily bag limit.

Brant

Season Dates: Open September 15, close December 31, 2001.

Daily Bag and Possession Limits: Two and four brant, respectively.

Coots

Season Dates: Open September 15, 2001, close January 15, 2002.

Daily Bag Limits: 25 coots.

Snipe

Season Dates: Open September 15, 2001, and close January 15, 2002.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

Band-tailed Pigeons

Season Dates: Open September 1, close December 31, 2001.

Daily Bag and Possession Limits: 5 and 10 pigeons, respectively.

General Conditions

All tribal hunters must obtain a Tribal Hunting Tag and Permit from the tribe's Natural Resources Department and must have the permit, along with the member's treaty enrollment card, on his or her person while hunting. Shooting hours are one-half hour before sunrise to one-half hour after sunset and steel shot is required for all migratory bird hunting. Other special regulations are available at the tribal office in Shelton, Washington.

(p) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only)

Ducks (Including Coots and Mergansers)

Season Dates: Open September 15, 2001, and close February 1, 2002.

Daily Bag and Possession Limits: 6 and 12 ducks, respectively per species for all species except that bag and possession limits may include no more than 2 female mallards, 1 pintail, 4 scaup, 2 redheads. The season on canvasbacks is closed, except one canvasback may be included in the daily bag for 38 consecutive days within the Pacific Flyway duck season.

Geese

Season Dates: Open September 15, 2001, and close February 1, 2002.

Daily Bag and Possession Limits: 6 and 12 geese, respectively; except that the bag limits may not include more than 2 brant and 1 cackling Canada goose. The tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting of 365 ducks and 365 geese.

Snipe

Season Dates: Open September 15, 2001, through February 1, 2002.

Daily Bag and Possession Limits: 8 and 16, respectively.

General Conditions

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the tribe. Nontribal hunters 16 years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Both stamps must be validated by signing across the face of the stamp. Other tribal regulations apply, and may be obtained at the tribal office in Marysville, Washington.

(q) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)

Mourning Dove

Season Dates: Open September 1, end December 31, 2001.

Daily Bag Limit: 12 mourning dove.

Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR.

(r) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)

Geese

Season Dates: Open September 15, 2001 and close September 22, 2001, and open November 3, 2001, close February 23, 2002.

Daily Bag and Possession Limits: 5 Canada geese during the first period, 3 during the second, and 15 snow geese.

General Conditions

Shooting hours are one-half hour before sunrise to sunset. Non-toxic shot is required. Tribal members will observe all basic Federal migratory bird hunting regulations contained in 50 CFR.

(s) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)

Ducks and Mergansers

Season Dates: Open September 15, close December 16, 2001.

Daily Bag Limit for Ducks: 10 ducks, including no more than 2 mallards and 2 canvasback.

Daily Bag Limit for Mergansers: Five mergansers, including no more than two hooded mergansers.

Geese

Season Dates: Open September 1, close December 16, 2001.

Daily Bag Limit: Five geese.

Coots

Season Dates: Open September 15, close December 16, 2001.

Daily Bag Limit: 20 coots.

Sora and Virginia Rails

Season Dates: Open September 8, close December 31, 2001.

Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate.

Common Snipe and Woodcock

Season Dates: Open September 8, close December 31, 2001.

Daily Bag Limit: 10 snipe and 10 woodcock.

Mourning Dove

Season Dates: Open September 8, close December 31, 2001.

Daily Bag Limit: 25 doves.

General Conditions

Shooting hours are one-half hour before sunrise to one-half hour after sunset. Non-toxic shot is required.

(t) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters).

Band-tailed Pigeons

Season Dates: Open September 5, close September 19, 2001.

Daily Bag and Possession Limits: Three and six pigeons, respectively.

Mourning Doves

Season Dates: Open September 5, close September 19, 2001.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

General Conditions

All non-tribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands shall have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all non-tribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and non-tribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking.

Dated: August 27, 2001.

Marshall P. Jones, Jr.,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–22034 Filed 8–30–01; 8:45 am]

BILLING CODE 4310–55–P

Federal Register

Friday,
August 31, 2001

Part VIII

Department of Energy

Office of Civilian Radioactive Waste Management; Site Recommendation Consideration Hearings; Yucca Mountain; Notice

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management; Site Recommendation Consideration Hearings; Yucca Mountain—Announcement of Changes in Public Hearing for September 5, 2001

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Notice of expanded public hearing and site changes.

SUMMARY: The Department of Energy (the Department) announces an expansion of the public hearing on September 5, 2001, on the possible recommendation of the Yucca Mountain Site in Nevada for development as a spent nuclear fuel and high-level radioactive waste geologic repository. The Department previously announced that a hearing would take place in Las Vegas, Nevada, on September 5, 2001. The Department now is announcing the expansion of this hearing to include sites in Carson City, Elko and Reno, Nevada. All four of these sites will be linked by videoconferencing. In addition, the Department is announcing a change in the location of the Las Vegas site.

DATES: The hearing will take place on September 5, 2001, starting at 6 pm through 9 pm, as announced previously in the **Federal Register** (66 FR 43850–43851).

ADDRESSES:

Las Vegas: Department of Energy, Nevada Operations Office, Great Basin Room, 2332 Energy Way, North Las Vegas, Nevada 89193–8518, (On the west side of Losee Road between Cheyenne and Lake Mead); 5 pm–9 pm Poster Session; 6 pm–9 pm—Hearing. This is a new location for the Las Vegas hearing.

Carson City: Nevada State Legislative Building, Room #1214, 401 South Carson Street, Carson City, Nevada; 6 pm–9 pm—Hearing.

Elko: Elko Convention and Visitors Authority, 700 Moren Way, Elko, Nevada; 6 pm–9 pm—Hearing.

Reno: Desert Research Institute, Conference Rooms A/B, 2215 Raggio Parkway, Reno, Nevada; 6 pm–9 pm—Hearing.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, (M/S #025), P.O. Box 30307, North Las Vegas, Nevada 89036–0307, 1–800–967–3477.

SUPPLEMENTARY INFORMATION: On May 7, 2001, the Department announced in the **Federal Register** (66 FR 23013–23016) the initiation of a public comment period on the Secretary's consideration of the Yucca Mountain site for recommendation as a spent nuclear fuel and high-level radioactive waste repository. In conjunction with the initiation of the comment period, the Department issued a report, the Yucca Mountain Science and Engineering Report (YMS&ER), summarizing the scientific and technical information compiled by the Department to date outlining the preliminary design and performance attributes of a potential geologic repository at the Yucca Mountain site. This report was provided to inform the public and facilitate public comment and review on the technical and scientific information and analyses forming the basis for the Department's consideration of a possible site recommendation.

On August 21, 2001, the Department announced in the **Federal Register** (66 FR 43850–43851) the issuance of another report, the Preliminary Site Suitability Evaluation (PSSE), that also is intended to inform the public and facilitate public review and comment on a possible site recommendation. The PSSE contains a preliminary evaluation of the suitability of the Yucca Mountain site for development as a geologic repository based on the Department's proposed site suitability regulations, to be codified as 10 CFR part 963. The preliminary evaluation described in the PSSE is based on information contained in the YMS&ER, supplemented by the most recent available technical information. Also, in the August 21 **Federal Register** Notice, the Department announced the scheduling of public hearings, in Las Vegas, Nevada on September 5, 2001, in Armagosa Valley on September 12, 2001, and in Pahrump, Nevada on September 13, 2001.

To provide greater accessability to the public hearings process within the State of Nevada, the Department has decided to expand the previously announced September 5th public hearing in Las Vegas to include three other cities in Nevada: Carson City, Elko and Reno. The public is invited to participate in the September 5th hearing at any of these sites by presenting oral views. All four of these sites will be linked by video conferencing. In the event that a video link fails during the hearing, there will be a Federal official and a court reporter present at each site to accept public comments for the record. This hearing will be informal, and the Department will use a facilitator in an effort to ensure it is fair and productive.

The Department was notified on August 28, that the previously announced Las Vegas site for the September 5th hearing would not be available to the Department. Since that site is no longer available to the Department, the Las Vegas site of the September 5th hearing has been changed to the Great Basin Room at the Department of Energy, Nevada Operations Office, 2332 Energy Way, North Las Vegas, Nevada 89193–8518. This facility is found on the west side of Losee Road between Cheyenne and Lake Mead.

The Department does not currently anticipate further changes in time or location. However, those planning to attend the September 5th hearing at any of the four sites may want to check the Yucca Mountain web site at *www.ymp.gov* or call 1–800–967–3477 to confirm times and locations.

Issued in Washington, DC on August 30, 2001.

Ronald A. Milner,

Chief Operating Officer, Office of Civilian Radioactive Waste Management.

[FR Doc. 01–22243 Filed 8–30–01; 1:18 pm]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT AUGUST 31, 2001

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Onions grown in—
- Texas; published 8-1-01

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

User fees:
- Veterinary services—
  - Permit applications; published 8-1-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Northeastern United States fisheries—
  - Summer flounder; published 8-30-01

ENVIRONMENTAL PROTECTION AGENCY

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; published 7-2-01

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:
- Gulf of Alaska, Narrow Cape, Kodiak Island, AK; safety zone; published 8-21-01
- Narragansett Bay, RI; safety zone; published 8-15-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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- Airbus; published 8-16-01

TRANSPORTATION DEPARTMENT

Maritime Administration

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- Fishery endorsement; U.S.-flag vessels of 100 feet or greater in registered length; published 8-31-01¶

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National Oceanic and Atmospheric Administration

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  - Gulf of Alaska groundfish; published 8-30-01

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- Foreign margin stocks; list; published 8-24-01

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- Federal Indian reservations, off-reservation trust lands, and ceded lands; published 8-31-01

Migratory bird hunting:
- Seasons, limits, and shooting hours; establishment, etc.; published 8-29-01

PENSION BENEFIT GUARANTY CORPORATION

Single-employer plans:
- Allocation of assets—
  - Interest assumptions for valuing and paying benefits; published 8-15-01

POSTAL SERVICE

Domestic Mail Manual:
- First-class mail, standard mail, and bound printed matter flats; changes; published 5-24-01

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:
- Sister Bay, WI; safety zone; published 8-21-01

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- Harford County Power Boat Regatta; published 8-22-01

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National Highway Traffic Safety Administration

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- Interior trunk release; published 10-20-00

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Potatoes (Irish) grown in—
- Colorado; comments due by 9-4-01; published 8-2-01

AGRICULTURE DEPARTMENT

Food and Nutrition Service

Child nutrition programs:
- Women, infants, and children; special supplemental nutrition programs—
  - Vendor management systems; mandatory selection criteria, limitation of vendors, training requirements, high-risk vendors identification criteria, etc.; comments due by 9-4-01; published 8-2-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

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- Gulf of Maine/Bay of Fundy population of harbor porpoise; comments due by 9-4-01; published 8-2-01

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Crab and groundfish; reporting and recordkeeping requirements; comments due by 9-7-01; published 8-8-01

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- Protected species special exception permits; comments due by 9-4-01; published 7-3-01

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Patent and Trademark Office

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- Utility and plant applications; elimination of continued prosecution application practice; comments due by 9-7-01; published 7-9-01

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- Pharmaceuticals production; comments due by 9-4-01; published 8-2-01

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- Stratospheric ozone protection—
  - Hydrochlorofluorocarbons (HCFCs); production and consumption control; allowance system; comments due by 9-4-01; published 7-20-01

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- New York; comments due by 9-6-01; published 8-7-01

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- Interstate ozone transport reduction—
  - Nitrogen Oxides State Implementation Plan Call; electric generating units; seasonal heat input growth rates; response to remands in court cases; comments due by 9-4-01; published 8-3-01

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- Colorado and Montana; comments due by 9-7-01; published 8-8-01
- Indiana; comments due by 9-4-01; published 8-3-01
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- National oil and hazardous substances contingency plan—

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National priorities list update; comments due by 9-5-01; published 8-6-01
National priorities list update; comments due by 9-6-01; published 8-7-01
National priorities list update; comments due by 9-6-01; published 8-7-01

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HEALTH AND HUMAN SERVICES DEPARTMENT

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Fish and Wildlife Service

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Critical habitat designations—
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Occupational Safety and Health Administration

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National securities exchanges; registration (Form 1-N); comments due by 9-4-01; published 8-20-01

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Coast Guard

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Vessel documentation and measurement:
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 93/P.L. 107–27

Federal Firefighters Retirement Age Fairness Act (Aug. 20, 2001; 115 Stat. 207)

H.R. 271/P.L. 107–28

To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Aug. 20, 2001; 115 Stat. 208)

H.R. 364/P.L. 107–29

To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office". (Aug. 20, 2001; 115 Stat. 209)

H.R. 427/P.L. 107–30

To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Aug. 20, 2001; 115 Stat. 210)

H.R. 558/P.L. 107–31

To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse". (Aug. 20, 2001; 115 Stat. 213)

H.R. 821/P.L. 107–32

To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogdon Post Office Building". (Aug. 20, 2001; 115 Stat. 214)

H.R. 988/P.L. 107–33

To designate the United States courthouse located at

40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. (Aug. 20, 2001; 115 Stat. 215)

H.R. 1183/P.L. 107–34

To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''. (Aug. 20, 2001; 115 Stat. 216)

H.R. 1753/P.L. 107–35

To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. (Aug. 20, 2001; 115 Stat. 217)

H.R. 2043/P.L. 107–36

To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''. (Aug. 20, 2001; 115 Stat. 218)

Last List August 21, 2001

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